# LAWS—NEW JERSEY
# 1979

# ACTS

OF THE

## Second Annual Session

OF THE

## One Hundred and Ninety-eighth Legislature

OF THE

STATE OF NEW JERSEY

AND

## Twenty-seventh Under the New Constitution

New Jersey State Library

1979

The following laws, enacted by the Second Annual Session of the One Hundred and Ninety-eighth Legislature, and an index of the laws, are published in accordance with R. S. 1:3–1 et seq.

DONALD LAN,
*Secretary of State.*

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# LAWS

# ACTS

ENACTED BY THE

## Second Annual Session

OF THE

## One Hundred and Ninety-eighth Legislature

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CHAPTER 1

A SUPPLEMENT to the "Medical and Dental Education Act of 1970," approved June 16, 1970 (P. L. 1970, c. 102, C. 18A:64G–1 et seq.).

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

**C. 18A:64G-20.1 Participation in health benefits program for certain employees continued.**

1. Notwithstanding the provisions of section 20 of the act to which this act is a supplement (C. 18A:64G–20) and section 8 of P. L. 1961, c. 49 (C. 52:14–17.32), any former municipal employee of a hospital which was purchased from a municipality by the College of Medicine and Dentistry of New Jersey pursuant to section 17 of the act to which this act is a supplement (C. 18A:64G–17) who, subsequent to the purchase, continued his employment with the hospital as an employee of the college and who has or shall have retired on or after July 1, 1970 from a municipal retirement system established under P. L. 1954, c. 218 (C. 43:13–22.3 et seq.) on a benefit based on 25 years or more of service, shall be entitled to the same continuance of health benefits and the payment of the premium or periodic changes for said benefits by the State as provided in section 8 of P. L. 1961, c. 49 (C. 52:14–17.32).

2. This act shall take effect immediately.

Approved January 11, 1979.

## CHAPTER 2

AN ACT to amend "An act to provide for the safety inspection, licensing, and regulation of carnival and amusement rides, and supplementing Title 5 of the Revised Statutes," approved May 29, 1975 (P. L. 1975, c. 105, C. 5:3–31 et seq.).

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

1. Section 2 of P. L. 1975, c. 105 (C. 5:3–32) is amended to read as follows:

**C. 5:3-32 Definitions.**

2. As used in this act, except where a different meaning is clearly implied by the context:

a. "Carnival" or "amusement ride" means any mechanical device or devices which carry or convey passengers along, around, or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills or excitement; provided, however, that this shall not include locomotives weighing more than 7 tons, operating on track the length of which is ½ mile or greater, the gauge of which is 3 feet or greater, and the weight of which is at least 60 pounds per yard. Any facility exempted pursuant to this subsection shall be under the jurisdiction of the Department of Transportation for the purpose of safety inspection.

b. "Owner" means a person who owns, leases, controls, or manages the operations of a carnival or amusement ride, including the State or any of its subdivisions;

c. "Ride operator" means any person or persons actually engaged in or directly controlling the operations of a carnival or amusement ride;

d. "Commissioner" means the Commissioner of Labor and Industry;

e. "Department" means the State Department of Labor and Industry; and

f. "Advisory board" means the Advisory Board on Carnival-Amusement Ride Safety.

2. This act shall take effect immediately.

Approved January 11, 1979.

## CHAPTER 3

AN ACT concerning motor vehicle registrations in certain cases and amending R. S. 39:3–8.

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

1. R. S. 39:3–8 is amended to read as follows:

**Registration fees for passenger automobiles; license of semitrailers and trailers.**

39:3–8. The applicant for registration for any passenger automobile manufactured in any model year prior to the 1971 model year shall pay to the director for each registration a fee of $14.00 for each such vehicle having a manufacturer's shipping weight of less than 2,700 pounds, a fee of $23.00 for each such vehicle having a manufacturer's shipping weight of 2,700 pounds or more, but not greater than 3,800 pounds, and a fee of $44.00 for each vehicle having a manufacturer's shipping weight in excess of 3,800 pounds. The applicant for registration for any passenger automobile manufactured in model year 1971 and thereafter, except as determined hereinafter, shall pay to the director for each registration a fee of $17.00 for each such vehicle having a manufacturer's shipping weight of less than 2,700 pounds, a fee of $28.00 for each such vehicle having a manufacturer's shipping weight of 2,700 pounds or more, but not greater than 3,800 pounds, and a fee of $51.00 for each such vehicle having a manufacturer's shipping weight in excess of 3,800 pounds. The applicant for registration for any 1980 or thereafter model year passenger automobile registered on or after March 1, 1979 shall pay to the director for each registration a fee of $25.00 for each such vehicle having a manufacturer's shipping weight not greater than 3,500 pounds and a fee of $50.00 for each vehicle having a manufacturer's shipping weight in excess of 3,500 pounds. The director shall determine manufacturer's shipping weight and model year for each passenger automobile on the basis of the information contained in the certificate of origin, the application for registration or for renewal of registration, or the records of the division, or any or all of these; and any case in which the manufacturer's shipping weight of any particular passenger automobile is unavailable, or in doubt or dispute, the director may require that such automobile be weighed on a scale designated by him, and such actual weight shall be considered the manufacturer's shipping weight for the purposes

of this section; but in all cases the director's determination of the manufacturer's shipping weight of any such automobile shall be final. The applicant for registration for passenger automobile shall also pay to the director the inspection fee fixed in R. S. 39:8–2 in addition to the fees described hereinabove.

The director may also license private utility and house type semitrailers and trailers with a gross load not in excess of 2,000 pounds at a fee of $4.00 per annum and all other such utility and house-type semitrailers and trailers at $9.00 per annum. Application for such registration shall be made on a blank to be furnished by the division and the application shall contain a statement to the effect that the vehicle so registered will not be used for the commercial transportation of goods, wares and merchandise, or for hire.

No private utility or house type semitrailer or trailer with an outside width of more than 96 inches, a maximum height of 13 feet 6 inches, a maximum length for a single vehicle of more than 35 feet, a maximum length for a semitrailer and its towing vehicle of more than 45 feet, and a maximum length for a trailer and its towing vehicle of more than 50 feet, shall be operated on any highway in this State, except that a vehicle exceeding the above limitations may be operated when a special permit so to operate is secured in advance from the director. The application for such permit shall be accompanied by a fee fixed by the director. A special permit issued by the director shall be in the possession of the operator of the vehicle for which such permit was issued. In computing any dimensions of a vehicle, for the purposes of this section, there shall not be included in the dimensional limitations safety equipment such as mirrors or lights, provided such appliances do not exceed the overall limitations established by the director by rule or regulation.

2. This act shall take effect on March 1, 1979.

Approved January 16, 1979.

## CHAPTER 4

AN ACT to amend the "Motor Fuels Use Tax Act of 1963," approved May 22, 1963 (P. L. 1963, c. 44) as said short title was amended by P. L. 1973, c. 117.

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

1. Section 10 of P. L. 1963, c. 44 (C. 54:39A–10) is amended to read as follows:

**C. 54:39A-10 Identification card and marker; fee; trip permit.**

10. The director shall issue to every user a motor fuels user identification card which shall be safely preserved in the user's offices for as long as the card is valid. The user shall place a photographic or xerographic copy of said card in the cab of each motor vehicle in his fleet. The director shall also issue for each vehicle in the user's fleet a motor fuels user identification marker which the user shall affix to the vehicle in such manner as shall be prescribed by the director. The fee for each original such marker and any replacement marker shall be $6.00. Every identification card and marker shall remain the property of the State and may be recalled for any violation of this act or of the regulations promulgated hereunder, or for failure to pay any moneys due the State under this act or any other law administered by the director. Identification cards and markers shall be issued on an annual basis as of April 1, of the year and shall be valid through the next succeeding March 31. The form and content of the card and marker shall be as prescribed by the director. Any card and marker issued pursuant to this act may be deemed by the director as satisfying the equivalent requirements of any other law administered by him and any marker and card issued by him pursuant to any other law, regulation, reciprocity agreement or arrangement, or declaration may be deemed as satisfying the equivalent requirements of this act. It shall be illegal to operate or cause to be operated in this State any motor vehicle unless the vehicle bears the identification marker and carries the copy of the identification card required by this section; provided, however, that upon the request of a user the director may issue by mail or telecommunication a permit valid for the operation of a vehicle for a period not exceeding 25 days pending the application for and

issuance of an identification card or marker or both. The fee for such permit shall be $8.00 which may be credited against the identification marker fee applicable to the same vehicle. A user whose vehicles in the aggregate make not more than six trips into or through this State in a 12-month period may be issued single trip permits valid for 96 hours for each round trip so made. The fee for such trip permit shall be $5.00 which shall be in lieu of reports, fees and taxes which may otherwise be applicable to said trip under this act.

2. This act shall take effect immediately and shall be applicable for identification markers issued for the registration year beginning April 1, 1979.

Approved January 16, 1979.

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## CHAPTER 5

AN ACT to validate certain proceedings at meetings or elections 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:*

**Validating act.**

1. All proceedings heretofore had or taken by any school district or at any school district meeting or election for the authorization of the expenditure of moneys for the improvement of schoolhouses, and any bonds or other obligations of the school district issued or to be issued to finance such purposes authorized by a proposal adopted by the legal voters at such meeting or election, are hereby ratified, validated and confirmed, notwithstanding that such proposal as set forth on the ballot or card used in voting machines at such meeting or election did not contain a provision expressly authorizing the issuance of bonds to finance the cost of the improvement and notwithstanding that the resolution authorizing the election, the proposal contained in the published, and the posted notice of election or the proposal set forth on the ballot did not correctly disclose the effect of the issuance of such bonds on the borrowing margin of any municipality comprising the school district, and notwithstanding that any supplemental debt statement

required by the provisions of N. J. S. 18A:24–16 incorrectly stated the effect of the issuance of the proposed issue of bonds on the net debt of any municipality comprising the school district in compliance with the provisions of the Local Bond Law constituting chapter 2 of Title 40A of the New Jersey Statutes; provided that the amount of bonds to be issued does not exceed the amount of $850,000.00; and provided further, that notices relating to such meeting or election were published and posted prior thereto as required by the provisions of N. J. S. 18A:14–19 and contained a provision expressly authorizing the issuance of such bonds; and provided further, that prior to the issuance of bonds or other obligations proper supplemental debt statements are duly prepared and filed, except as to time, as required by N. J. S. 18A:24–16; and provided further, that no action, suit or other proceedings of any nature to contest the validity of such meeting or election has heretofore been instituted within the time fixed therefor by or pursuant to law or rule of court or, if such time has not heretofore expired, within 30 days after the effective date of this act.

2. **This act shall take effect immediately.**

Approved January 18, 1979.

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## CHAPTER 6

AN ACT to amend 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 9 of P. L. 1976, c. 141 (C. 58:10–23.11h) is amended to read as follows:

**C. 58:10-23.11h Imposition of tax; measurement; amount; return; filing; failure to file; penalty; presumptive evidence; powers of director.**

9. a. There is hereby levied upon each owner or operator of one or more major facilities a tax to insure compensation for cleanup costs and damages associated with any discharge of hazardous substances to be paid by the transferee; provided, however, that in the case of a major facility which operates as a public storage terminal for hazardous substances owned by others, the owner of the hazardous substance transferred to such major facility or his

authorized agent shall be considered to be the transferee 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 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.

b. The tax shall be $0.01 per barrel transferred until the balance in the fund equals or exceeds $25,000,000.00. In each fiscal year following any year in which the balance of the fund equals or exceeds $25,000,000.00, no tax shall be levied unless (1) the current balance in the fund is less than $20,000,000.00 or (2) pending claims against the fund exceed 50% of the existing balance of the fund. The provisions of the foregoing notwithstanding, should claims paid from the fund not exceed $5,000,000.00 within 3 years after the tax is first levied, the tax shall be $0.01 per barrel transferred until the balance in the fund equals or exceeds $18,000,000.00, and thereafter shall not be levied unless: (1) the current balance in the fund is less than $15,000,000.00 or (2) pending claims against the fund exceed 50% of the existing balance of the fund. In the event of either such occurrence and upon certification thereof by the State Treasurer, the director shall within 10 days of the date of such certification relevy the excise tax, which shall take effect on the first day of the month following such relevy. In the event of a major discharge or series of discharges resulting in claims against the fund exceeding the existing balance of the fund, the tax shall be levied at the rate of $0.04 per barrel transferred until

the balance in the fund equals pending claims against the fund; provided, however, that the rate may be set at less than $0.04 per barrel transferred if the administrator determines that the revenue produced by such lower rate shall be sufficient to pay outstanding claims against the fund within 1 year of such levy. Interest received on moneys in the fund shall be credited to the fund. Should the fund exceed $18,000,000.00 or $25,000,000.00, as herein provided, as a result of such interest, the administrator and the commissioner shall report to the Legislature and the Governor concerning the options for the use of such interest.

c. (1) Every taxpayer and owner or operator of a public storage terminal for hazardous substances shall on or before the twentieth 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 to the major facility during the tax period 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 misdemeanor.

(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 section 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 section may be in conflict therewith.

2. This act shall take effect immediately.

Approved January 18, 1979.

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## CHAPTER 7

AN ACT to amend the "Municipal Land Use Law," approved January 14, 1976 (P. L. 1975, c. 291).

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

1. Section 77 of P. L. 1975, c. 291 (C. 40:55D–90) is amended to read as follows:

**C. 40:55D-90 Moratoriums; interim zoning.**

77. Moratoriums; interim zoning. a. The prohibition of development in order to prepare a master plan and development regulations is prohibited.

b. A municipality may adopt a reasonable interim zoning ordinance not related to the land use plan element of the municipal master plan without special vote as required pursuant to subsection 49 a. of this act, pending the adoption of a new or substantially revised master plan or new or substantially revised development regulations. Such interim zoning ordinances shall not be valid for a period longer than 1 year unless extended by ordinance for a period no longer than an additional year for good cause and upon the exercise of diligence in the preparation of a master plan, development regulations or substantial revisions thereto, as the case may be; provided, however, that, notwithstanding the provisions of this section or of any ordinance heretofore adopted pursuant to this section, any such extending ordinance in effect on January 31, 1979 shall be valid until May 31, 1979.

2. This act shall take effect immediately, and shall be retroactive to January 31, 1979.

Approved January 31, 1979.

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## CHAPTER 8

AN ACT concerning the organization and reorganization of the State Government, establishing in the Legislative Branch of the State Government a Legislative Services Commission and an Office of Legislative Services, prescribing their structure, powers and duties, prescribing statutory qualifications for the State Auditor, a constitutional officer, making such office full-time, and amending, revising and repealing portions of the statutory law.

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

**C. 52:11-54 Short title.**

1. Short title. This act shall be known and may be cited as the "Legislative Services Law of 1978."

**C. 52:11-55 Legislative Services Commission, Office of Legislative Services.**

2. Legislative Services Commission, Office of Legislative Services. There is established in the Legislative Branch of the State Government, to aid and assist the Legislature in performing its functions, an agency of the Legislature, to be known as the "Office of Legislative Services" to be governed by a commission to be known as the Legislative Services Commission, hereinafter referred to as "the commission," to consist of eight members of the Senate to be appointed by the President thereof and eight members of the General Assembly to be appointed by the Speaker thereof for terms coextensive with their respective terms as members of the House from which they shall be appointed. All members shall serve until the appointment and qualification of their respective successors. Vacancies in the membership of the commission shall be filled for the unexpired terms in the same manner as the original appointments were made. No more than four of each group of eight members shall be appointed from members of the same political party. The commission and the agency shall be deemed to be a continuous body and no action taken by the commission or the office shall be abrogated by reason of the termination of the terms of the members of the commission.

Source: P. L. 1954, c. 254, ss. 2, 3, 4, 5 (C. 52:11–7 to 52:11–10).

**C. 52:11-56 Organization and meetings of the commission.**

3. Organization and meetings of the commission. a. The commission shall meet for the purpose of organization in the month of January of each even numbered year and shall elect a chairman and vice chairman from among its members who shall hold office for the duration of that 2-year Legislature and after the expiration of the second legislative year until their successors shall be elected and qualify. The members of the commission shall receive no compensation for their services but shall be reimbursed for expenses incurred in the performance of their duties.

b. Nine members of the commission shall constitute a quorum and no matter requiring action by the full commission shall be taken except by the affirmative vote of not less than nine members. The commission may create from among its membership and prescribe the jurisdiction of an executive committee and such other standing and special committees, which shall be composed of mem-

bers equally divided between the two Houses and the two major political parties, and delegate to such committees, its chairman and vice chairman, executive director and division directors specified authority to act for the commission.

c. In addition to its organization meetings, the commission shall meet at least once in each calendar quarter and at other times at the call of its chairman. Upon the written request of at least nine members the secretary shall notice a special meeting of the commission.

Source: P. L. 1954, c. 254, s. 6 (C. 52:11–11).

**C. 52:11-57 Duties of the commission.**

4. Duties of the commission. a. It is the duty and responsibility of the commission:

(1) To carry on the work of continuous revision of the general and permanent statute law of the State, by causing to be conducted a continuous examination thereof and of the judicial decisions construing the same, and by causing to be prepared and to be submitted to the Legislature for its action thereon from time to time legislative bills designed to revise such portions of the general and permanent statute law as in the judgment of the commission may be necessary to remedy defects therein, to accomplish improvement thereof and to maintain the same in revised, consolidated and simplified form under the general plan and classification of the Revised Statutes;

(2) To provide accurate budgetary, fiscal and program performance, evaluation and analysis, legal assistance, information and advice and informatory and research service to the standing reference, joint and special legislative committees and commissions and to the officers and members of the Legislature;

(3) To study the methods, practices and procedures employed by the Legislature and from time to time make such recommendations for their improvement and modernization as the commission shall deem desirable.

b. The commission is hereby designated as the permanent law revision agency of the State and all proposed revision laws and proposals of like character which are developed as a result of any legislative commission or committee shall be submitted to the commission for examination and study and report, including its recommendations, to the Legislature, before being introduced in the Legislature.

c. The officers and employees of the Office of Legislative Services shall, except as otherwise fixed by law, receive such compensation as shall from time to time be fixed by the commission in accordance with a compensation plan to be established by it and as shall be within the limits of available appropriations therefor.

Source: P. L. 1954, c. 254, ss. 7, 17 (C. 52:11–12, 52:11–22), P. L. 1964, c. 20, s. 6 (C. 52:11–7.1, R. S. 52:24–2).

**C. 52:11-58 Organization of the Office of Legislative Services.**

5. Organization of the Office of Legislative Services. The Office of Legislative Services to be governed by the commission shall consist of an Executive Director, a Division of State Auditing of which the State Auditor shall be the director, a Division of Legal Services of which a Legislative Counsel shall be the director, a Division of Budget and Program Review of which a Legislative Budget Officer shall be the director, a Division of Legislative Information and Research of which a Research Director shall be the director, an administrative unit to serve the several divisions, and such officers, employees and consultants as may, from time to time within the availability of funds, be appointed or employed by direction of the commission.

Source: P. L. 1954, c. 254, s. 3 (C. 52:11–8), P. L. 1971, c. 211, ss. 5-8 (C. 52:11–47 to 52:11–50).

**C. 52:11-59 Executive Director.**

6. Executive Director. The commission shall appoint an Executive Director to serve as the secretary of the commission and as the chief executive officer of the commission and the Office of Legislative Services who shall be qualified by training and experience in legislative and governmental processes. He shall serve at the pleasure of the commission and shall devote his entire time to the duties of his office. He shall organize and direct an administrative unit to serve the several divisions of the office, including but not limited to, the areas of personnel, budget, purchasing, printing, property, space, facilities and accounting services. The Executive Director shall be responsible for the coordination and general supervision of the work of the several divisions of the office. Subject to commission approval the Executive Director may transfer personnel from one division to another, or may provide for the assignment of personnel from one division to another to aid in the performance of any project or responsibility of a particular division of the office. The Executive Director shall be the appointing authority and request officer for the office.

Source: P. L. 1954, c. 254, s. 8 (C. 52:11–13); P. L. 1954, c. 267, s. 1 (C. 52:11–32); P. L. 1971, c. 211, s. 4 (C. 52:11–46).

**C. 52:11-60 Legislative Counsel.**

7. Legislative Counsel. The commission shall appoint a Legislative Counsel who shall be an attorney-at-law of New Jersey experienced in the work of drafting legislation, revision of statutes and parliamentary law and procedure. He shall serve at the pleasure of the commission and shall devote his entire time to the duties of his office. He shall be the Director of the Division of Legal Services. He shall organize the division with such bureaus and subordinate units and employ such associate and assistant counsel and assistants to counsel, a revisor of statutes, assistant revisors and such other employees as the commission shall deem necessary and required for the work of the division. Wherever in any other law a duty is imposed upon or reference is made to, the Chief Counsel of the Law Revision and Legislative Services Commission, such duty is transferred to and shall be exercised by, and reference thereto shall be to, the Legislative Counsel in the Office of Legislative Services.

Source: P. L. 1954, c. 254, ss. 8, 12 (C. 52:11–13, 52:11–17), P. L. 1964, c. 20, s. 7 (C. 52:11–13.1)

**C. 52:11-61 Division of Legal Services.**

8. Division of Legal Services. It shall be the duty of the Legislative Counsel and the Division of Legal Services:

a. To draft, aid in drafting and redrafting bills, resolutions and amendments thereof, and reviewing the same when drafted in other divisions or elsewhere, proposed for introduction in the Legislature and other legislative documents for and upon the request of any legislative commission or of any member, committee or joint committee of the Legislature;

b. To examine and edit legislative bills, proposed for introduction or introduced from time to time in the Senate and General Assembly so as to assure, whenever possible, their compliance with the form and general classification of the Revised Statutes, when so requested or directed by the Legislature or any committee thereof;

c. To furnish assistance and information to the Legislature or any member or committee thereof or to the departments, officers, institutions and agencies of the State and to the public in matters concerning the statutes, when so requested;

d. To conduct a continuous examination of the general and permanent statutory law of this State and the judicial decisions construing the same, for the purpose of discovering defects in the law, and to prepare and submit to the commission, from time to time, legislative bills designed to

(1) Remedy such defects,

(2) Reconcile conflicting and overlapping provisions found in the law,

(3) Clarify confusing and excise redundant expressions therefrom, and

(4) Carry on continuous revision of the general and permanent statute law of the State, in such manner as to maintain the general and permanent statute law of the State in revised, consolidated and simplified form under the general plan and classification of the Revised Statutes and the New Jersey Statutes;

e. To receive and consider suggestions and recommendations from the American Law Institute, the National Conference of Commissioners on Uniform State Laws, and other learned bodies and from judges, public officials, bar associations and members of the bar and from the public generally, for the improvement and modification of the general and permanent statute law of the State, and to bring the law of this State, civil and criminal, and the administration thereof, into harmony with modern conceptions and conditions, and to submit the same to the commission, with its recommendations for such action thereon as the commission may determine to take.

f. To inform the commission of the need for or usefulness of advisory panels to assist the commission and the division in its duties and to cooperate with all advisory panels appointed under the provisions of this act.

g. To furnish to the presiding officer of each House of the Legislature or to the committees, joint committees and members of the Legislature, legal assistance, information and advice when and in relation to such matters as the commission shall from time to time determine, relating to

(1) The subject matter and legal effect of the statutes and of proposals made for statutory enactment, and

(2) Questions of parliamentary law and legislative procedure.

h. Upon the written request of either or both Houses of the Legislature, the presiding officer of either House, a legislative committee or commission, to furnish written opinions on legal matters.

i. On behalf of the commission to assign appropriate compilation numbers to newly-enacted laws, edit an annual cumulative table of contents to the laws, and initiate administrative corrections in the text of the laws as authorized and directed by R. S. 1:3–1 and R. S. 1:3–2.

Source: P. L. 1954, c. 254, ss. 10, 11, 13 (C. 52:11–15, 52:11–16, 52:11–18), P. L. 1964, c. 20, s. 8 (C. 52:11–13.2)

**C. 52:11-62 State Auditor.**

9. State Auditor. The Office of the State Auditor, as created by the Constitution, is assigned to the Office of Legislative Services and the State Auditor is designated the Director of the Division of State Auditing. The State Auditor shall continue to be appointed, subject to the statutory qualifications prescribed by R. S. 52:24–2, and shall hold office and perform his constitutional duties, as heretofore. The State Auditor, as Director of the Division of State Auditing, in addition to his constitutional duties, shall organize the division with such bureaus and subordinate units as required and shall be responsible for administering and directing the further statutory duties imposed by this act subject to the policy direction and control of the Legislative Services Commission.

Source: R. S. 52:11–50, R. S. 52:24–2, R. S. 52:24–3.

**C. 52:11-63 Division of State Auditing.**

10. Division of State Auditing. In addition to the duties imposed upon the State Auditor by the Constitution and R. S. 52:24–4 the State Auditor and the Division of State Auditing, when requested or directed by the Legislature or the Legislative Services Commission, shall make, or cause to be made by contract with independent firms or consultants, studies and reports with respect to the economy, internal management control, and compliance with law and regulations of the operation of State or State-supported agencies and shall perform such other duties and functions as the commission shall, from time to time, direct or assign to the division.

Audit reports shall provide full disclosure of the results of financial operations, adequate financial information needed in the management of State operations and effective control over income, expenditures, funds, property and other assets and whether the financial transactions have been consummated in accordance with laws, regulations or other legal requirements, and adequate internal financial control over operations is exercised.

Source: New and P. L. 1971, c. 211, s. 1 (C. 52:11–43)

**C. 52:11-64 Contracts for consultants' services.**

11. Contracts for consultants' services. The provisions of any other law to the contrary notwithstanding, every contract or agreement for consultants' services to be paid from funds appropriated or otherwise made available to the Office of Legislative Services, shall be made or awarded only by specific approval of the commission.

Source: New.

**C. 52:11-65 Research Director.**

12. Research Director. The commission shall appoint a Research Director who shall by training and experience be well versed in political science, methods of research and legislative and governmental processes. He shall serve at the pleasure of the commission and shall devote his entire time to the duties of his office. He shall be the Director of the Division of Information and Research. He shall organize the division with such bureaus and subordinate units and appoint an Assistant Director, supervisors, research associates and assistants and other employees necessary for the work of the division.

The Research Director shall be responsible for providing nonpartisan informatory and research staff services to the officers and members of the Legislature and to all standing reference joint and special committees and commissions of the Legislature, except as otherwise provided by this act or by determination of the commission or the Legislature.

Source: P. L. 1954, c. 254, s. 14 (C. 52:11–19)

**C. 52:11-66 Division of Legislative Information and Research.**

13. Division of Legislative Information and Research. It shall be the duty of the Research Director and the Division of Legislative Information and Research to:

a. Provide nonpartisan staff for the standing reference committees of the two Houses of the Legislature, other than such committees which may be, by law, rule or resolution of either House, or direction of the commission, staffed independently or by other divisions of the Office of Legislative Services.

b. Provide nonpartisan staff for other legislative committees and commissions as requested by the Legislature and directed by the commission.

c. Provide, as requested, information and research services and other related services and to prepare drafts of bills and resolutions

for the Legislature, its officers, committees, commissions and individual members.

d. Provide, as requested by the Legislature or directed by the commission, assistance to the Legislature, its officers, committees and commissions in the performance of their legislative oversight functions.

e. Operate a nonpartisan public information service on legislative affairs and a Bill Room for use by the Legislature, its staffs, other State and public offices and, when practicable, for the general public.

f. Collect and disseminate to the Legislature, its officers, committees, commissions and individual members information concerning Federal laws and regulations and pending Federal legislation and regulations which may have an impact on or of interest to the Legislature.

g. Provide, when requested by the Legislature and directed by the commission, for the scheduling, recording and transcription of the proceedings of legislative committee and commission meetings and hearings.

h. Provide such other services as the commission may direct.

Source: P. L. 1954, c. 254, s. 15 (C. 52:11–20)

**C. 52:11-67 Legislative Budget Officer.**

14. Legislative Budget Officer. The commission shall appoint a Legislative Budget Officer who by training and experience shall be well versed in the fields of budget preparation and analysis, revenue projection, appropriation requirements, program analysis, fiscal management and control. The Legislative Budget Officer shall be the Director of the Division of Budget and Program Review and shall devote his entire time to the duties of his office. He shall organize the division with such bureaus and subordinate units and appoint such professional and other employees as the commission shall deem necessary and required for the work of the division. Whenever in any other law reference is made to, the Legislative Budget and Finance Director or the Executive Director of the Office of Fiscal Affairs, such reference thereto shall be to, the Legislative Budget Officer in the Office of Legislative Services.

Source: P. L. 1954, c. 267, ss. 1, 9 (C. 52:11–32, 52:11–40).

**C. 52:11-68 Division of Budget and Program Review.**

15. Division of Budget and Program Review. It shall be the duty of the Division of Budget and Program Review to:

a. Collect and assemble factual information relating to the fiscal affairs of the State for the use of the Joint Appropriations Committee of the Legislature in formulating its annual proposals as to the amounts to be appropriated for the support of the State Government and for other purposes; examine all requests for appropriations made by the divisions and other subdivisions of the principal departments in the Executive Branch of the State Government, to the heads of such department and by the department heads, to the Director of the Division of Budget and Accounting and attend such hearings, held thereon, as it may be necessary for the Legislative Budget Officer or his staff to attend to obtain complete information as to the subject matter thereof;

b. Examine other requests for appropriations and receive and investigate the truth, fairness and correctness of all claims against the State for payment of which appropriations are to be requested;

c. Report to the Legislature through the Joint Appropriations Committee, or in such other manner as shall be directed by the Legislature, upon the foregoing and as to any other matters which may be of assistance to said committee or the Legislature in forming an independent judgment in the determination of any fiscal matters before it and attend upon the Joint Appropriations Committee during its sittings and hearings and perform such services for it as it shall direct;

d. Provide the Legislature with expenditure information and performance analysis of programs and transactions.

Source: P. L. 1954, c. 267, s. 2 (C. 52:11–33)

**C. 52:11-69 Officers and employees of the office; status.**

16. Officers and employees of the office; status. a. The commission is authorized to designate those offices and positions in Office of Legislative Services which for the purposes of the Unemployment Compensation law are major nontenured policy making or advisory positions.

b. Officers and employees of the office shall be chosen subject to the approval of the commission without reference to political affiliation, solely on grounds of fitness to perform the duties of their office or employment and their employment and civil service status shall be governed by subsection d. of R. S. 11:4–4, except that:

(1) Any person holding office, position or employment in any department, board, commission or agency in the Executive Branch of the State Government, which is in the classified service of the civil service, who shall be appointed to any office, position or em-

ployment under the Legislative Services Commission shall, after the adoption of a resolution by the Legislative Services Commission to that effect, hold the office, position or employment to which he is so appointed with the same civil service rights, privileges and protections as he had and enjoyed in said office, position or employment in the Executive Branch of the State Government, notwithstanding that the office, position or employment to which he is so appointed shall itself be in the unclassified service of the civil service; and

(2) Employees performing stenographic or clerical duties may be appointed from the classified service of the civil service of the State in any case in which in the judgment of the commission more competent persons can be so employed and when so appointed such employees shall have civil service status as members of the classified service of the civil service, but no law or rule regulating assignment to duties, hours of work or payment for overtime shall be binding upon the agency as to persons employed by it whether or not they are employed from the classified service of the civil service.

Source: P. L. 1954, c. 254, s. 17 (C. 52:11–22); P. L. 1971, c. 211, s. 6 (C. 52:11–48).

**C. 52:11-70 Request for assistance, information or advice, confidential.**

17. Request for assistance, information or advice, confidential. All requests for legal assistance, information or advice and all information received by the Office of Legislative Services in connection with any request for fiscal, budgetary or research service or for the drafting or redrafting of bills, resolutions or amendments thereof for introduction in the Legislature shall be regarded as confidential and no information in respect thereto shall be given to the public or to any person other than the person or persons making such request or any officer or person duly authorized to have such information, unless and until the person making such request consents thereto or the subject matter thereof shall have been made public in some manner.

Source: P. L. 1954, c. 254, s. 18 (C. 52:11–23)

**C. 52:11-71 Forbids lobbying.**

18. Forbids lobbying. No officer or employee of the office, other than a member of the commission, shall urge or oppose the adoption of any legislation or give any legal opinion to any private individual or corporation or to any public officer, department, instrumentality or agency of the State Government except as provided in this act

and except such officers, members, committees and joint committees of the Legislature as the commission shall, from time to time, direct.

Source: P. L. 1954, c. 254, s. 19 (C. 52:11–24)

**C. 52:11-72 Reports.**

19. Reports. The commission shall report to the Legislature once each year and at such other times as it may deem advisable and may accompany its report with proposed bills or changes in the Rules of the Senate and General Assembly designed to carry out any of its recommendations.

Source: P. L. 1954, c. 254, s. 20 (C. 52:11–25)

**C. 52:11-73 Personnel transferred; rules continued.**

20. Personnel transferred; rules continued. All of the officers and employees of the Legislative Services Agency and the Office of Fiscal Affairs together with all their functions, powers and duties are transferred to the Office of Legislative Services and the officers and employees shall be assigned to positions therein without diminution in compensation or seniority rights or impairment of tenure, civil service or retirement system rights.

All rules, regulations and operating procedures of the Legislative Services Agency and the Office of Fiscal Affairs in effect on the effective date of this act are continued in effect until amended or repealed pursuant to this act.

**C. 52:11-74 Property transferred.**

21. Property transferred. All property and equipment, books, files and documents of, or in the custody of the Legislative Services Agency or the Office of Fiscal Affairs are transferred to the Office of Legislative Services.

**C. 52:11-75 Appropriations transferred.**

22. Appropriations transferred. All appropriations, grants and other moneys available and to become available to the Legislative Services Agency and the Office of Fiscal Affairs are transferred to the Office of Legislative Services.

**C. 52:11-76 Powers and duties of Legislative Budget Officer under Appropriations Act.**

23. Powers and duties of Legislative Budget Officer under Appropriations Act. Except as otherwise in this act provided all powers and duties imposed upon the Executive Director, Office of Fiscal Affairs, by any other law are transferred to and shall be exercised by the Legislative Budget Officer in the Office of Legislative Services and all other references in any such act to the Executive

and except such officers, members, committees and joint committees of the Legislature as the commission shall, from time to time, direct.

Source: P. L. 1954, c. 254, s. 19 (C. 52:11–24)

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**C. 52:11-76 Powers and duties of Legislative Budget Officer under Appropriations Act.**

23. Powers and duties of Legislative Budget Officer under Appropriations Act. Except as otherwise in this act provided all powers and duties imposed upon the Executive Director, Office of Fiscal Affairs, by any other law are transferred to and shall be exercised by the Legislative Budget Officer in the Office of Legislative Services and all other references in any such act to the Executive

Director, Office of Fiscal Affairs, shall mean and refer to the Legislative Budget Officer.

24. P. L. 1962, c. 27, s. 3 (C. 52:13B–3) is amended to read as follows:

**C. 52:13B-3 Approval and certification; mailing of copy to introducer of bill.**

3. Approval and certification; mailing of copy to introducer of bill.

Whenever any fiscal note to any bill is furnished to the Legislative Budget Officer by the Division of Budget and Accounting or a copy of any bill which, if enacted, would increase revenues is delivered to him with a written request that a fiscal note for the bill be prepared, the Legislative Budget Officer shall examine into the accuracy of any fiscal note so furnished to him or which may be appended or annexed to any such bill and if he finds any fiscal note so appended or annexed to be accurate he shall approve and certify the same to the Judiciary Committee of the House if said bill is under examination as to form by said committee and otherwise to the committee to which the bill has been referred or if it has not been referred to a committee, then to the Secretary or Clerk of the House but if no fiscal note is so appended or annexed or if the Legislative Budget Officer finds any fiscal note so furnished or so appended or annexed to any such bill to be inaccurate, he shall prepare an accurate fiscal note for the bill and except in any case in which he shall approve a fiscal note appended or annexed to the bill he shall promptly mail a copy of each fiscal note prepared or approved by him to the introducer whose name first appears upon the bill with a notice that such introducer may object to such fiscal note within 5 days after receipt thereof.

25. P. L. 1962, c. 27, s. 4 (C. 52:13B–4) is amended to read as follows:

**C. 52:13B-4 Procedure when introducer of bill objects to fiscal note.**

4. Procedure when introducer of bill objects to fiscal note. If such introducer shall object to any of the provisions of any such fiscal note, he shall within 5 days after receipt of the copy thereof advise the Legislative Budget Officer of his objections thereto and the Legislative Budget Officer shall promptly review the note and make such changes therein, if any, as he may deem desirable and if the bill is under examination on behalf of the Judiciary Committee of the House prior to introduction, he shall forward the original and three copies of said note certified by him to the Legal Services Division of the Office of Legislative Services acting for the Judi-

ciary Committee of the House for transmission with the bill upon its introduction.

26. P. L. 1962, c. 27, s. 5 (C. 52:13B–5) is amended to read as follows:

**C. 52:13B-5 Copies of bill transmitted.**

5. Copies of bill transmitted.

If, however, the bill is not under examination by the Judiciary Committee of the House but has been introduced he shall transmit three copies to the chairman of the committee to which the bill has been referred, or if it has not been referred, then to the Secretary of the Senate or Clerk of the General Assembly.

27. R. S. 52:24–2 is amended to read as follows:

**Appointment, qualifications, term and compensation of State Auditor.**

52:24–2. Appointment, qualifications, term and compensation of State Auditor. The State Auditor shall be appointed by the Senate and General Assembly in joint meetings for a term of 5 years and until his successor shall be appointed and qualify. Any person nominated for appointment to the Office of State Auditor shall be qualified by training and substantial experience in the field of corporate or public fiscal and management operations and affairs. The name and credentials of each applicant or prospective nominee shall be submitted to the Chairman of the Legislative Services Commission who shall cause the same to be received, considered and reviewed by the members of the commission in accordance with procedures established by it. The names of applicants and prospective nominees found to be qualified shall be reported to the President of the Senate and the Speaker of the General Assembly for appropriate communication to the members of the Senate and General Assembly at or before the convening of a joint meeting for the appointment of a State Auditor.

The State Auditor shall devote his entire time to the duties of his office and shall receive annual compensation as shall, from time to time, be fixed by law, which shall be paid out of the State Treasury as other officers are paid.

28. R. S. 52:24–3 is amended to read as follows:

**State Auditor Director of Division of State Auditing; assistants and employees.**

52:24–3. State Auditor Director of Division of State Auditing; assistants and employees. The State Auditor shall be the Director of the Division of State Auditing in the Office of Legislative Services and subject to the approval, or as authorized by the Legis-

lative Services Commission and with the approval of the Executive Director of the Office of Legislative Services as to the existence of the positions and availability of funds therefor, shall appoint such necessary professional and other employees as shall be required to administer and perform the constitutional and statutory duties of his office.

**Auditing accounts and reports of "accounting agencies"; assistance.**

29. R. S. 52:24–4 is amended to read as follows:

52:24–4. Auditing accounts and reports of "accounting agencies"; assistance. It shall be the duty of the State Auditor to conduct post-audits of all transactions and accounts kept by or for all departments, offices and agencies of the State Government, to report to the Legislature or to any committee thereof and to the Governor, and to the Executive Director of the Office of Legislative Services, as provided by this chapter and as shall be required by law, and to perform such other similar or related duties as shall, from time to time, be required of him by law.

The State Auditor shall personally or by any of his duly authorized assistants, or by contract with independent public accountant firms, examine and post-audit all the accounts, reports and statements and make independent verifications of all assets, liabilities, revenues and expenditures of the State, its departments, institutions, boards, commissions, officers, and any and all other State agencies, now in existence or hereafter created, hereinafter in this chapter called "accounting agencies." The officers and employees of each accounting agency shall assist the State Auditor, when and as required by him, for the purpose of carrying out the provisions of this chapter.

**Repealers.**

30. Repealers.

The following acts are repealed:

P. L. 1939, c. 91 (C. 1:9–2 to 1:9–8)

P. L. 1944, c. 105 (C. 1:9–9 to 1:9–15)

P. L. 1948, c. 315 (C. 1:9–16 to 1:9–19)

P. L. 1954, c. 254 (C. 52:11–6 to 52:11–31)

P. L. 1964, c. 20, ss. 6, 7, 8, 10-12 (C. 52:11–7.1, 52:11–13.1, 52:11–13.2, 52:11–20.1 to 52:11–20.3)

P. L. 1954, c. 267 (C. 52:11–32 to 52:11–41)

P. L. 1971, c. 211 (C. 52:11–43 to 52:11–53)

The repeal of the foregoing acts shall not revive any act repealed by any thereof.

**C. 52:11-77 First members and officers of commission.**

31. The members of the Law Revision and Legislative Services Commission and its chairman and vice chairman in office on the effective date of this act shall constitute the first members and officers of the commission and shall so serve for the terms for which they were appointed to, or elected by, the former commission.

32. Effective date. This act shall take effect January 1, 1979 but the Law Revision and Legislative Services Commission is authorized to take all necessary anticipatory action in advance thereof.

Approved January 31, 1979.

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## CHAPTER 9

AN ACT concerning county welfare boards and supplementing Title 44 of the Revised Statutes.

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

**C. 44:1-10.1 Change of name of county welfare board to county board of social services.**

1. The governing body of any county may, by resolution or ordinance, as appropriate, change the name of the county welfare board to the county board of social services.

**C. 44:1-10.2 Resolutions or ordinances to mean "county board of social services."**

2. For any county which has adopted a resolution or ordinance pursuant to section 1 of this act, whenever the term "county welfare board" appears in the statutes it shall mean the "county board of social services."

3. This act shall take effect immediately.

Approved February 5, 1979.

## CHAPTER 10

AN ACT to amend "An act making uniform regulations on net fishing in certain waters within the jurisdiction of this State, and providing for the licensing of same, and repealing sections 23:9–59 to 23:9–93, inclusive, 23:9–99, 23:9–101 to 23:9–107, inclusive, and 23:9–113 of the Revised Statutes," approved June 14, 1941 (P. L. 1941, c. 211), as said title was amended by P. L. 1942, c. 294.

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

1. Section 1 of P. L. 1941, c. 211 (C. 23:5–24.1) is amended to read as follows:

**C. 23:5-24.1 License for net fishing.**

1. No person shall fish with, set, fix, fasten, draw, or drift any net of any description whatsoever, from or in the inland tidal waters, bays, coves, rivers, or creeks, or in the Atlantic ocean within 3 nautical miles of the coast line, unless he shall first have procured a license as hereinafter provided or as otherwise provided by this Title, and shall have received the required license and have it in possession at the time of fishing.

2. This act shall take effect immediately.

Approved February 5, 1979.

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## CHAPTER 11

AN ACT concerning teacher preparation programs and amending section 5 of P. L. 1978, c. 25 (approved May 23, 1978).

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

1. Section 5 of P. L. 1978, c. 25 is amended to read as follows:

5. 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 Legislature not later than September 1, 1979, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

2. This act shall take effect immediately.

Approved February 5, 1979.

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## CHAPTER 12

AN ACT to amend the title of "An act subjecting municipalities solely owning or controlling waterworks or water supplies and supplying water in other municipalities to the jurisdiction, regulation and control of the Board of Public Utility Commissioners with respect to such service and supplementing Title 48 of the Revised Statutes, and repealing 'An act concerning certain cities of the second class, and supplementing chapter 62 of Title 40 of the Revised Statutes,' approved June 18, 1947 (P. L. 1947, c. 295, C. 40:62–85.1)," approved August 16, 1975 (P. L. 1975, c. 184), so that the same shall read "An act subjecting municipalities solely owning or controlling waterworks or water supplies and supplying water in other municipalities to the jurisdiction, regulation and control of the Board of Public Utilities with respect to such service in certain cases and supplementing Title 48 of the Revised Statutes, and repealing 'An act concerning certain cities of the second class, and supplementing chapter 62 of Title 40 of the Revised Statutes,' approved June 18, 1947 (P. L. 1947, c. 295, C. 40:62–85.1)," 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. 1975, c. 184 is amended to read as follows: An act subjecting municipalities solely owning or controlling waterworks or water supplies and supplying water in other municipalities to the jurisdiction, regulation and control of the Board of Public Utilities with respect to such service in certain cases and supplementing Title 48 of the Revised Statutes, and repealing "An

act concerning certain cities of the second class, and supplementing chapter 62 of Title 40 of the Revised Statutes,'' approved June 18, 1947 (P. L. 1947, c. 295, C. 40:62–85.1).

2. Section 1 of P. L. 1975, c. 184 (C. 40:62–85.2) is amended to read as follows:

**C. 40:62-85.2 Supplying municipality deemed public utility; exemption from jurisdiction, regulation and control of Board of Public Utilities.**

1. Whenever any municipality solely owning or controlling waterworks or its own water supply is supplying water to more than 1,000 billed customers within any other municipality, the supplying municipality shall with respect to such service be subject to the jurisdiction, regulation and control of the Board of Public Utilities in the same manner and to the same extent as are the services of public utilities and to that extent and for that purpose such supplying municipality shall be deemed to be a public utility.

Whenever any municipality solely owning or controlling waterworks or its own water supply is supplying water to 1,000 or less billed customers who do not buy water at a bulk rate within any other municipality, the supplying municipality shall with respect to such service be exempt from the jurisdiction, regulation and control of the Board of Public Utilities provided that the revenue derived from the sale of water outside of its boundaries does not exceed 25% of its total water revenue.

Whenever any supplying municipality is exempt from the jurisdiction, regulation and control of the Board of Public Utilities, the rates charged to the billed customers within any other municipality shall be the same as those charged to customers within the supplying municipality. Any increase in the water rates shall be authorized by ordinance. Notice of the second reading of such ordinance shall be sent by regular mail to billed customers outside of the supplying municipality at least 1 week prior to the public hearing for the said ordinance. Such customers shall have an opportunity to be heard at the public hearing.

3. This act shall take effect immediately.

Approved February 8, 1979.

## CHAPTER 13

AN ACT concerning motor vehicle driver special learners' permits and amending P. L. 1977, c. 25, s. 6 (C. 39:3–13. 2a).

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

1. Section 6 of P. L. 1977, c. 25 (C. 39:3–13. 2a) is amended.

**C. 39:3-13.2a Retention of special learner's permit; validity.**

6. Any person to whom a special learner's permit has been issued pursuant to section 1 of P. L. 1950, c. 127 (C. 39:3–13.1), upon attaining 16 years and 6 months of age, or upon successful completion prior thereto of a behind-the-wheel driving course conducted by a licensed drivers' school or of a public, parochial or private school driving education course, shall be entitled to retain the special learner's permit in his own possession. Such person may operate a motor vehicle of the class for which a basic driver's license is required during the hours between sunrise and sunset while in the company and under the control of a licensed motor vehicle driver of this State who has had at least 3 years' experience as a licensed motor vehicle driver. Such special permit shall be valid for 90 days after such person's seventeenth birthday or until the completion of the road test portion of his license examination, whichever period is shorter.

2. This act shall take effect immediately.

Approved February 8, 1979.

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## CHAPTER 14

AN ACT concerning county assistance for hospitalization and medical care of the poor, and amending sections 44:5–11 and 44:5–12 of the Revised Statutes.

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

1. R. S. 44:5–11 is amended to read as follows:

**Annual appropriations to support and maintain patients in nonprofit hospitals.**

44:5–11. The governing body of a county which has no hospital located therein maintained by the county other than the hospital or sick ward of the county poor home, a county tuberculosis hospital or sanatorium, a county hospital or sanatorium for the insane, or a hospital for contagious and infectious diseases, may make an appropriation of not more than $800,000.00 in each year in the manner in which appropriations for other county purposes are made, except that in counties having a population of more than 300,000, according to the latest census, the governing body may make such an annual appropriation of not more than $1,500,000.00, which sum so appropriated shall be included in the annual tax levy of the county, and collected in the same manner and at the same time as other county taxes, and shall be applied to the purpose of supporting and maintaining such patients as may be sent to any hospital or hospitals operated by a nonprofit corporation or to any clinic or clinics maintained by any such hospital or hospitals.

The sum so appropriated shall be used and applied for the benefit, comfort, treatment and maintenance of such patients, inmates of that hospital or of such outpatients in attendance at clinics maintained by that hospital, as are residents of the county at the time of being sent to that hospital.

2. R. S. 44:5–12 is amended to read as follows:

**Distribution of moneys among hospitals.**

44:5–12. Money appropriated by a governing body and distributed and paid to any hospital by virtue of section 44:5–11 of this Title, shall, if there is more than one such hospital, be distributed among and paid to them upon the basis of the free ward day's treatment furnished by each of them for the benefit, comfort and maintenance of such patients, inmates therein, or in the case of clinics, by the number of individual treatments of patients, as are residents of the county at the time of being sent to that hospital, and not otherwise.

"Free ward day's treatment," as used in this section, means not less than 24 hours' medical and nursing attention of a hospital patient who occupies a listed hospital bed in the public ward for at least 24 hours continuously and for which nothing is paid. Free ward day's treatment shall not include treatment given to a person who would not commonly be admitted to or maintained in the public or contagious wards of general hospitals.

3. This act shall take effect immediately.

Approved February 8, 1979.

## CHAPTER 15

AN ACT concerning the Local Budget Law and amending N. J. S. 40A:4–53.

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

1. N. J. S. 40A: 4–53 is amended to read as follows:

**Ordinance authorizing special emergency appropriations; purposes.**

40A:4–53. A local unit may adopt an ordinance authorizing special emergency appropriations for the carrying out of any of the following purposes:

a. Preparation of an approved tax map.

b. Preparation and execution of a complete program of revaluation of real property for the use of the local assessor, or of any program to update and make current any previous revaluation program when such is ordered by the county board of taxation.

c. Preparation of a revision and codification of its ordinances.

d. Engagement of special consultants for the preparation, and the preparation of a master plan or plans, when required to conform to the planning laws of the State.

e. Preparation of drainage maps for flood control purposes.

f. Preliminary engineering studies and planning necessary for the installation and construction of a sanitary sewer system.

A copy of all ordinances or resolutions as adopted relating to special emergency appropriations shall be filed with the director.

2. This act shall take effect immediately.

Approved February 8, 1979.

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## CHAPTER 16

AN ACT concerning certain nonprofit social service agencies and nonprofit consumer credit counseling agencies in relation to debt adjustment and credit counseling and supplementing Title 17 of the Revised Statutes.

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

**C. 17:16G-1 Definitions.**

1. As used in this act, "nonprofit social service agency" or "nonprofit consumer credit counseling agency" means any corporation duly organized under Title 15 of the Revised 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.

"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. 17:16G-2 License requirement.**

2. It shall be unlawful for any nonprofit social service agency or nonprofit consumer credit counseling agency deemed not to be a debt adjuster pursuant to P. L. 1960, c. 177 (C. 2A:99A–1 et seq.) or N. J. S. 2C:21–19, to engage in debt adjustment without obtaining a license from the Commissioner of the Department of Banking pursuant to this act. Any such licensed agency shall offer credit counseling, but no fee may be charged for such a service.

**C. 17:16G-3 Application for license.**

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.

**C. 17:16G-4 Procedures and standards for issuance or denial of licenses.**

4. The commissioner shall promulgate procedures and standards for the issuance or denial of licenses, shall promulgate grounds for and procedures under which licenses may be revoked, suspended, or reinstated, and shall establish fees necessary to meet administrative costs under this act.

**C. 17:16G-5 Bond; audit of financial records; examination by commissioner.**

5. Any social service agency or consumer credit counseling agency licensed under this act shall be bonded to the satisfaction of the commissioner and shall have its financial records relating to debt adjustment audited annually by a certified public accountant or a registered public accountant, which audit shall be filed with the commissioner. Such an audit shall certify that the salaries

and expenses paid by the licensee are reasonable compared to those incurred by comparable organizations providing similar services. After reviewing the annual audit, the Commissioner of Banking may cause an examination of the social service agency or consumer credit counseling agency to be made, the actual expenses of such an examination shall be paid by the social service agency or consumer credit counseling agency; and the commissioner may maintain any action against any such agency to recover the fees and expenses herein provided for.

**C. 17:16G-6 Fee for services.**

6. In order to cover the cost to a license of providing debt adjustment, the licensee may charge a fee therefor of 1.0% of the gross monthly income of the person to whom the service is rendered, but not more than $15.00 in any one month, which may be waived in the discretion of the licensee.

**C. 17:16G-7 Board of directors.**

7. Every nonprofit social service agency or nonprofit consumer credit counseling agency licensed under this act shall establish a board of directors whose function shall be to establish the policies of such agency. No more than 40% of the members of the board of directors shall have as their principal employer any corporation, association or institution which offers credit to the general public.

**C. 17:16G-8 Violation of act; penalty.**

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.).

9. This act shall take effect immediately, but shall remain inoperative for 90 days after enactment.

Approved February 8, 1979.

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## CHAPTER 17

AN ACT concerning civil service, and amending sections 11:12–1 and 11:22–6 of the Revised Statutes.

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

1. R. S. 11:12–1 is amended to read as follows:

**Probationary period; duration; extension; progress report.**

11:12–1. Appointments and promotions to positions in the competitive, noncompetitive and labor classes of the classified service, with the exception of appointments to entry level law enforcement and entry level firefighter titles, shall be for a probationary period of 4 months, which may be extended to 6 months at the discretion of the president of the Civil Service Commission. Appointments to entry level law enforcement and entry level firefighter titles shall be for a probationary period of 12 months. The appointing authority shall file in writing with the Civil Service Commission and probationer two reports, as hereinafter provided, of progress made by the probationer to perform the duties of the position. The type of progress report to be submitted shall be determined by the Civil Service Commission. In the case of probationers in other than entry level law enforcement and entry level firefighter titles, an initial progress report shall be filed at the end of the first 2 months of service, and a second such report shall be filed at the end of the third month of service. In the case of probationers in entry level law enforcement and entry level firefighter titles, the initial progress report shall be filed at the end of the first 6 months of service, and a second such report shall be filed at the end of the ninth month of service. Before the appointing authority shall declare the probationer unable to satisfactorily perform the duties of the position he shall show cause before the Civil Service Commission giving the reasons why the service of the probationer is not satisfactory, at which time such probationer may be privileged to attend and present evidence. Unless good cause be shown, said Civil Service Commission shall order the immediate appointment of such probationer. Said Civil Service Commission shall be the sole judge of the facts constituting the ability of such probationer to satisfactorily perform the duties of the position sought.

2. R. S. 11:22–6 is amended to read as follows:

**Appointments and promotions for probationary period; action at expiration of periods.**

11:22–6. Appointments and promotions to positions in the competitive, noncompetitive and labor classes of the classified service, with the exception of appointments to entry level law enforcement and entry level firefighter titles, shall be for a probationary period of 3 months. Appointment to entry level law enforcement and entry level firefighter titles shall be for a probationary period of

12 months. If, at the expiration of the respective periods, the conduct or capacity of the probationer has not been satisfactory to the appointing authority, the probationer shall be notified in writing that he will not receive absolute appointment; otherwise his retention in the service shall be equivalent to his final and absolute appointment.

3. This act shall take effect immediately.

Approved February 8, 1979.

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## CHAPTER 18

AN ACT concerning cities of the first class and repealing certain statutes.

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

**Repealer.**

1. The following sections, acts, and parts of acts together with all amendments and supplements thereto, are hereby repealed entirely.

Revised Statutes sections:
40:171–110;
40:171–111;
40:171–112 to 40:171–114 both inclusive;
40:171–115 and 40:171–116;
40:171–117 and 40:171–118;
40:171–119;
40:171–120;
40:171–121 and 40:171–122;
40:171–123;
40:171–124;
40:171–125;
40:171–126 to 40:171–128 both inclusive;
40:171–129;
40:171–130 to 40:171–135 both inclusive;
40:171–136 to 40:171–137;
40:171–138.

2. This act shall take effect immediately.

Approved February 8, 1979.

## CHAPTER 19

AN ACT concerning municipalities governed by boards of commissioners or improvement commissioners and repealing certain statutes.

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

**Repealer.**

1. The following sections, acts, and parts of acts, together with all amendments and supplements thereto, are hereby repealed entirely.

Revised Statutes sections:
40:113–1 to 40:113–4 both inclusive;
40:114–1 (P. L. 1878, c. 23);
40:114–2 (P. L. 1889, c. 104);
40:114–3 to 40:114–10 both inclusive;
40:115–1 and 40:115–2;
40:116–1 to 40:116–12 both inclusive;
40:116–13;
40:117–1 to 40:117–8 both inclusive;
40:118–1 to 40:118–11 both inclusive;
40:119–1;
40:120–1 and 40:120–2;
40:121–1 to 40:121–17 both inclusive;
40:122–1 to 40:122–4 both inclusive;
40:122–5 to 40:122–7 both inclusive.

2. This act shall take effect immediately.

Approved February 8, 1979.

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## CHAPTER 20

AN ACT concerning cities and repealing certain statutes.

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

**Repealer.**

1. The following sections, acts, and parts of acts, together with all amendments and supplements thereto are hereby repealed entirely.

Revised Statutes sections:

40:103–1 (P. L. 1889, c. 127);
40:103–2 (P. L. 1902, c. 107);
40:103–3 (P. L. 1903, c. 168);
40:103–4 (P. L. 1908, c. 179);
40:104–1 (P. L. 1894, c. 62);
40:105–1 (P. L. 1912, c. 405);
40:106–1 (P. L. 1907, c. 99);
40:107–1 (P. L. 1899, c. 135);
40:109–1 (P. L. 1911, c. 365);
40:109–2 (P. L. 1929, c. 37);
40:110–1 (P. L. 1879, c. 84);
40:111–1 (P. L. 1878, c. 134);
40:112–1 (P. L. 1933, c. 352).

**Repealer.**

2. R. S. 40:103–5 (P. L. 1908, c. 250), together with all amendments and supplements thereto, is hereby repealed, except the supplement to that act, P. L. 1963, c. 149 (C. 40:103–5(71) et seq.), approved August 30, 1963, is hereby saved from repeal.

3. This act shall take effect immediately.

Approved February 8, 1979.

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## CHAPTER 21

AN ACT to amend "The State and County College Tenure Act," approved June 7, 1973 (P. L. 1973, c. 163).

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

1. Section 9 of P. L. 1973, c. 163 (C. 18A:60–14) is amended to read as follows:

**C. 18A:60-14 Contracts for professional staff not holding faculty rank.**

9. Members of the professional staff not holding faculty rank may be appointed by a board of trustees for 1-year terms; provided,

however, that after employment in a college for 5 consecutive academic years or for the equivalent of 5 academic years within a period of any 6 consecutive academic years, such employees may be offered contracts of no more than 5 years in length. During the period of such contracts, such employees shall be subject to dismissal only in the manner prescribed by subarticle B of article 2 of chapter 6 of Title 18A of the New Jersey Statutes, and must be notified by the president not later than 1 year prior to the expiration of such contracts of the renewal or nonrenewal of the contract.

2. This act shall take effect immediately, except that individuals qualifying for multi-year contracts under the provisions of this act shall be considered for such contracts during the normal contract renewal cycle at the institution in which they are employed.

Approved February 8, 1979.

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## CHAPTER 22

AN ACT to amend and supplement "An act reconstituting the Commission on Individual Liberty and Personal Privacy created by 'An act creating a commission to study the matter of personal privacy,' approved September 19, 1977 (P. L. 1977, c. 226), and making an appropriation," approved March 30, 1978 (P. L. 1978, c. 12).

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

1. Section 2 of P. L. 1978, c. 12 is amended to read as follows:

2. The commission shall report its findings and recommendations to the Governor and the Legislature on or before June 30, 1979 together with any legislative bills it may desire to recommend for adoption by the Legislature.

2. There is hereby appropriated $10,000.00 for the purposes of the act which this act amends and supplements.

3. This act shall take effect immediately.

Approved February 8, 1979.

## CHAPTER 23

AN ACT concerning education and amending N. J. S. 18A:10–3, 18A:12–8, 18A:12–17, 18A:13–10, 18A:13–12, 18A:13–19 and 18A:22–7, N. J. S. 40A:4–14, 40A:4–18 and 40A:4–40 and sections 1 and 3 of P. L. 1971, c. 436 (C. 18A:27–10, C. 18A:27–12) and repealing section 7 of P. L. 1977, c. 30 (C. 18A:54–16.7).

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

1. N. J. S. 40A:4–14 is amended to read as follows:

**School items; separate certification.**

40A:4–14. School items; separate certification. In making the certifications of the budget for transmission to the county board, the amount to be raised by taxes for school purposes by a municipality shall be separately stated and

a. In municipalities in which the amount to be raised by taxes for school purposes is required to be certified to the governing body for inclusion in its budget, there shall be deducted from the "municipal tax levy":

(1) The amount appropriated for debt service after first deducting therefrom the amount of the State school building aid, if any; and

(2) The amount of any emergency appropriation for school purposes certified to the municipality and approved by the governing body thereof;

(3) The amount appropriated for school capital improvements for land, buildings and equipment.

b. In all other municipalities, there shall be deducted from the municipal tax levy any appropriations for school purposes required.

Said items shall be added by the county board to the amounts to be raised by taxation for school purposes.

2. N. J. S. 40A:4–18 is amended to read as follows:

**Table of aggregates for late budgets.**

40A:4–18. Table of aggregates for late budgets. Immediately upon receipt of the director's certificate and, in any event, on or before April 10 of the fiscal year, the county board 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 shall have adopted a budget for the fiscal year and shall have transmitted a certified copy thereof to the county board on or before April 10, the said board may substitute the adopted budget in the place of the amount certified by the director, but no such substitutions shall be made after April 10 of the fiscal year.

3. N. J. S. 40A:4–40 is amended to read as follows:

**Reserve for uncollected taxes; appropriation.**

40A:4–40. Reserve for uncollected taxes; appropriation. There shall be included in each budget an appropriation for "reserve for uncollected taxes" sufficient in amount so that the anticipated cash receipts for the fiscal year shall at least equal the sum of the following items, each of which is hereinafter referred to as a "lawful yearly expenditure":

a. The total of all current budget appropriations (except for reserve for uncollected taxes);

b. The amounts due or to become due for school, county, State, local and special district taxes prior to the end of the fiscal year; and

c. The amounts of any other anticipated current expenditures for the fiscal year.

In the event that the exact amount of any such lawful yearly expenditure shall not be known at the time of the adoption of the budget, the amount thereof shall be estimated, but no such estimate shall be less than the amount of such lawful yearly expenditure for the next preceding fiscal year; provided, however, that in the case of a Type II school district, the lawful yearly expenditure for the amount due or to become due for school taxes prior to the end of the fiscal year shall be based upon the proposed budget submitted by the local board of education to the commissioner pursuant to section 28 of P. L. 1975, c. 212 (C. 18A:7A–28).

4. Section 1 of P. L. 1971, c. 436 (C. 18A:27–10) is amended to read as follows:

**C. 18A:27-10 Written offer or notice to nontenure teachers.**

1. On or before April 30 in each year, every board of education in this State shall give to each nontenure teaching staff member continuously employed by it since the preceding September 30 either

a. A written offer of a contract for employment for the next succeeding year providing for at least the same terms and conditions of employment but with such increases in salary as may be required by law or policies of the board of education, or

b. A written notice that such employment will not be offered.

5. Section 3 of P. L. 1971, c. 436 (C. 18A:27–12) is amended to read as follows:

**C. 18A:27-12 Written notice of acceptance.**

3. If the teaching staff member desires to accept such employment he shall notify the board of education of such acceptance, in writing, on or before June 1 in which event such employment shall continue as provided for herein. In the absence of such notice of acceptance the provisions of this article shall no longer be applicable.

6. N. J. S. 18A:13–10 is amended to read as follows:

**Members of boards; election; terms.**

18A:13–10. The board of education of each regional district shall provide for the holding of an annual school election for the regional district on the first Tuesday in April.

At such election there shall be elected for terms of 3 years, the members of the regional boards of education to succeed those members of the board whose terms shall expire in that year, except as is in this chapter provided for the election of the first elected members of the board.

7. N. J. S. 18A:12–8 is amended to read as follows:

**Appointment of members.**

18A:12–8. In districts, other than those in cities of the first class, the members of the board shall be appointed between January 2 and January 15 and their terms of office shall begin on May 16, next succeeding, and in districts in cities of the first class they shall be appointed during the month of June and their terms of office shall begin on July 1, next succeeding.

8. N. J. S. 18A:12–17 is amended to read as follows:

**Appointments; terms; vacancies.**

18A:12–17. The mayor or other chief executive officer of the municipality shall, between January 2 and January 15 in each year, appoint one member of the board to serve for a term of 5 years beginning on May 15 next succeeding his appointment, to take the place of the member whose term shall expire in that year, and

any vacancy occurring in the membership of the board shall be reported forthwith by the secretary of the board to the mayor or other chief executive officer of the municipality, who shall within 30 days thereafter appoint a qualified person to fill the vacancy for the unexpired term.

9. N. J. S. 18A:13–12 is amended to read as follows:

**Boards; annual organization; failure to organize.**

18A:13–12. The board shall hold a regular meeting forthwith after its first appointment, and annually thereafter on any day of the first week commencing on the first Monday following May 15, at which it shall organize by the election, from among its members, of a president and vice president, who shall serve until the organization meeting next succeeding the election of their respective successors as members of the board. If any board shall fail to organize within said week, the county superintendent of the county, or the county superintendents of the counties, in which the constituent districts are situate, shall appoint, from among the members of the board, a president and vice president to serve until the organization meeting next succeeding the next election.

10. N. J. S. 18A:13–19 is amended to read as follows:

**Items rejected at annual school election; certification.**

18A:13–19. If the voters reject any of the items submitted at the annual election, within 2 days thereafter the board of education of the regional district shall certify to the governing body of each municipality, included within the regional district, the item or items so rejected, and such governing bodies, after consultation with the board, and no later than April 18 shall determine the amount or amounts which they deem necessary to provide a thorough and efficient system of schools in the regional district for the ensuing school year and cause the same to be certified by the respective municipal clerks to the board of education of the regional district.

11. N. J. S. 18A:10–3 is amended to read as follows:

**Annual organization of board.**

18A:10–3. Each board of education shall organize annually at a regular meeting held not later than at 8 p.m. at which time new members shall take office.

a. In type I districts on May 16, or on the following day if that day be Sunday;

b. In all type II districts on any day of the first week commencing on the first Monday following May 15.

If the organization meeting cannot take place on that day by reason of lack of a quorum or for any other reason, said meeting shall be held within 3 days thereafter.

12. N. J. S. 18A:22–7 is amended to read as follows:

**Budgets; preparation.**

18A:22–7. The board of education of every school district having a board of school estimate shall prepare and deliver to each member of the board of school estimate, on or before the first Tuesday in March in each year, and the board of education of every other school district shall prepare a budget for the school district for the ensuing year, on or before the first Tuesday in March.

**Repealer.**

13. (New section) Section 7 of P. L. 1977, c. 30 (C. 18A:54–16.7) is repealed.

14. This act shall take effect immediately.

Approved February 8, 1979.

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## CHAPTER 24

AN ACT to amend the title of "An act concerning annual leave for vacation purposes of certain employees in the classified service of the State, and supplementing Chapter 14 of Title 11 of the Revised Statutes," approved June 11, 1953 (P. L. 1953, c. 193), so that the same shall read "An act concerning annual leave for vacation purposes of certain employees in the classified or unclassified service of the State, and supplementing chapter 14 of Title 11 of the Revised Statutes," and to amend and supplement the body of said act.

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

1. The title of P. L. 1953, c. 193 is amended to read as follows:

**Title amended.**

An act concerning annual leave for vacation purposes of certain employees in the classified or unclassified service of the State, and supplementing Chapter 14 of Title 11 of the Revised Statutes.

2. Section 1 of P. L. 1953, c. 193 (C. 11:14–1.1) is amended to read as follows:

**C. 11:14-1.1 Annual leave for vacation purposes; credits.**

1. In determining the annual leave for vacation purposes to which any employee in the classified or unclassified service of the State service shall be entitled pursuant to R. S. 11:14–1, credit shall be given for all full-time service or permanent part-time service which such employee shall have served whether the same shall have been under temporary or permanent appointment in an office, position or employment in the classified or unclassified service of the State service. Part-time service shall be credited proportionately.

3. (New section) If for any reason an employee leaves the full-time service or permanent part-time service, whether or not such service shall have been in a temporary or permanent appointment in an office, position or employment in the classified or unclassified service of the State service, and within 5 years of the date of his departure from such service, returns to the full-time service or part-time service, whether or not such service is in a temporary or permanent appointment in an office, position or employment in the classified or unclassified service of the State service, said employee shall receive credit for the determination of annual leave for vacation purposes for the period of his service prior to said departure.

4. This act shall take effect immediately but it shall terminate and have no further force and effect 180 days following the date of enactment.

Approved February 13, 1979.

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## CHAPTER 25

AN ACT concerning township and municipal clerks and amending R. S. 40:145–3 and N. J. S. 40A:9–165.

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

1. R. S. 40:145–3 is amended to read as follows:

**Township clerk; term; salary.**

40:145–3. The township clerk shall hold office for 3 years.

He shall be allowed and paid $5.00 per day, or such annual compensation as the committee shall by ordinance determine, for the services rendered in the performance of the duties required of him by law. Such compensation shall not be reduced during the term for which the clerk was elected.

2. N. J. S. 40A:9–165 is amended to read as follows:

**Salaries, wages or compensation of mayor or other chief executive, officers and employees of municipality; referendum.**

40A:9–165. The governing body of a municipality, by ordinance, shall fix and determine the salaries, wages or compensation to be paid to the officers and employees of the municipality, including the members of the governing body and the mayor or other chief executive, who by law are entitled to salaries, wages, or compensation. Such salaries, wages or compensation from time to time, by ordinance, may be increased, decreased or altered but no such ordinance shall reduce the salary of any appointed or elected tax assessor, tax collector or municipal clerk during the term for which he shall have been appointed or elected and, except with respect to an ordinance or a portion thereof fixing salaries, wages or compensation of elective officials or any managerial executive or confidential employee as defined in section 3 of the New Jersey Employer-Employee Relations Act, P. L. 1941, c. 100 (C. 34:13A–3) as amended, the ordinance shall take effect as provided therein. In municipalities wherein the provisions of Title 11 (Civil Service) of the Revised Statutes are in operation, this section shall be subject thereto.

Where any such ordinance shall provide for increases in salaries, wages or compensation of elective officials or any managerial executive or confidential employee, the ordinance or that portion thereof which provides an increase for such elective or appointive officials, shall become operative in 20 days after the publication thereof, after final passage, unless within said 20 days, a petition, signed by voters of such municipality, equal in number to at least 5% of the registered voters of the municipality, protesting against the passage of such ordinance, be presented to the governing body, in which case such ordinance shall remain inoperative unless and until a proposition for the ratification thereof shall be adopted at an election by a majority of the voters voting on said proposition. The question shall be submitted at the next general election, occurring not less than 40 days from the date of the certification

of the petition. The submission of the question to the voters shall be governed by the provisions of Title 19 (Elections) of the Revised Statutes, as in the case of public questions to be voted upon in a single municipality.

3. This act shall take effect immediately.

Approved February 13, 1979.

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## CHAPTER 26

AN ACT to amend "An act providing for payments for local services in lieu of taxes on State property, and repealing R. S. 54:4–2.1 and R. S. 54:4–2.2," approved October 26, 1977 (P. L. 1977, c. 272).

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

1. Section 5 of P. L. 1977, c. 272 (C. 54:4–2.2e) is amended to read as follows:

**C. 54:4-2.2e Computation of State's liability; method of calculating in lieu of payment.**

5. After completion of the review of the assessments of State property, the director shall compute the State's liability for in lieu tax payments in each municipality affected. The in lieu payment shall be calculated by applying the effective local purpose tax rate of the municipality for the tax year 1977 and thereafter to the aggregate amount of State property, as defined in section 1, in the municipality and the sum of such calculations shall constitute the State's liability; provided, however, the State shall have no liability to any one municipality when the sum of its liability is less than $1,000.00, and no municipality shall receive an in lieu payment from the State greater than an amount equal to 25% of the local purpose tax levy for the year for which the calculations are made; provided, however, that in any calendar year no municipality which receives or is entitled to receive any extraordinary payment for municipal services and in lieu of taxes under P. L. 1977, c. 137 shall receive less under this act than the amount that it received under said P. L. 1977, c. 137.

2. This act shall take effect immediately.

Approved February 22, 1979.

## CHAPTER 27

A SUPPLEMENT to the "New Jersey Medical Assistance and Health Services Act," approved January 15, 1969 (P. L. 1968, c. 413).

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

**C. 30:4D-34 Reimbursement for cost of prescription drugs.**

1. Any eligible person under the program of Pharmaceutical Assistance to the Aged shall, upon the submission of such application and proof of expenditure as the department may prescribe, be reimbursed for the cost of all prescription drugs purchased by such person, minus a $1.00 copayment per prescription, during the period commencing 30 days after such person's properly completed application was received by the department and ending on the date on which such person received his proof of eligibility from the department; provided, however, that no reimbursement under this act shall be made for any prescription drug purchased prior to the effective date of this act.

**C. 30:4D-35 Notice of availability and application form to eligible persons.**

2. The department shall provide a notice of the availability of such reimbursement and an application form therefor to every eligible person.

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

Approved February 22, 1979.

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## CHAPTER 28

AN ACT concerning the return of security deposits and amending "An act concerning leasehold estates in relation to deposits to secure performance of leases, and supplementing chapter 8 of Title 46 of the Revised Statutes," approved January 8, 1968 (P. L. 1967, c. 265).

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

1. Section 1 of P. L. 1967, c. 265 (C. 46:8–19) is amended to read as follows:

**C. 46:8-19 Ownership and disposition of money or security advanced to insure performance of contract; interest; failure to notify tenant of location of deposit.**

1. Whenever money or other form of security shall be deposited or advanced on a contract, lease or license agreement for the use or rental of real property as security for performance of the contract, lease or agreement or to be applied to payments upon such contract, lease or agreement when due, such money or other form of security, until repaid or so applied including the tenant's portion of the interest earned thereon as hereinafter provided, shall continue to be the property of the person making such deposit or advance and shall be held in trust by the person with whom such deposit or advance shall be made for the use in accordance with the terms of the contract, lease or agreement and shall not be mingled with the personal property or become an asset of the person receiving the same. The person receiving money so deposited or advanced shall deposit such money in a banking institution or savings and loan association in this State insured by an agency of the Federal Government in an account bearing interest at the rate currently paid by such institutions and associations on time or savings deposits and shall thereupon notify in writing each of the persons making such security deposit or advance, giving the name and address of the banking institution in which the deposit of security money is made, and the amount of such deposit.

All of the money so deposited or advanced may be deposited by the person receiving the same in one interest-bearing account as long as he complies with all the other requirements of this act.

The person receiving money so deposited or so advanced shall be entitled to receive as administration expenses, a sum equivalent to 1% per annum thereon which shall be in lieu of all other administrative and custodial expenses. The balance of the interest paid thereon by such banking institution or savings and loan association, hereinafter referred to as tenant's portion, shall belong to the person making the deposit or advance and shall be credited toward the payment of rent due on the renewal or anniversary of said tenant's lease.

In the event the person receiving a security deposit fails to notify the tenant of the name and address of the banking institution or savings and loan association in which the deposit of such security is made, and the amount thereof, within 30 days after receipt of same

from the tenant, the tenant may give written notice to the person receiving the same that such security money be applied on account of rent payment or payments due or to become due from the tenant, and thereafter the tenant shall be without obligation to make any further security deposit and the person receiving the money so deposited shall not be entitled to make further demand for a security deposit.

2. Section 2 of P. L. 1967, c. 265 (C. 46:8–20) is amended to read as follows:

**C. 46:8-20 Disposition of security advance upon transfer of lease or leased property.**

2. Any person, whether the owner or lessee of the property leased, who or which has or hereafter shall have received from a tenant or licensee a sum of money as a deposit or advance of rental as security for the full performance by such tenant or licensee of the terms of his contract, lease or license agreement, or who or which has or shall have received the same from a former owner or lessee, shall, upon conveying such property or assigning his or its lease to another, or upon the conveyance of such property to another person by a court in an action to foreclose a mortgage thereon, at the time of the delivery of the deed or instrument or assignment, or within 5 days thereafter, or in the event of the insolvency or bankruptcy of the person receiving said deposit, within 5 days after the making and entry of an order of the court discharging the receiver or trustee, deal with the security deposit by turning over to his or its grantee or assignee, or to the purchaser at the foreclosure sale the sum so deposited, plus the tenant's portion of the interest earned thereon, and notify the tenant or licensee by registered or certified mail of such turning over and the name and address of such grantee, assignee or purchaser.

3. Section 8 of P. L. 1967, c. 265 (C. 46:8–26) is amended to read as follows:

**C. 46:8-26 Application of provisions.**

8. The provisions of this act shall apply to all rental premises or units used for dwelling purposes except owner-occupied premises with not more than two rental units where the tenant has failed to provide 30 days written notice to the landlord invoking the provisions of this act.

4. This act shall take effect immediately.

Approved February 22, 1979.

# CHAPTER 29

AN ACT defining the responsibilities and liabilities of ski area operators and skiers.

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

**C. 5:13-1 Legislature's findings; purpose of law.**

1. a. The Legislature finds that the sport of skiing is practiced by a large number of citizens of this State and also attracts to this State large numbers of nonresidents, significantly contributing to the economy of this State and, therefore, the allocation of the risks and costs of skiing are an important matter of public policy.

b. The purpose of this law is to make explicit a policy of this State which clearly defines the responsibility of ski area operators and skiers, recognizing that the sport of skiing and other ski area activities involve risks which must be borne by those who engage in such activities and which are essentially impractical or impossible for the ski area operator to eliminate. It is, therefore, the purpose of this act to state those risks which the skier voluntarily assumes for which there can be no recovery.

**C. 5:13-2 Definitions.**

2. As used in this act

a. "Operator" means a person or entity who owns, manages, controls or directs the operation of an area where individuals come to ski, whether alpine, touring or otherwise, or operate skimobiles, toboggans, sleds or similar vehicles and pay money or tender other valuable consideration for the privilege of participating in said activities, and includes an agency of this State, political subdivisions thereof or instrumentality of said entities, or any individual or entity acting on behalf of an operator for all or part of such activities.

b. "Ski area" includes all of the real and personal property, under the control of the operator or on the premises of the operator which are being occupied, by license, lease, fee simple or otherwise, including but not limited to all passenger tramways, designated trails, slopes and other areas utilized for skiing, operating toboggans, sleds, or similar vehicles during the skiing season.

c. "Skier" means a person utilizing the ski area for recreational purposes such as skiing or operating toboggans, sleds or similar

vehicles, and including anyone accompanying the person. Skier also includes any person in such ski area who is an invitee, whether or not said person pays consideration.

d. "Slopes and trails" means those areas designated as such by the operator.

**C. 5:13-3 Responsibilities and liabilities of ski area operator.**

3. a. It shall be the responsibility of the operator to the extent practicable, to:

(1) Establish and post a system generally identifying slopes and trails and designating relative degrees of difficulty thereof; and to make generally available to skiers information in the form of trail maps or trail reports.

(2) Make generally available either by oral or written report or otherwise, information concerning the daily conditions of the slopes and trails.

(3) Remove as soon as practicable obvious, man-made hazards.

b. No operator shall be responsible to any skier or other person because of its failure to comply with any provisions of subsection 3.a. if such failure was caused by:

(1) Abrupt changes in weather conditions;

(2) Hazards normally associated with the varying conditions of snow or undercover, including skier use; or

(3) Subject to the provisions of subsection 3.a. (3), the location of man-made facilities and equipment necessary for the ordinary operation of the ski area, such as transportation or grooming vehicles, which are marked by flashing lights or other suitable sight or sound devices towers, fencing of any type, racing poles, or any other object or piece of equipment utilized in connection with the maintenance of trails, buildings or other facilities used in connection with skiing.

c. Grooming shall be at the discretion of the operator.

d. No operator shall be liable to any skier unless said operator has knowledge of the failure to comply with the duty imposed by this section or unless said operator should have reasonably known of such condition and having such knowledge has had a reasonable time in which to correct any condition or comply with any duty set forth in this section.

e. Nothing contained in this act shall be construed as limiting or otherwise affecting the liability and responsibilities of a ski area operator under the "Ski Lift Safety Act" (P. L. 1975, c. 226,

C. 34:4A–1 et seq.), or shall prevent the maintenance of an action against a ski area operator for negligent construction, maintenance or operation of a passenger tramway.

**C. 5:13-4 Conduct of skiers.**

4. a. Skiers shall conduct themselves within the limits of their individual ability and shall not act in a manner that may contribute to the injury of themselves or any other person.

b. No skier shall:

(1) Board or dismount from a ski lift except at a designated area;

(2) Throw or expel any object from any tramway, ski lift, commercial skimobile, or other similar device while riding on the device;

(3) Act in any manner contrary to posted rules while riding on a rope tow, wire rope tow, j-bar, t-bar, ski lift, or similar device that may interfere with the proper or safe operation of the lift or tow;

(4) Knowingly engage in any act or activity by his skiing or frolicking which injures other skiers while such other skiers are either descending any trail, or standing or congregating in a reasonable manner, and due diligence shall be exercised in order to avoid hitting, colliding with or injuring any other skier or invitee.

(5) Knowingly engage in any type of conduct which may injure any person, or place any object in the uphill ski track which may cause another to fall, while traveling uphill on a ski lift;

(6) Cross the uphill track of a j-bar, t-bar, rope tow, wire rope tow, or other similar device except at designated locations.

c. Every skier shall maintain control of his speed and course at all times, and shall stay clear of any snow grooming equipment, any vehicle, any lift tower, and any other equipment on the mountain.

d. A skier shall be the sole judge of his ability to negotiate any trail, slope, or uphill track and shall not attempt to ski or otherwise traverse any trail, slope or other area which is beyond the skier's ability to negotiate.

e. No skier shall board a rope tow, wire rope tow, j-bar, t-bar, ski lift, or other similar device unless he has sufficient knowledge and ability to use the lift. If the skier does not have such knowledge or ability, he shall ask for and receive, or follow any posted, written or oral instructions prior to using such device.

f. No person shall ski on other than designated trails or slopes.

g. No person on foot or on any type of sliding device shall knowingly operate said device so as to cause injury to himself or others, whether such injury results from a collision with another person or with an object.

h. A person embarking on a lift or tow without authority, or failing to pay appropriate consideration for its use shall be considered to be a trespasser.

**C. 5:13-5 Assumption of risk.**

5. A skier is deemed to have knowledge of and to assume the inherent risks of skiing, operating toboggans, sleds or similar vehicles created by weather conditions, conditions of snow, trails, slopes, other skiers, and all other inherent conditions. Each skier is assumed to know the range of his ability, and it shall be the duty of each skier to conduct himself within the limits of such ability, to maintain control of his speed and course at all times while skiing, to heed all posted warnings and to refrain from acting in a manner which may cause or contribute to the injury of himself or others.

**C. 5:13-6 Injuries resulting from assumed risks; liabilities of operator.**

6. The assumption of risk set forth in section 5 shall be a complete bar of suit and shall serve as a complete defense to a suit against an operator by a skier for injuries resulting from the assumed risks, notwithstanding the provisions of P. L. 1973, c. 146 (C. 2A:15–5.1 et seq.), relating to comparative negligence, unless an operator has violated his duties or responsibilities under this act, in which case the provisions of P. L. 1973, c. 146 shall apply. Failure to adhere to the duties set out in sections 4 and 5 shall bar suit against an operator to compensate for injuries resulting from skiing activities, where such failure is found to be a contributory factor in the resulting injury, unless the operator has violated his duties or responsibilities under the act, in which case the provisions of P. L. 1973, c. 146 shall apply.

**C. 5:13-7 Precondition to bringing suit against operator; report; contents.**

7. As a precondition to bringing any suit in connection with a skiing injury against an operator, a skier shall report in writing to the ski area operator all the details of any accident as soon as possible, but in no event longer than 90 days from the time of the incident giving rise to the suit.

The report shall include at least the following: name, address, brief description of incident, location, alleged cause, others involved and witnesses, if any. If it is not practicable to give the report

because of severe physical disability resulting from a skiing accident or incident, the report shall be given as soon as practicable. This section is not applicable with respect to a ski area unless the operator conspicuously posts notice to skiers of the requirements of the section.

A skier who fails to give the report within 90 days from the time of the accident or incident may be permitted to give the report at any time within 1 year after the accident or incident, in the discretion of a judge of the superior court, if the ski area operator is not substantially prejudiced thereby. Application to the court for permission to give a late report shall be made upon motion based upon affidavits showing sufficient reasons for the skier's failure to give the report within 90 days from the time of the accident or incident.

**C. 5:13-8 Action for injury or death.**

8. Sections 2, 3, 4 and 5, and any other law notwithstanding, an action for injury or death against a ski area operator, ski area or its employees or owner, whether based upon tort or breach of contract or otherwise arising out of skiing, operating toboggans, sleds or similar vehicles shall be commenced no later than 2 years after the occurrence of the incident or earliest of incidents giving rise to the cause of action.

**C. 5:13-9 Minors; time limits for action.**

9. If a skiing accident or incident, or an action based upon a skiing accident or incident, involves a minor, the time limits set forth in sections 7 and 8 shall not begin to run against the minor until he reaches the age of majority.

**C. 5:13-10 Provisions of act cumulative.**

10. The provisions of this act are cumulative with the defenses available to a public entity or public employee under the New Jersey Tort Claims Act (P. L. 1972, c. 45, C. 59:1–1 et seq.).

**C. 5:13-11 Partial invalidity.**

11. The provisions of this act shall be deemed to be severable, and if any phrase, clause, sentence or provision of this act is declared to be unconstitutional or the applicability thereof to any person is held invalid, the remainder of this act shall not thereby be deemed to be unconstitutional or invalid.

12. This act shall take effect immediately.

Approved February 22, 1979.

## CHAPTER 30

AN ACT establishing Fire Districts 1, 2, 3, 4 and 5 in the township of Howell, county of Monmouth, and validating, ratifying and confirming all actions, proceedings and undertakings heretofore had and taken by the districts and their boards of commissioners pursuant to and as authorized by law.

WHEREAS, A question has arisen as to whether Fire Districts 1, 2, 3, 4 and 5 in the township of Howell, county of Monmouth, have legally been established; and

WHEREAS, Fire Districts 1, 2, 3, 4 and 5 in the township of Howell, county of Monmouth, have been recognized as duly established fire districts of the township of Howell for a period in excess of 19 years; NOW THEREFORE,

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

**Private act.**

1. All that portion of the township of Howell in the county of Monmouth within the exterior lines as follows shall be and is hereby established as a fire district and shall be known as Fire District 1 in the township of Howell and county of Monmouth:

BEGINNING at the intersection of the easterly boundary line of the township of Howell with the center line of Herbertsville Road and extending thence (1) northwesterly along the center line of Herbertsville Road to the intersection of the center line of Herbertsville Road with the center line of the County Road leading from Farmingdale to Lakewood; thence (2) Southwesterly along the center line of the county road leading from Farmingdale to Lakewood to the intersection of the center line of the county road from Farmingdale to Lakewood with the center line of Maxim Road; thence (3) westerly along the center line of Maxim Road to the intersection of the center line of Maxim Road with the center line of Southard-Maxim Road; thence (4) southwesterly along the center line of Southard-Maxim Road to the intersection of the center line of Southard-Maxim Road with the center line of Oak Glen Road; thence (5) northerly along the center line of Oak Glen Road to the intersection of the center line of Oak Glen Road with the center line of Windella Road; thence (6) northerly and easterly

along the center line of Old Tavern Road to the intersection of the center line of Old Tavern Road with the center line of Manassa Road; thence (7) northerly along the center line of Manassa Road to the intersection of the center line of Manassa Road with the center line of Southard Avenue; thence (8) northeasterly along the center line of Southard Avenue to the intersection of the center line of Southard Avenue with the center line of the Pennsylvania Railroad; thence (9) southeasterly along the center line of the Pennsylvania Railroad and the southwesterly boundary line of the borough of Farmingdale to the most southerly corner of the boundary line of the borough of Farmingdale; thence (10) northeasterly along the southeasterly boundary line of the borough of Farmingdale to the intersection of the southeasterly line of the Borough of Farmingdale with the Mingamahone Brook; thence (11) Northerly along the Mingamahone Brook and the easterly boundary line of the borough of Farmingdale to the intersection of Mingamahone Brook with the northerly boundary line of the borough of Farmingdale; thence (12) westerly along the northerly boundary line of the borough of Farmingdale to the intersection of the northerly boundary line of the borough of Farmingdale with the center line of Colts Neck Road; thence (13) northerly along the center line of the Colts Neck Road to the intersection of the center line of Colts Neck Road with the center line of New Jersey State Highway Route #33; thence (14) easterly along the center line of New Jersey State Highway Route #33 to the intersection of the center line of New Jersey State Highway #33 with the center line of New Jersey State Highway Routes #33-34; thence (15) southeasterly along the center line of New Jersey State Highway Routes #33-34 to the intersection of the center line of New Jersey State Highway Routes #33-34 with the easterly boundary line of the township of Howell; thence (16) southerly along the boundary line of the township of Howell to the point or place of beginning.

2. All that portion of the township of Howell in the county of Monmouth within the exterior lines as follows shall be and is hereby established as a fire district and shall be known as Fire District 2 in the township of Howell and county of Monmouth:

BEGINNING at the northwesterly corner of the boundaries of the township of Howell and extending thence (1) easterly along the northerly boundaries of the township of Howell to the intersection of the northerly boundaries of the township of Howell with

the westerly line of the United States Naval Ammunition Depot; thence (2) southerly and southeasterly along the westerly line of the United States Naval Ammunition Depot crossing Asbury Avenue and Shacks Corner Road to the intersection of the westerly line of the United States Naval Ammunition Depot with the center line of New Jersey State Highway Route #33 near the Cranberry Bog Brook; thence (4) northerly and northeasterly along the easterly line of the United States Naval Ammunition Depot to a corner of the United States Naval Ammunition Depot; thence (5) easterly along the southerly line of the United States Naval Ammunition Depot and crossing Colts Neck Road to a corner of the United States Naval Ammunition Depot; thence (6) southerly along the westerly line of the United States Naval Ammunition Depot to the intersection of the westerly line of the United States Naval Ammunition Depot with the center line of Mingamahone Brook; thence (7) northeasterly along the center line of Mingamahone Brook to the intersection of the center line of Mingamahone Brook with the southerly line of the United States Naval Ammunition Depot; thence (8) easterly along the southerly line of United States Naval Ammunition Depot to a corner of the same; thence (9) northerly along the easterly line of the United States Naval Ammunition Depot to a corner of same; thence (10) easterly along the southerly line of the United States Naval Ammunition Depot and crossing New Jersey State Highway Route #34 to a corner of the United States Naval Ammunition Depot; thence (11) southeasterly along the southwesterly line of United States Naval Ammunition Depot to a corner of the same; thence (12) southwesterly along the northwesterly line of the United States Naval Ammunition Depot to a corner of the same near Brick Yard Road; thence (13) southeasterly along the southwesterly line of the United States Naval Ammunition Depot to the intersection of the southwesterly line of the United States Naval Ammunition Depot with the center line of the Central Railroad of New Jersey; thence (14) southwesterly along the center line of the Central Railroad of New Jersey to the intersection of the center line of the Central Railroad of New Jersey with the center line of New Jersey State Highway Routes #33-34; thence (15) northwesterly along the center line of New Jersey State Highway Routes #33-34 to the intersection of the center line of New Jersey State Highway Route #33 with the center line of New Jersey State Highway Routes #33-34; thence (16) westerly along the center line of New Jersey State Highway Route #33 to the intersection of the center

line of New Jersey State Highway Route #33 with the center line of Colts Neck Road; thence (17) southerly along the center line of Colts Neck Road to the intersection of the center line of Colts Neck Road with the northerly boundary of the borough of Farmingdale; thence (18) westerly along the northerly boundaries of the borough of Farmingdale to the intersection of the same with the center line of Marsh Bog Brook; thence (19) southerly along the center line of Marsh Bog Brook to the intersection of the center line of Marsh Bog Brook with the center line of the Pennsylvania Railroad; thence (20) southeasterly along the center line of the Pennsylvania Railroad to the intersection of the center line of Pennsylvania Railroad with the center line of Southard Avenue; thence (21) southwesterly along the center line of Southard Avenue to the intersection of the center line of Southard Avenue with the center line of the Squankum-Yellowbrook Road; thence (22) northwesterly along the center line of the Squankum-Yellowbrook Road to the intersection of the center line of the Squankum-Yellowbrook Road with the center line of West Farms Road; thence (23) westerly along the center line of West Farms Road to the intersection of the center line of West Farms Road with the center line of U. S. Highway Route #9; thence (24) southwesterly and westerly along the center line of Fort Plains Road to the intersection of the center line of Fort Plains Road with the westerly boundaries of the township of Howell; thence (25) northerly along the westerly line of the boundaries of the township of Howell to a corner of the boundaries of the township of Howell; thence (26) northeasterly along the northwesterly boundaries of the township of Howell to the point or place of beginning.

3. All that portion of the township of Howell in the county of Monmouth within the exterior lines as follows shall be and is hereby established as a fire district and shall be known as Fire District 3 in the township of Howell and county of Monmouth:

BEGINNING at the intersection of the center line of the North Branch of the Metedeconk River with the southeasterly right-of-way line of Aldrich Road and extending thence (1) northeasterly along the southeasterly right-of-way line of Aldrich Road to the intersection of the southeasterly line of Aldrich Road with the southerly right-of-way line of Windeler Road; thence (2) easterly along the northerly right-of-way line of Windeler Road to the intersection of the southerly right-of-way line of Windeler Road with the westerly right-of-way line of Oak Glen Road; thence (3)

southerly along the westerly right-of-way line of Oak Glen Road to the intersection of the westerly right-of-way line of Oak Glen Road with the northwesterly right-of-way line of the Central Railroad of New Jersey; thence (4) southwesterly along the northwesterly right-of-way line of the Central Railroad of New Jersey to the center line of the north branch of the Metedeconk River; thence (5) westerly and northerly along the center line of the north branch of the Metedeconk River to the point or place of beginning.

4. All that portion of the township of Howell in the county of Monmouth within the exterior lines as follows shall be and is hereby established as a fire district and shall be known as Fire District 4 in the township of Howell and county of Monmouth:

BEGINNING at the intersection of the center line of the county road leading from Farmingdale to Lakewood with the north branch of the Metedeconk River and extending thence (1) northeasterly along the center line of the county road leading from Farmingdale to Lakewood with the center line of the Central Railroad of New Jersey; thence (2) northerly along the center line of the Central Railroad of New Jersey to the intersection of the center line of the Central Railroad of New Jersey with the center line of Oak Glen Road; thence (3) northwesterly along the center line of Oak Glen Road to the intersection of the center line of Oak Glen Road with the center line of Maxim-Southard Road; thence (4) northeasterly along the center line of Maxim-Southard Road to the intersection of the center line of Maxim-Southard Road with the center line of Maxim Road; thence (5) southeasterly along the center line of Maxim Road to the intersection of the center line of Maxim Road with the center of the county road leading from Farmingdale to Lakewood; thence (6) northeasterly along the center line of the county road leading from Farmingdale to Lakewood to the intersection of the center line of the county road leading from Farmingdale to Lakewood with the center line of Herbertsville Road; thence (7) southeasterly along the center line of Herbertsville Road to the intersection of the center line of Herbertsville Road with the easterly boundary of the township of Howell; thence (8) southerly along the easterly boundary of the township of Howell to a corner of the boundary of the township of Howell; thence (9) southwesterly along the boundary of the township of Howell to the intersection of the boundary of the township of Howell with the center line of the road leading from Lakewood to Point Pleasant; thence (10) westerly along the center line of the road leading from Lakewood to Point Pleasant to the intersection

of the center line of the road leading from Lakewood to Point Pleasant with the north branch of the Metedeconk River; thence (11) northwesterly and westerly along the north branch of the Metedeconk River, the various courses thereof, to the point or place of beginning.

5. All that portion of the township of Howell in the county of Monmouth within the exterior lines as follows shall be and is hereby established as a fire district and shall be known as Fire District 5 in the township of Howell and county of Monmouth:

BEGINNING at the easterly side of the north branch of the Metedeconk River following along the northwest side of Aldrich Road to a point in the middle of the intersection of U.S. Highway Route 9; thence (2) still along the northwest side of Aldrich Road to a point in the middle of the intersection of Aldrich Road and Windeler Road; thence (3) in an easterly direction still along the said Aldrich Road to the point of intersection known as Dog Corner, also known as Oak Glen Road; thence (4) in a northerly direction along the center line or westerly side of Old Tavern Road to a point; thence (5) still along Old Tavern Road in a northeasterly direction to a point; thence (6) still along Old Tavern Road in an easterly direction to a point known as Manassa Road; thence (7) in a northerly direction along the said Manassa Road to a point; thence (8) still along Manassa Road to a point at the intersection of Manassa Road and Manassa Brook-Preventorium Road; thence (9) still along Manassa Road in a northwesterly direction to a point at the intersection of the road also known as Casino Drive; thence (10) in an easterly direction along Casino Drive to a point; thence (11) in a northeasterly direction still along Casino Drive to a point and intersection of Southard Avenue and Squankum-Yellowbrook Road; thence (12) in a northwesterly direction along the westerly side of Squankum-Yellowbrook Road to a point; thence (13) still along said Squankum-Yellowbrook Road in a northwesterly direction to a point in and at the intersection of Squankum-Yellowbrook Road and West Farms Road; thence (14) in a southwesterly direction to a point; thence (15) still along West Farms Road in a westerly direction to U.S. Highway 9; thence (16) crossing said U.S. Highway 9 on Georgia Schoolhouse Road to a point; thence (17) still along Georgia Schoolhouse Road in a southwesterly direction crossing the Fort Plains Road to a point known as McDonald's Corner; thence (18) in a westerly direction along Georgia Schoolhouse Road to the Howell Township line and the line of Freehold Township.

6. All actions and proceedings heretofore undertaken for the establishment of Fire Districts 1, 2, 3, 4 and 5 in the township of Howell, county of Monmouth; for the establishment and election of boards of commissioners; and all actions, proceedings and undertakings heretofore had or taken by the boards of commissioners and their predecessors as members of the boards of commissioners pursuant to and as authorized by law are hereby validated, ratified and confirmed.

7. The office of each of the present members of the boards of commissioners is hereby ratified and confirmed, and each member shall continue in office for the duration of the term for which he was elected and until his successor shall be elected and qualify.

8. This act shall take effect immediately.

Approved February 22, 1979.

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## CHAPTER 31

AN ACT concerning public higher education and supplementing Title 18A of the New Jersey Statutes.

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

**C. 18A:62-3 Enrollment of senior citizens in tuition-free courses in State institutions of higher education.**

1. Each public institution of higher education in New Jersey may, pursuant to such rules and regulations as shall be promulgated by the State Board of Higher Education, permit persons of the age of 65 or more years to enroll without the payment of any tuition charges in regularly scheduled courses on a noncredit basis; provided that available classroom space permits and that tuition paying students constitute the minimum number required for the course, provided that nothing herein shall preclude public institutions from requiring registration fees, subject to approval by the State Board, for individuals attending courses pursuant to waivers granted under this act.

2. This act shall take effect immediately.

Approved February 22, 1979.

## CHAPTER 32

AN ACT to amend and supplement the "New Jersey State Wage and Hour Law," approved June 17, 1966 (P. L. 1966, c. 113).

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

1. Section 5 of P. L. 1966, c. 113 (C. 34:11–56a4) is amended to read as follows:

**C. 34:11-56a4 Minimum hourly wage rate.**

5. Every employer shall pay to each of his employees wages at a rate of not less than $2.90 per hour as of the effective date of this amendatory and supplementary act and $3.10 per hour as of January 1, 1980 for 40 hours of working time in any week and 1½ times such employee's regular hourly wage for each hour of working time in excess of 40 hours in any week, except this overtime rate shall not include any individual employed in a bona fide executive, administrative, or professional capacity or, if an applicable wage order has been issued by the commissioner under section 17 (C. 34:11–56a16) of this act, not less than the wages prescribed in said order. The wage rates fixed in this section shall not be applicable to part-time employees primarily engaged in the care and tending of children in the home of the employer, to persons under the age of 18 not possessing a special vocational school graduate permit issued pursuant to section 15 of P. L. 1940, c. 153 (C. 34:2–21.15) or to persons employed as salesmen of motor vehicles; or to persons employed as outside salesmen as such terms shall be defined and delimited in regulations adopted by the commissioner.

The provisions of this section for the payment to an employee of not less than 1½ times such employee's regular hourly rate for each hour of working time in excess of 40 hours in any week shall not apply to employees engaged to labor on a farm, or employed in a hotel or to an employee of a common carrier of passengers by motor bus or employees engaged in labor relative to the raising or care of livestock.

Employees engaged on a piece-rate or regular hourly rate basis to labor on a farm shall be paid for each day worked not less than the minimum hourly wage rate multiplied by the total number of hours worked.

Full-time students may be employed by the college or university at which they are enrolled at not less than 85% of the effective minimum wage rate.

**C. 34:11-56a4.5 Applicability of act.**

2. (New section) The provisions of this act shall be applicable to wages covered by wage orders issued pursuant to section 17 of P. L. 1966, c. 113 (C. 34:11–56a16).

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

Approved February 27, 1979.

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## CHAPTER 33

AN ACT relating to the acquisition, development, financing and transfer of buses and related facilities by the Port Authority of New York and New Jersey and the utilization thereof and the facilities of said authority and agreeing with the state of New York with respect thereto.

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

**C. 32:2-23.27 Findings and determinations of states of New York and New Jersey.**

1. The states of New York and New Jersey hereby find and determine that:

a. The efficient, economical and convenient mass transportation of persons to, from and within the Port of New York District as defined in the compact between the two states dated April 30, 1921 (hereinafter called the "port district") is vital and essential to the preservation and economic well-being of the northern New Jersey-New York metropolitan area;

b. In order to deter the economic deterioration of the northern New Jersey-New York metropolitan area adequate facilities for the mass transportation of persons must be provided and buses are and will remain of extreme importance in such transportation;

c. The provision of mass transportation including bus transportation in urban areas has become financially burdensome and may result in the additional curtailment of significant portions of this essential public service;

d. The economic viability of the existing facilities operated by the port authority of New York and New Jersey (hereinafter called the "port authority") is dependent upon the effective and efficient functioning of the transportation network of the northern New Jersey-New York metropolitan area and access to and proper utilization of such port authority facilities would be adversely affected if users of bus transportation were to find such transportation unavailable or significantly curtailed;

e. Buses serving regional bus routes and feeder bus routes and ancillary bus facilities constitute an essential part of the mass commuter facilities of the port district;

f. The continued availability of bus transportation requires substantial replacement of and additions to the number of buses presently in use in the northern New Jersey-New York metropolitan area;

g. The port authority which was created by agreement of the two states as their joint agent for the development of transportation and terminal facilities and other facilities of commerce of the port district and for the promotion and protection of the commerce of their port, is a proper agency to provide such buses to each of the two states and such provision of buses by the port authority is in the interest of the continued viability of the facilities of the port authority, and is in the public interest;

h. The operation of the facilities of the port authority, including but not limited to the port authority bus terminal at 41st street and Eighth avenue in New York county in the city and state of New York and the extension thereto currently under construction (hereinafter called the "bus terminal"), the George Washington bridge bus station and the provision of buses and ancillary bus facilities pursuant to this act involve the exercise of public and essential governmental functions which must be performed by the two states or any municipality, public authority, agency, or commission of either or both states;

i. The revision to the port authority bridge and tunnel toll schedules which was effective May 5, 1975, is expected to result in additional revenues to the port authority sufficient to support the financing with consolidated bonds of the port authority of approximately $400,000,000.00 for passenger mass transportation capital projects (hereinafter called "passenger facilities"), approximately $160,000,000.00 thereof being allocated to the extension to the bus terminal, with the remaining $240,000,000.00 to be allocated on the basis of $120,000,000.00 in each state for passenger facilities.

including but not limited to the acquisition, development and financing of buses and related facilities, as determined by each such state and the port authority acting pursuant to legislative authorization and commitments to the holders of port authority obligations; and

j. The port authority's function as a regional agency of the two states makes it appropriate that line haul regional bus route passenger facilities be equipped pursuant to this act with buses and ancillary bus facilities and that the need for development and equipment of such routes be satisfied on a priority basis.

**C. 32:2-23.28 Definitions.**

2. For the purpose of this act:

a. "Ancillary bus facilities" means any facilities useful in the provision of service on line haul regional or feeder bus routes, including but not limited to (1) fare collection, communication, signal and identification equipment, (2) equipment to aid in the provision of bus service to the elderly and handicapped, (3) maintenance, repair and storage facilities and equipment, and (4) bus stations for use primarily by passengers traveling between New York and New Jersey; automobile parking lots for use by people who transfer to buses on line haul regional bus routes or feeder bus routes; and shelters at roadside bus stops to afford waiting bus passengers protection from precipitation and wind;

b. "Buses" means vehicles containing seats for 12 or more passengers which are designed for and regularly used in scheduled common carrier passenger mass transportation service on streets, highways and exclusive busways and which are not designed or used for railroad purposes;

c. "Consolidated bonds" shall mean consolidated bonds of the issue established by the resolution of the port authority, adopted October 9, 1952.

d. "Develop" means plan, design, construct, improve or rehabilitate;

e. "Feeder bus routes" means those bus routes entirely within the regional bus area which connect within the port district with a bus stop on a line haul regional bus route, a passenger ferry, or a railroad station;

f. "Line haul regional bus routes" means bus routes which are entirely within the regional bus area and which extend from a point

outside the county in which the bus terminal is located to a point in such county;

g. "Municipality" means a county, city, borough, village, town, township, or other similar political subdivision of New York or New Jersey;

h. "Person" means any person, including individuals, firms, partnerships, associations, societies, trusts, public utilities, public or private corporations, or other legal entities, including public or governmental bodies, which may include the port authority, as well as natural persons;

i. "Railroad station" means a stop on a rail or subway system at which passengers embark or disembark; and

j. "Regional bus area" means that area in the states of New York and New Jersey which lies within a radius of 75 miles of the bus terminal.

**C. 32:2-23.29 Authorization to acquire, finance and transfer buses and ancillary bus facilities for certain purposes.**

3. The port authority is authorized and empowered to acquire, develop, finance, and transfer buses and ancillary bus facilities for the purpose of leasing, selling, transferring or otherwise disposing of such buses and ancillary bus facilities only to the state of New York and the State of New Jersey or to any public authority, agency, commission, city or county thereof and designated by such state (hereinafter called the "lessee"). Such buses may be used only on line haul regional bus routes or on feeder bus routes and such ancillary bus facilities shall be developed for and used in connection with buses which travel on line haul regional bus routes or feeder bus routes; provided, however, that (a) such buses may be used for charter bus trips which originate in the regional bus area, which take place when such buses are not needed for service on line haul regional bus routes or feeder bus routes, and which comply with all applicable requirements including but not limited to those of the port authority and the lessee; and (b) provided that the fare collection, communication and identification equipment and maintenance, repair and storage facilities and equipment acquired pursuant to this act may be utilized in connection with bus service which is not on line haul regional or feeder bus routes to the extent that such utilization complies with all applicable requirements including but not limited to those of the port authority and the lessee.

Ancillary bus facilities which are not located on buses or which are not otherwise intended to be moved from place to place shall be located only within the port district.

**C. 32:2-23.30 Terms and conditions; agreement by lessee to maintain and use buses in accordance with provisions of act; responsibilities of lessee.**

4. Any such lease, sale, transfer or other disposition of buses and ancillary bus facilities shall be on such terms and conditions, including consideration, consistent with this act as the port authority shall deem in the public interest and which shall be acceptable to the port authority and the lessee. Notwithstanding any contrary provision of law, general, special or local, part of the consideration for any such lease or transfer shall consist of an agreement by the lessee to maintain and use such buses and ancillary bus facilities, or cause such buses and ancillary bus facilities to be maintained and used by others under agreement with the lessee, in the effective and efficient transportation of passengers in accordance with this act and the port authority may accept such agreement in lieu of any other consideration for such lease or transfer. The lessee shall be responsible for the proper operation, maintenance, repair and use of the buses and ancillary bus facilities and the port authority shall not be liable in any respect by reason of the ownership, development, operation, maintenance, repair or use of such buses and ancillary bus facilities. Anything contained in this act to the contrary notwithstanding, development of such buses and ancillary bus facilities and introduction into service of such buses shall be subject to the approval of the lessee.

**C. 32:2-23.31 Covenants and agreements.**

5. The two states covenant and agree with each other and with the holders of the present and future obligations of the port authority that (a) the lessee of buses or ancillary bus facilities leased, transferred or otherwise disposed of pursuant to this act shall be required to defend and to provide for indemnification, subject to appropriations or other funds, which are or become legally available for this purpose, of the port authority against any liability of whatsoever form or nature as may be imposed upon the port authority by reason of the ownership, development, operation, maintenance, repair or use thereof or arising otherwise out of the port authority's interest therein; (b) the lessee shall be required to provide for and be responsible for the proper operation, maintenance, repair, and use of such buses and ancillary bus facilities leased, transferred or otherwise disposed of

pursuant to this act and the port authority shall have no responsibility as to such operation, maintenance, repair or use; and (c) neither the states nor the port authority will apply to any purpose in connection with or relating to the operation, maintenance, repair or use of such buses or ancillary bus facilities leased, transferred or otherwise disposed of pursuant to this act, other than purposes in connection with the utilization of other port authority facilities by such buses and passenger information purposes, any of the rentals, tolls, fares, fees, charges, revenues, reserves or other funds of the port authority which have been or shall be pledged in whole or in part as security for obligations as security for which there may be or shall be pledged, in whole or in part, the general reserve fund of the port authority.

**C. 32:2-23.32 Capital expenditures by port authority.**

6. Any capital expenditures by the port authority for buses and ancillary bus facilities to be leased, sold, transferred or otherwise disposed of pursuant to this act shall be made with the proceeds of consolidated bonds of the port authority, which may be issued to finance such capital expenditures, and such capital expenditures shall be a part of and shall not exceed the allocations for passenger facilities to be made from time to time as determined in accordance with subsection i. of section 1 of this act.

**C. 32:2-23.33 Authorization to cooperate and enter into agreements.**

7. The port authority is authorized and empowered to cooperate with the States of New York and New Jersey, with any municipality thereof, with the Federal Government and any public authority, agency or commission of the foregoing or with any one or more of them or with any other person to the extent that it finds it necessary and desirable to do so in connection with the acquisition, development, financing, leasing, sale, transfer or other disposition of buses and ancillary bus facilities and to enter into an agreement or agreements, and from time to time to enter into agreements amending or supplementing the same, with said states, municipalities, Federal Government, public authorities, agencies, commissions and persons or with any one or more of them for or relating to such purposes.

**C. 32:2-23.34 Authorization to cooperate and enter into agreements.**

8. Notwithstanding any contrary provision of law, general, special or local, either state or any municipality, public authority, agency, or commission of either or both of said two states or any other person is authorized and empowered to cooperate with the

port authority and to enter into an agreement or agreements, and from time to time to enter into agreements amending or supplementing the same, with the port authority, including but not limited to agreements with respect to buses and ancillary bus facilities leased, transferred or otherwise disposed of pursuant to this act, upon such reasonable terms and conditions as determined by such state, municipality, public authority, agency, commission or person and the port authority.

**C. 32:2-23.35 Authorization for consent by towns and counties; effective date of agreement or consent.**

9. Any consent by a municipality shall be given and the terms, conditions and execution by a municipality of any agreement, deed, lease, conveyance or other instrument pursuant to this section or any other section of this act shall be authorized in the manner provided in article 22 of the compact of April 30, 1921 between the two states creating the port authority, except that as to towns in the state of New York, such consent shall be authorized in the manner provided in the town law and as to counties in the State of New Jersey, such consent shall be authorized in the manner provided by law.

The terms and conditions and execution by either state of any agreement, consent, designation, determination, deed, lease, conveyance or other instrument pursuant to this section or any other section of this act shall be effective if authorized by the governor of such state. The powers herein granted to either state or any municipality, public authority, agency or commission shall be construed to be in aid of and not in limitation or in derogation of any such powers heretofore or hereafter conferred upon or granted to such state, municipality, public authority, agency or commission. Any consent by a public authority, agency or commission shall be effective if given by such public authority, agency or commission.

**C. 32:2-23.36 Exemption from taxation.**

10. The port authority shall be required to pay no taxes or assessments upon any of the property real or personal acquired or used by it for any purpose of this act or upon any lease, deed, mortgage or other instrument affecting such property or upon the recording of any instrument made in connection with the acquisition, development, financing, lease, sale, transfer or other disposition or use of such property.

**C. 32:2-23.37 Jurisdiction.**

11. The port authority shall not be subject to the jurisdiction of any municipality, public authority, agency or commission of either

or both of the two states in connection with the acquisition, development, financing, lease, sale, transfer or other disposition of buses, ancillary bus facilities or otherwise in connection with the purposes of this act.

**C. 32:2-23.38 Activities by port authority pursuant to act deemed public purposes.**

12. The acquisition, development, financing, leasing, sale, transfer or other disposition by the port authority of buses and ancillary bus facilities in accordance with this act are and will be in all respects for the benefit of the people of the said two states, for the increase of their commerce and prosperity and for the improvement of their health, safety and living conditions and shall be deemed to be public purposes; and the port authority shall be regarded as performing an essential governmental function in undertaking such acquisition, development, financing, leasing, sale, transfer or other disposition or otherwise carrying out the provisions of this act.

**C. 32:2-23.39 Declarations not construed to imply that other port authority operations are not of governmental nature.**

13. Any declarations contained herein with respect to the governmental nature and public purposes of the facilities authorized by this act and to the exemption of such facilities and instruments relating thereto from taxation and to the discretion of the port authority with respect to said facilities shall not be construed to imply that other port authority facilities, property and operations are not of a governmental nature or do not serve public purposes, or that they are subject to taxation, or that the determinations of the port authority with respect thereto are not conclusive.

**C. 32:2-23.40 Construction of act.**

14. This section and the preceding sections hereof constitute an agreement between the States of New York and New Jersey supplementary to the compact between the two states dated April 30, 1921 and shall be liberally construed to effectuate the purposes of said compact and of the comprehensive plan heretofore adopted by the two states, and the powers granted to the port authority shall be construed to be in aid of and not in limitation or in derogation of any other powers heretofore conferred upon or granted to the port authority.

**C. 32:2-23.41 Partial invalidity.**

15. If any section, part, phrase, or provision of this act or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, phrase, provision or

application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this act or the application thereof to other persons or circumstances and the two states hereby declare that they would have entered into this act or the remainder thereof had the invalidity of such provision or application thereof been apparent.

**C. 32:2-23.42 Effective date.**

16. This act shall take effect upon the enactment into law by the state of New York of legislation having an identical effect with this act, but if the state of New York has already enacted such legislation, this act shall take effect immediately.

Approved March 1, 1979.

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## CHAPTER 34

AN ACT providing for the distribution of certain funds to municipalities in certain cases 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 "Local Government Emergency Assistance Act of 1979."

2. The Legislature finds and declares that there exists a fiscal emergency in many of the State's municipalities because of the termination of Anti-Recession Fiscal Assistance from the Federal government; that such assistance had been used by many of this State's distressed municipalities to provide needed public services without aggravating their heavy property tax burden; that the withdrawal of this assistance jeopardizes the provision of adequate municipal services and a stable property tax rate; that simultaneously the tax base of the State's largest and most distressed municipalities is declining with ever lower property valuations; that in this context there is urgent need for intervention by the State to provide emergency aid to meet this crisis; that the long-established program of utility tax distributions to municipalities to replace property taxes, thanks to unanticipated growth in such revenues, allows for an emergency advance distribution of funds

to distressed municipalities to meet the 1979 crisis; and that a one-time program to cushion these distressed communities against the withdrawal of funds is in the public interest.

3. As used in this act:

a. "ARFA" means Anti-Recession Fiscal Assistance Program provided under Title II of P. L. 94–369 (42 U. S. C. § 6721 et al.).

b. "Director" means the Director of the Division of Local Government Services in the Department of Community Affairs.

c. "Municipal equalized tax rate" means the general tax rate multiplied by the equalization ratio.

d. "Municipal equalized valuation per capita" means a municipality's equalized valuation divided by the population of the municipality.

e. "Municipal unemployment rate" means the unemployment rate in a municipality as determined by the Department of Labor and Industry.

f. "Population" means the official population estimate of the State as reported by the Department of Labor and Industry, Office of Business Economics for 1977.

g. "Qualifying municipality" means a municipality whose 1977 equalized tax rate exceeds the 1977 State average equalized tax rate and whose 1977 equalized valuation per capita is less than the 1977 State equalized valuation per capita.

h. "Shortfall" means ARFA funds anticipated by a municipality in 1978 but not received in 1978.

i. "State equalized tax rate" means the sum of the total levies, on which the tax rates for all the municipalities of the State are computed, divided by the sum of the equalized valuations of all the municipalities of the State for 1977.

j. "State unemployment rate" means the Statewide unemployment rate as determined by the Department of Labor and Industry.

4. a. In the event that a qualifying municipality was allowed to anticipate funds from the Anti-Recession Fiscal Assistance Program (ARFA) in its 1978 municipal budget, said municipality shall receive a share of a $20 million distribution in an amount not to exceed the amount received in 1978 from the Anti-Recession Fiscal Assistance Program or its 1978 shortfall, whichever is greater, pursuant to the following formula:

$$WF = \left(\frac{P}{\geqq P}\right) X \left(\frac{St.\ EVpc}{EV\ pc}\right) X \left(\frac{UR}{St.\ UR}\right)$$

Where:

WF is the weighted factor of each qualifying municipality. (The weighted factors of all the qualifying municipalities are summed and each is taken over the total weighted factor resulting in a municipal distribution factor, which represents the respective municipality's proportion of the total allocation.

P = Population of each qualifying municipality.

$\leqslant$P = The sum of the populations of all qualifying municipalities.

St. EVpc = State equalized valuation per capita.

EV pc = Qualifying municipality's equalized valuation per capita.

UR = Qualifying municipality's unemployment rate as of September 1978.

St. UR = State unemployment rate, as of September 1978.

b. From the balance remaining of the amount appropriated pursuant to this act, after all distributions have been made pursuant to subsection a. of this section, each municipality which is not a qualifying municipality shall receive a share in an amount proportionate to the amount which its shortfall represents of the total shortfall for all such nonqualifying municipalities.

5. The State Treasurer, upon the certification of the director, rounded to the nearest dollar, and upon the warrant of the State Comptroller, shall pay the amount due to each municipality as follows: 60% on or before June 1, 1979 and 40% on or before September 1, 1979.

6. A sum of $22,369,000.00 is appropriated for distribution pursuant to the provisions of this act.

7. This act shall take effect immediately, and shall expire December 31, 1979.

Approved March 2, 1979.

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## CHAPTER 35

AN ACT concerning the taxation of certain public utilities and supplementing P. L. 1940, c. 4 (C. 54:30A–16 et seq.).

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

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

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

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

c. In the year 1980 and in each year thereafter an advance payment pursuant to subsection a. of this section shall be paid by every taxpayer to the appropriate municipalities in the manner provided for by law for payment of the taxes due under subsection (a) of section 3 of P. L. 1940, c. 4 (C. 54:30A–18(a)).

**C. 54:30A-18.5 Credit.**

2. In the calculation of the tax due in accordance with subsection (a) of section 3 of P. L. 1940, c. 4 (C. 54:30A–18(a)) in the year 1980 and in each year thereafter, every person, copartnership, association or corporation subject to tax hereunder shall be entitled to a credit in the amount of the tax hereunder as a partial payment in the preceding year and shall be entitled to the return of any amount so paid which shall be found to be in excess of the total amount payable in accordance with P. L. 1940, c. 4 and this act.

3. This act shall take effect immediately.

Approved March 2, 1979.

## CHAPTER 36

AN ACT concerning the taxation of certain public utilities and supplementing P. L. 1940, c. 5 (C. 54:30A–49 et seq.).

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

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

1. a. On or before April 1, 1979 and on or before June 1 in each year thereafter, the director shall compute an advance payment equal in amount to 55% of the increase in taxes due under subsections (a) and (b) of section 6 of P. L. 1940, c. 5 (C. 54:30A–54(a) and 54:30A–54(b)) during the preceding calendar year over the taxes due under such subsections in the calendar year immediately preceding that year. The advance payment shall not be considered for the purpose of determining the amount of the increase. Each such payment shall be in addition to the taxes payable under section 6 of P. L. 1940, c. 5 (C. 54:30A–54) and section 2 of P. L. 1971, c. 108 (C. 54:30A–54.1a) and shall be considered as a partial payment of the tax to become due and payable in the following year.

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

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

**C. 54:30A-54.5 Credit.**

2. In the calculation of the tax due in accordance with section 6 of P. L. 1940, c. 5 (C. 54:30A–54), in the year 1980 and in each year thereafter, every person, copartnership, association or corporation subject to tax hereunder shall be entitled to a credit in the amount of the tax hereunder as a partial payment in the preceding year and shall be entitled to the return of any amount so paid which shall be found to be in excess of the total amount payable in accordance with P. L. 1940, c. 5 and this act.

3. This act shall take effect immediately.

Approved March 2, 1979.

# CHAPTER 37

AN ACT concerning regional school districts and amending N. J. S. 18A:13–8.

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

1. N. J. S. 18A:13–8 is amended to read as follows:

**Boards of education of regional districts; membership; apportionment.**

18A:13–8. The board of education of a regional district shall consist of nine members unless it consists of more than nine constituent districts, in which case the membership shall be the same as the number of constituent districts, plus one. If there are nine or less constituent districts, the members of the board of education of the regional district shall be apportioned by the county superintendent or county superintendents of the county or counties in which the constituent districts are situate, among said districts as nearly as may be according to the number of their inhabitants except that each constituent district shall have at least one member.

In making the apportionment of the membership of a regional board of education among the several school districts uniting to create a regional school district having nine or less constituent districts, as required by section 18A:13–36, there shall be subtracted from the number of inhabitants of a constituent school district, as shown by the last Federal census officially promulgated in this State, the number of such inhabitants who according to the records of the Federal Bureau of the Census were patients in, or inmates of, any State or Federal hospital or prison, or who are military personnel stationed at, or civilians residing within the limits of, any United States Army, Navy or Air Force installation, located in such constituent school district.

If there are more than nine constituent districts, the members on the board shall be apportioned among the constituent districts and the weight of their votes in all proceedings of the board shall be determined by the appropriate county superintendent or superintendents through the following procedure:

a. The number of inhabitants of each constituent district shall be determined as shown by the last Federal census officially promulgated in this State.

b. A representative ratio shall be calculated by adding the number of inhabitants of all constituent districts and dividing the sum by the board size.

c. All constituent districts shall be listed in ascending order of their number of inhabitants. If the first constituent district in said list has a number of inhabitants which is less than the representative ratio, it shall be combined with the constituent district contiguous to it having the smallest number of inhabitants. This process shall be repeated for each successively larger constituent district or combination of constituent districts until all remaining constituent districts or combinations of constituent districts shall have a number of inhabitants equal to, or exceeding the representative ratio. The districts formed in this manner shall be known as representative districts.

d. There shall be established a priority list according to the method of equal proportions for the apportionment of the members of the regional district board of education among the representative districts.

e. The members of the regional district board of education shall be apportioned among the representative districts according to the method of equal proportions, and where a representative district is composed of more than one constituent district, members shall be elected at large from within the representative district.

f. The number of inhabitants of each representative district shall be divided by the number of members assigned to that district to find the number of inhabitants per members.

g. The vote to be cast by each member of the regional district board of education in all proceedings of the board shall be determined by dividing the number of inhabitants per member in the representative district from which the member is elected by the representative ratio for the regional district, and rounding off the quotient to the nearest tenth of a full vote.

Wherever any statute or bylaw of the board requires decision in any matter by vote of a majority of the board members, or of the members present, this shall be interpreted as meaning a majority of the weighted votes of all members, or of the members present, as the case may be.

h. Whenever the above reapportionment procedure is used for a regional district having more than nine constituent districts, the terms of office of all incumbent board of education members shall terminate on the day on which the annual organization meeting of the board is held pursuant to N. J. S. 18A:13–12

following certification by the county superintendent of the representative districts and the number of members to be elected from each; provided, that if the reapportionment results in any representative district retaining its former boundaries and the same number of board members, that the members elected from such a district shall serve the full term for which they were elected. All other board members shall be elected in an election to be held on the first Tuesday in April at least 60 days following certification by the county superintendent for initial terms of office to be designated in advance by the county superintendent so that, as nearly as possible, one-third of the board shall be elected in each future year, to serve for 3-year terms, and where a representative district has more than one member, their terms of office shall terminate in different years.

If any constituent district is a consolidated district, or a district composed of two or more municipalities, and

a. The regional district is a limited purpose regional district and such constituent district has such population that it is entitled to have apportioned to it a number of members equal to or greater than the number of districts making up such constituent district, or

b. The regional district is an all purpose district,

the membership of the regional board of education from such district shall be apportioned, and from time to time reapportioned, and the members from the district shall be elected, as their respective terms expire, in the same manner as though each of the municipalities making up such constituent district were constituent districts of the regional district.

2. (New section) Notwithstanding the 60-day time limitation on certification of the vacancies and terms of office in school board elections established pursuant to N. J. S. 18A:13–8, for the year 1979 in the event that such certification has not been made by the county superintendent pursuant to said statute, the county superintendent shall certify such existing vacancies and their terms of office, for which nominating petitions have been filed, on the day following the effective date of this act.

3. (New section) Notwithstanding the provisions of N. J. S. 18A:14–9, for the year 1979 the filing of nominating petitions for school board elections affected by this act shall occur no later than 7 days following the effective date of this act.

4. This act shall take effect immediately.

Approved March 2, 1979.

## CHAPTER 38

AN ACT concerning the solemnization of marriages and amending R. S. 37:1–13.

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

1. Section 1 of R. S. 37:1–13 is amended to read as follows:

**Solemnization of marriages.**

1. Each judge of a Federal district court, magistrate of a municipal court, or any judge of the superior court and any mayor, or chairman of any township committee or village president of this State, and every minister of every religion, and judges of the criminal judicial district courts in counties wherein such courts are or may be established, and judges of the juvenile and domestic relations courts in counties in which such courts are or may be established, are hereby authorized to solemnize marriage between such persons as may lawfully enter into the matrimonial relation; and every religious society, institution or organization in this State may join together in marriage such persons as are members of such society, institution or organization, or when one of such persons is a member of such society, institution or organization, according to the rules and customs of the society, institution or organization to which they or either of them belong.

2. This act shall take effect immediately.

Approved March 13, 1979.

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## CHAPTER 39

AN ACT providing for endowed chairs at certain institutions of higher education and supplementing Title 18A of the New Jersey Statutes.

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

**C. 18A:72C-1 Albert Einstein Chairs for Scholarly Studies; creation and location.**

1. There are hereby created three distinguished chairs which shall be known as Albert Einstein Chairs for Scholarly Studies.

One chair shall be located at the Institute for Advanced Study; one shall be located at Rutgers, The State University and one shall be located at the New Jersey Institute of Technology.

**C. 18A:72C-2 Selection of scholars; tenure.**

2. Each institution awarded an Einstein Chair under this act shall select an outstanding scholar to fill the chair on such terms and conditions as may be agreed upon, subject to the approval of the Chancellor of Higher Education, within the appropriations provided for said chairs. Each person appointed to the Einstein Chair may be granted tenure on appointment.

**C. 18A:72C-3 Utilization of funds.**

3. An institution awarded an Einstein Chair may utilize funds appropriated under this act for the provision of equipment, supplies, clerical and research assistants and such other appropriate support as is necessary for the research conducted by the holder of the Einstein Chair.

4. This act shall take effect immediately.

Approved March 14, 1979.

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## CHAPTER 40

AN ACT concerning the fair apportionment of the loss of real estate taxes by a single municipality caused by the forced location therein of sewerage plant facilities which serve many other municipalities within the Passaic Valley Sewerage District and amending R. S. 58:14–15.

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

1. R. S. 58:14–15 is amended to read as follows:

**Cost of maintenance, repair and operation; annual apportionment.**

58:14–15. The cost of maintenance, repair and operation of said sewer, plant and works shall, by the terms of the contract, be apportioned annually to the respective municipalities entering into the contract, according to the amount of sewage delivered or discharged by them respectively into any sewer or other receptacle

provided or constructed by the commissioners for the reception of the same.

Included in the cost of operation shall be an amount to compensate any municipality for the loss of real esate taxes which would be due otherwise on the land exempted from taxation for the location thereon of a sewer plant serving other municipalities. The annual lost real estate taxes shall be calculated by applying the general tax rate of the municipality to the assessed value of the lands so exempted. The assessed value of such exempt lands shall be determined by multiplying the number of acres and the average assessed value per acre of taxable lands contiguous to the exempt land. The moneys received by the commissioners for this purpose shall be paid annually by them to the municipality in which the sewer plant is located.

2. This act shall take effect immediately.

Approved March 15, 1979.

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## CHAPTER 41

AN ACT concerning municipal appropriations for fire protection in certain cases and amending N. J. S. 40A:14–35.

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

1. N. J. S. 40A:14–35 is amended to read as follows:

**Appropriations to aid fire departments in adjoining municipalities; nonliability for personal injuries or property damages.**

40A:14–35. The governing body of a municipality may appropriate such sums of money as shall be deemed necessary to aid a municipal paid or part-paid fire department and force in an adjoining municipality, or annually appropriate a sum of money not exceeding $12,000.00 to aid a board of fire commissioners in a fire district or an independent or a volunteer fire company in an adjoining municipality if such department and force, or fire district or company own and maintain their own apparatus and equipment and habitually respond to fires in the first named municipality.

In any instance wherein any of the members of such a fire department and force, fire district or fire company are either answer-

ing or returning from a call for the purpose of aiding an adjoining municipality they shall not be liable for personal injuries or property damages caused by them in rendering such aid.

2. This act shall take effect immediately.

Approved March 21, 1979.

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## CHAPTER 42

AN ACT concerning education and supplementing chapter 35 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:35-4.3 Sexual assault prevention education program; development and establishment.**

1. The Department of Education in consultation with the advisory committee provided for in section 2 of this act, shall develop and establish guidelines for the teaching of sexual assault prevention techniques for utilization by local school districts in the establishment of a sexual assault prevention education program. Such program shall be adapted to the age and understanding of the pupils and shall be emphasized in appropriate places of the curriculum sufficiently for a full and adequate treatment of the subject.

**C. 18A:35-4.4 Advisory council; membership; terms; compensation.**

2. The Commissioner of Education, in consultation with the Department of Community Affairs, Division on Women, shall appoint an advisory council to assist and advise the State Board of Education in the development and implementation of educational programs for the prevention of sexual assault.

The advisory council shall consist of 15 members chosen from among the legal, law enforcement, medical and educational communities, and shall also include representatives of community-based groups providing services and assistance to victims of sexual assault. Each shall be appointed for a 2-year term and shall serve without compensation.

**C. 18A:35-4.5 Participation in program.**

3. One year after the effective date of this act each board of education may establish a sexual assault prevention education

program in accordance with the guidelines developed by the department; provided, however, that no child shall be compelled to participate in said program upon written objection on religious or moral grounds by the parent or guardian of said child.

4. This act shall take effect July 1 next following its enactment.

Approved March 21, 1979.

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## CHAPTER 43

AN ACT to amend "An act authorizing municipalities to adopt ordinances relating to the repair, closing and demolition of buildings unfit for human habitation or occupancy or use; and providing for the remedies and procedure in connection with action taken under such ordinances," approved May 2, 1942 (P. L. 1942, c. 112) as said title was amended by P. L. 1956, c. 197, and amending R. S. 40:48–1.

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

1. R. S. 40:48–1 is amended to read as follows:

**Ordinances; general purpose.**

40:48–1. Ordinances; general purpose. The governing body of every municipality may make, amend, repeal and enforce ordinances to:

Finances and property. 1. Manage, regulate and control the finances and property, real and personal, of the municipality;

Contracts and contractor's bonds. 2. Prescribe the form and manner of execution and approval of all contracts to be executed by the municipality and of all bonds to be given to it;

Officers and employees; duties, terms and salaries. 3. Prescribe and define, except as otherwise provided by law, the duties and terms of office or employment, of all officers and employees; and to provide for the employment and compensation of such officials and employees, in addition to those provided for by statute, as may be deemed necessary for the efficient conduct of the affairs of the municipality;

Fees. 4. Fix the fees of any officer or employee of the municipality for any service rendered in connection with his office or position, for which no specific fee or compensation is provided. In the case of salaried officers or employees, such fee shall be paid into the municipal treasury;

Salaries instead of fees; disposition of fees. 5. Provide that any officer or employee receiving compensation for his services, in whole or in part by fees, whether paid by the municipality or otherwise, shall be paid a salary to be fixed in the ordinance, and thereafter all fees received by such officer or employee shall be paid into the municipal treasury;

Maintain order. 6. Prevent vice, drunkenness and immorality; to preserve the public peace and order; to prevent and quell riots, disturbances and disorderly assemblages;

Punish beggars; prevention of loitering. 7. Restrain and punish drunkards, vagrants, mendicants and street beggars; to prevent loitering, lounging or sleeping in the streets, parks or public places;

Auctions and noises. 8. Regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises;

Swimming; bathing costume. 9. Regulate or prohibit swimming or bathing in the waters of, in, or bounding the municipality, and to regulate or prohibit persons from appearing upon the public streets, parks and places clad in bathing costumes or robes, or costumes of a similar character;

Prohibit annoyance of persons or animals. 10. Regulate or prohibit any practice tending to frighten animals, or to annoy or injure persons in the public streets;

Animals; pounds; establishment and regulation. 11. Establish and regulate one or more pounds, and to prohibit or regulate the running at large of horses, cattle, dogs, swine, goats and other animals, and to authorize their impounding and sale for the penalty incurred, and the costs of impounding, keeping and sale; to regulate or prohibit the keeping of cattle, goats or swine in any part of the municipality; to authorize the destruction of dogs running at large therein;

Hucksters. 12. Prescribe and regulate the place of vending or exposing for sale articles of merchandise from vehicles;

Building regulations; wooden structures. 13. Regulate and control the construction, erection, alteration and repair of buildings and structures of every kind within the municipality; and to pro-

hibit, within certain limits, the construction, erection or alteration of buildings or structures of wood or other combustible material;

Inflammable materials; inspect docks and buildings. 14. Regulate the use, storage, sale and disposal of inflammable or combustible materials, and to provide for the protection of life and property from fire, explosions and other dangers; to provide for inspections of buildings, docks, wharves, warehouses and other places, and of goods and materials contained therein, to secure the proper enforcement of such ordinance;

Dangerous structures; removal or destruction; procedure. 15. Provide for the removal or destruction of any building, wall or structure which is or may become dangerous to life or health, or might tend to extend a conflagration; and to assess the cost thereof as a municipal lien against the premises;

Chimneys and boilers. 16. Regulate the construction and setting up of chimneys, furnaces, stoves, boilers, ovens and other contrivances in which fire is used;

Explosives. 17. Regulate, in conformity with the statutes of this State, the manufacture, storage, sale, keeping or conveying of gunpowder, nitroglycerine, dynamite and other explosives;

Firearms and fireworks. 18. Regulate and prohibit the sale and use of guns, pistols, firearms, and fireworks of all descriptions;

Soft coal. 19. Regulate the use of soft coal in locomotives, factories, power houses and other places;

Theatres, schools, churches and public places. 20. Regulate the use of theatres, cinema houses, public halls, schools, churches, and other places where numbers of people assemble, and the exits therefrom, so that escape therefrom may be easily and safely made in case of fire or panic; and to regulate any machinery, scenery, lights, wires and other apparatus, equipment or appliances used in all places of public amusement;

Excavations. 21. Regulate excavations below the established grade or curb line of any street, not greater than eight feet, which the owner of any land may make, in the erection of any building upon his own property; and to provide for the giving of notice, in writing, of such intended excavation to any adjoining owner or owners, and that they will be required to protect and care for their several foundation walls that may be endangered by such excavation; and to provide that in case of the neglect or refusal, for 10 days, of such adjoining owner or owners to take proper action to secure and protect the foundations of any adjacent building or

other structure, that the party or parties giving such notice, or their agents, contractors or employees, may enter into and upon such adjoining property and do all necessary work to make such foundations secure, and may recover the cost of such work and labor in so protecting such adjacent property; and to make such further and other provisions in relation to the proper conduct and performance of said work as the governing body or board of the municipality may deem necessary and proper;

Sample medicines. 22. Regulate and prohibit the distribution, depositing or leaving on the public streets or highways, public places or private property, or at any private place or places within any such municipality, any medicine, medicinal preparation or preparations represented to cure ailments or diseases of the body or mind, or any samples thereof, or any advertisements or circulars relating thereto, but no ordinance shall prohibit a delivery of any such article to any person above the age of 12 years willing to receive the same;

Boating. 23. Regulate the use of motor and other boats upon waters within or bounding the municipality;

Fire escapes. 24. Provide for the erection of fire escapes on buildings in the municipality, and to provide rules and regulations concerning the construction and maintenance of the same, and for the prevention of any obstruction thereof or thereon;

Care of injured employees. 25. Provide for the payment of compensation and for medical attendance to any officer or employee of the municipality injured in the performance of his duty;

Bulkheads and other structures. 26. Fix and determine the lines of bulkheads or other works or structures to be erected, constructed or maintained by the owners of lands facing upon any navigable water in front of their lands, and in front of or along any highway or public lands of said municipality, and to designate the materials to be used, and the type, height and dimensions thereof;

Life guard. 27. Establish, maintain, regulate and control a life guard upon any beach within or bordering on the municipality;

Appropriation for life-saving apparatus. 28. Appropriate moneys to safeguard people from drowning within its borders, by location of apparatus or conduct of educational work in harmony with the plans of the United States volunteer life-saving corps in this State;

Fences. 29. Regulate the size, height and dimensions of any fences between the lands of adjoining owners, whether built or

erected as division or partition fences between such lands, and whether the same exist or be erected entirely or only partly upon the lands of any such adjoining owners, or along or immediately adjacent to any division or partition line of such lands. To provide, in such ordinance, the manner of securing, fastening or shoring such fences. In the case of fences thereafter erected contrary to the provisions thereof, the governing body may provide for a penalty for the violation of such ordinance, and in the case of such fence or fences erected or existing at the time of the passage of any such ordinance, may provide therein for the removal, change or alteration thereof, so as to make such fence or fences comply with the provisions of any such ordinance;

Advertise municipality. 30. Appropriate funds for advertising the advantages of the municipality.

2. Section 3 of P. L. 1942, c. 112 (C. 40:48–2.5) is amended to read as follows:

**C. 40:48-2.5 Ordinance to meet conditions.**

3. Upon the adoption of a resolution finding that building conditions of the character described in section 1 hereof exist within a municipality, the governing body of such municipality is hereby authorized to adopt an ordinance relating to buildings within such municipality which are unfit for human habitation or occupancy or use. Such ordinance shall include the following provisions:

(a) That a public officer be designated or appointed to exercise the powers prescribed by the ordinance.

(b) That whenever a petition is filed with the public officer by a public authority or by at least five residents of the municipality charging that any building is unfit for human habitation or occupancy or use or whenever it appears to the public officer (on his own motion) that any building is unfit for human habitation or occupancy or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed not less than 7 days nor more than 30 days after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in the courts shall not be controlling in hearings before the public officer.

(c) That if, after such notice and hearing, the public officer determines that the building under consideration is unfit for human habitation or occupancy or use he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order:

(1) requiring the repair, alteration or improvement of the said building to be made by the owner, within a reasonable time, which time shall be set forth in the order or at the option of the owner to vacate or have the said building vacated and closed within the time set forth in the order; and

(2) if the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises, and the owner fails to repair, alter or improve the said building within the time specified in the order, then the owner shall be required to remove or demolish the said building within a reasonable time as specified in the said order of removal.

(d) That, if the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the public officer may cause such building to be repaired, altered or improved, or to be vacated and closed; that the public officer may cause to be posted on the main entrance of any building so closed, a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."

(e) That, if the owner fails to comply with an order to remove or demolish the building, the public officer may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement for, and receipt of, bids therefor.

(f) That the amount of

(1) the cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the course of any proceeding taken under this act determined in favor of the municipality, and

(2) such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any,

or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition

thereof, shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished by the public officer, he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof, including the clearance and, if necessary, leveling of the site, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the municipal tax assessor or other custodian of the records of tax liens and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceed such costs, the balance remaining shall be deposited in the Superior Court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by final order or judgment of such court. Any owner or party in interest may, within 30 days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate.

If an actual and immediate danger to life is posed by the threatened collapse of any fire damaged or other structurally unsafe building, the public officer may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof.

Nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise, nor is anything in this act intended to limit the authority of the enforcing agency or construction official under the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D–119 et seq.) or any rules or regulations adopted thereunder.

3. Section 5 of P. L. 1942, c. 112 (C. 40:48–2.7) is amended to read as follows:

**C. 40:48-2.7 Service of complaints and orders.**

5. Complaints or orders issued by a public officer pursuant to an ordinance adopted under this act shall be served upon persons either personally or by registered mail, but if the whereabouts of

such persons is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once in a newspaper printed and published in the municipality, or, in the absence of such newspaper, in one printed and published in the county and circulating in the municipality in which the buildings are located. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall be duly recorded or lodged for record with the county recording officer of the county in which the building is located.

4. Section 6 of P. L. 1942, c. 112 (C. 40:48–2.8) is amended to read as follows:

**C. 40:48-2.8 Remedies.**

6. Any person aggrieved by an order issued by a public officer under this act may, within 30 days after the posting and service of such order, bring an action for injunctive relief to restrain the public officer from carrying out the provisions of the order and for any other appropriate relief. The court may proceed in the action in a summary manner or otherwise. The remedy herein provided shall be exclusive, and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant thereto, or because of noncompliance by any person with any order of the public officer.

5. This act shall take effect immediately.

Approved March 21, 1979.

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## CHAPTER 44

AN ACT concerning the correction of errors in tax assessments, and amending R. S. 54:2–41.

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

1. R. S. 54:2–41 is amended to read as follows:

**Correction of errors in tax assessments.**

54:2–41. The Division of Tax Appeals in the State Department of the Treasury may, at any time during the tax year or within the next 3 tax years thereafter, on written application by a property

owner, a municipality or a county board of taxation, correct typographical errors, errors in transposing, and mistakes in tax assessments; provided, that such application shall set forth the facts causing and constituting the error or errors and mistake or mistakes, or either thereof sought to be corrected, and that such facts be verified by affidavits submitted by the applicant; provided, however, that the Division of Tax Appeals shall not consider under this section any application relating to matters of valuation involving an assessor's opinion or judgment. Any application so submitted shall contain a certification that a copy of such application and all exhibits thereto have been filed with the county board, and served upon the property owner or the municipality, or both, as may be appropriate in the case of each applicant. Any party required to receive a copy of an application pursuant to this section may file objections to such application with the division within 30 days of receipt of such copy. The division may require such further proof and grant or deny such application as it may deem necessary or proper.

2. This act shall take effect immediately.

Approved March 21, 1979.

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## CHAPTER 45

AN ACT authorizing and directing the utilization of funds, heretofore appropriated from the Water Conservation Fund, for the purposes of researching, planning, acquiring, developing, constructing and maintaining water supply, wastewater treatment and water quality plans, facilities and programs; and providing for procedures and regulations relating to the expenditure of such funds.

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

1. The Department of Environmental Protection is hereby authorized and directed to utilize, from the amounts received as repayments of loans made to local governmental units from the Water Conservation Fund created pursuant to the "Water Conservation Bond Act" (P. L. 1969, c. 127), and thereafter appropriated pur-

suant to section 5 of P. L. 1975, c. 158, the sum of $5,238,574.00 for the purpose of providing grants to the following authorities and municipalities in the amount of 8% of approved local sewerage project costs which qualify for Federal assistance, pursuant to the provisions of the "State Public Sanitary Sewerage Facilities Act of 1965," P. L. 1965, c. 121 (C. 26:2E–1 et seq.):

| Federal I.D. No. | Municipality or Authority | Amount of State Grant |
|---|---|---|
| 390-02 | Wanaque Valley Regional Sewerage Authority | $38,200.00 |
| 610-02 | Landis Sewerage Authority | 152,157.00 |
| 406-02 | Sussex County Municipal Utilities Authority | 91,835.00 |
| 433-01 | Woodbridge Township | 78,505.00 |
| 411-01 | Warren County-Pequest River Sewerage Authority | 220,184.00 |
| 562-02 | Galloway Township Municipal Utilities Authority | 32,252.00 |
| 445-01 | Oxford Township | 177,421.00 |
| 460-01 | Totowa-West Paterson | 37,769.00 |
| 596-01 | Berkeley Township Sewerage Authority | 151,932.00 |
| 383-03 | Hamilton Township | 32,496.00 |
| 603-01 | Farmingdale Borough | 7,700.00 |
| 683-02 | Passaic Valley Sewerage Commissioners | 60,132.00 |
| 567-01 | Allentown Borough | 5,638.00 |
| 622-01 | Wall Township | 7,902.00 |
| 542-02 | Ocean Gate Borough | 4,372.00 |
| 387-03 | Cape May County Municipal Utilities Authority | 718,680.00 |
| 454-02 | Warren County-Pequest River Sewage Authority | 304,137.00 |
| 524-01 | Camden County Municipal Utilities Authority | 444,836.00 |
| 513-01 | Belvidere Town | 192,473.00 |
| 684-02 | Northeast Monmouth County Regional Sewage Authority | 9,640.00 |
| 376-01 | Town of Morristown | 281,528.00 |
| 385-01 | Berkeley Heights Township | 705,936.00 |
| 475-01 | Watchung Borough | 121,151.00 |
| 597-02 | Bridgewater Township | 325,043.00 |

| Federal I.D. No. | Municipality or Authority | Amount of State Grant |
|---|---|---|
| 685-02 | Middletown Township Sewage Authority | 8,406.00 |
| 682-02 | Linden-Roselle Sewerage Authority | 12,116.00 |
| 400-02 | Stony Brook Regional Sewerage Authority | 1,016,133.00 |
| | | $5,238,574.00 |

2. The Department of Environmental Protection is hereby authorized and directed to utilize, from the amounts received as repayment of loans made to local governmental units from the "Water Conservation Bond Act" (P. L. 1969, c. 127), and thereafter appropriated pursuant to section 5 of P. L. 1975, c. 158, the sum of $200,000.00 for the planning of a construction and maintenance program designed to comply with the recommendations of the United States Army Corps of Engineers concerning the structural integrity of dams in the Spruce Run-Round Valley Reservoir complex.

3. The Department of Environmental Protection is hereby authorized and directed to utilize, from the amounts received as repayment of loans made to local governmental units from the Water Conservation Fund created pursuant to the "Water Conservation Bond Act" (P. L. 1969, c. 127), and thereafter appropriated pursuant to section 5 of P. L. 1975, c. 158, the sum of $562,000.00 for the purpose of upgrading the sewerage treatment plant at Ancora State Hospital.

4. In order to provide flexibility in administering this act and all prior acts appropriating or directing the utilization of moneys from the Water Conservation Fund, the Commissioner of Environmental Protection may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item to any other item in such appropriation or directive. Upon approval of such application by said director and by the Executive Director of the Office of Fiscal Affairs, in writing, said director shall make such transfer.

5. The funds directed to be utilized pursuant to this act shall be subject to the provisions of P. L. 1969, c. 127, P. L. 1976, c. 92 and P. L. 1977, c. 119.

6. This act shall take effect immediately.

Approved March 21, 1979.

# CHAPTER 46

AN ACT to regulate the practice of dental hygienists and dental assistants, amending R. S. 45:6–1 and sections 8 and 9 of P. L. 1968, c. 291, and repealing P. L. 1948, c. 34.

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

**C. 45:6-48 Short title.**

1. This act shall be known and may be cited as "The Dental Auxiliaries Act."

**C. 45:6-49 Definitions.**

2. For the purposes of this act:

a. "Board" means the New Jersey State Board of Dentistry.

b. "Registered dental assistant" means any person who has fulfilled the requirements for registration established by this act and who has been registered by the board.

c. "Dental assistant" means any person who is trained by formal education or office internship to perform, under the direct supervision of a dentist, any routine office procedure, not including an intra-oral procedure, in the office of a dentist.

d. "Dental hygienist" means any person who performs in the office of any licensed dentist or in any appropriately equipped school, licensed clinic, or public or private institution under the supervision of a licensed dentist, those educational, preventive and therapeutic services and procedures which licensed dental hygienists are trained to perform, and which are specifically permitted by regulation of the board, and such intra-oral clinical services which are primarily concerned with preventive dental procedures, including, but not limited to, during the course of a complete prophylaxis, removing all hard and soft deposits and stains from the surfaces of the human teeth to the depth of the gingival sulcus, polishing natural and restored surfaces of teeth, applying indicated topical agents, surveying intra- and extra-oral structures, noting deformities, defects and abnormalities thereof, performing a complete oral prophylaxis and providing clinical instruction to promote the maintenance of dental health.

e. "Direct supervision" means acts performed in the office of a licensed dentist wherein he is physically present at all times

during the performance of such acts and such acts are performed pursuant to his order, control and full professional responsibility.

f. "Supervision" means acts performed pursuant to a dentist's written order, control and full professional responsibility, whether or not he is physically present.

**C. 45:6-50 Additional powers and duties of board.**

3. The board shall have the following additional powers and duties, under this act:

a. To examine, admit, and deny persons applying for admission to the practice of dental hygiene;

b. To issue licenses to practice dental hygiene;

c. To certify academic and clinical institutions and hospitals which educate and train persons for the practice of dental hygiene or dental assisting in accordance with standards substantially similar to those of the American Dental Association's Commission on Accreditation of Dental and Dental Auxiliary Educational Programs and Council on Hospital Dental Service and taking into consideration the advice of the New Jersey Department of Higher Education and the New Jersey Department of Education;

d. To issue certificates of good standing to dental hygienists who hold a valid subsisting license to practice in this State;

e. To establish by rule or regulation, standards for the training and utilization of registered dental assistants;

f. To establish and recognize councils and committees which may advise and make recommendations to the board on various aspects of the education and practice for dental hygienists and registered dental assistants or dental assistants;

g. To prescribe expanded functions to be performed solely by dental hygienists and to be performed by both dental hygienists and dental assistants registered by the board under a single standard of proficiency necessary and proper to protect and promote the public health and welfare of the citizens of this State, and impose such restrictions and requirements, including the setting of educational prerequisites to the performance of such functions and the administration of examinations, as are necessary to insure adherence to the adopted standard of proficiency. Expansion and assignment of such functions, training and examination procedures shall be developed in consultation with the relevant advisory councils;

h. To adopt rules and regulations to achieve the objectives contemplated by this act, pursuant to the Administrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B–1 et seq.);

i. To do any and all other things which may be appropriate to achieve the objectives contemplated by this act, or which may be useful in executing any of the duties, powers or functions of the board.

**C. 45:6-51 Meetings of board.**

4. The board shall hold at least two meetings annually at which they will examine and license persons to practice dental hygiene.

**C. 45:6-52 Examination; application for admission; fee.**

5. a. The board shall adopt rules for the examination of candidates for licenses to practice dental hygiene. Every applicant shall present to the secretary of the board a written application for admission to the examination on a form provided by the board. No person shall be examined by the board unless he has satisfactorily completed such course on dental hygiene as may be required by the board. Any rule altering the nature or increasing the severity of the examination or subjects to be included therein shall not be enforced until 6 months after its public promulgation and adoption. The examination of applicants shall be confined to written or oral, or both written and oral, examination upon subjects properly relating to the science of dental hygiene, the knowledge of which is necessary to the proper and skillful practice of said science. The board shall also require from applicants, as part of the examination, demonstration of their clinical skill in dental hygiene.

b. The fee for the examination for license to practice dental hygiene shall be determined by the board from time to time and shall accompany every application. Such fee shall not be refunded, unless for sickness or other good cause appearing to the satisfaction of the board such applicant was prevented from attending and completing such examination. Upon the approval of the application for examination, such applicant shall thereupon be entitled to admission to such examination. If said applicant fails to pass the examination, he may be re-examined at the next regular examination.

**C. 45:6-53 Licenses; issuance.**

6. All persons who pass the required examination shall be registered by the board as licensed dental hygienists, and shall be issued licenses to practice dental hygiene under the seal and hand of the president and secretary of the board.

**C. 45:6-54 Waiver of requirements for examination.**

7. The board may waive the requirements for examination of a candidate for a license to practice dental hygiene when the board reasonably determines that it is in the public interest.

**C. 45:6-55 Rules and procedure for registration.**

8. a. The board shall adopt rules and procedure for the registration of dental assistants. Every applicant for registration shall satisfactorily complete the Certification Examination given by the Certifying Board of the American Dental Assistants' Association and,

(1) Have satisfactorily completed and graduated from a training program for dental assistants accredited by the American Dental Association's Commission on Accreditation of Dental and Dental Auxiliary Educational Programs and approved by the board, or

(2) Have a high school diploma or its equivalent and at least 2 years work experience as a dental assistant.

b. The board by rule or regulation shall specify those intra-oral procedures which may be performed by registered dental assistants, provided that such procedures shall not include those procedures which are traditionally performed by dental hygienists.

**C. 45:6-56 Continuing education in dental hygiene; certified statement of attendance; failure to comply; waiver of requirements.**

9. a. Four years from the effective date of this act and every 4 years thereafter, each person licensed to practice dental hygiene or registered as a registered dental assistant in this State shall provide the board with a certified statement, upon a form issued and distributed by the board, that such licensed or registered person has attended, or participated in not less than 20 hours of continuing education in dental hygiene or dental assisting as follows: lectures or study club sessions dealing with clinical subjects, college post-graduate courses, scientific sessions of conventions, research on clinical subjects, service as a clinician, or any other such evidence of continuing education which the board may approve.

b. The board shall notify each licensed or registered person of any failure to comply with this requirement, and shall further notify said person that upon continued failure to comply for a period of 3 months from the date of notice, the board may, at its discretion take action pursuant to section 11 of this act.

c. The board, in its discretion, may waive any of the requirements of this section in cases of certified illness or undue hardship to be determined on an individual basis.

**C. 45:6-57 Biennial application for certificate of registration; form; fee; suspension; reinstatement; practice without license; penalty.**

10. Every person licensed to practice dental hygiene shall biennially apply, on a form furnished by the board, for a certificate of registration, which shall be issued by the secretary of the board upon payment of a fee of $10.00. The certificate of registration shall be displayed in the office or place in which the holder thereof practices dental hygiene. Where a dental hygienist practices dental hygiene at more than one office or place, a duplicate registration certificate shall be issued upon the payment of an additional fee of $5.00 for each such certificate. The license of any person who fails to procure any biennial certificate of registration, at the time and in the manner required by the board, may be suspended by the board in the manner provided by section 12 of this act. Any license so suspended shall be reinstated at any time within 3 years from the date of such suspension upon the payment of all past due biennial registration fees and an additional reinstatement fee of $25.00. Any person whose license shall have been suspended for such cause shall, during the period of such suspension, be regarded as an unlicensed person and, in case such person shall continue or engage in the practice of dental hygiene during such period, shall be liable to the penalties prescribed by section 11 of this act for practicing dental hygiene without a license. Said fees shall be used by the board in the same manner as similar fees received by it under the provisions of chapter 6 of Title 45 of the Revised Statutes.

**C. 45:6-58 Penalty.**

11. Any person practicing dental hygiene in this State without first having obtained a license as provided by this act, or without the current biennial certificate of registration, or contrary to any of the provisions of this act, or who practices dental hygiene or works as a registered dental assistant under a false or assumed name, or buys, sells or fraudulently obtains a diploma or certificate showing or purporting to show graduation or completion of a course in dental hygiene or dental assisting, or who violates any of the provisions of this act, shall be liable to a penalty of $300.00 for the first offense and of $500.00 for the second and each subsequent offense.

**C. 45:6-59 Refusal to grant license; suspension or revocation; grounds; procedure.**

12. The board may refuse to grant or may suspend or revoke a license to practice dental hygiene or the registration of a dental assistant upon proof to the satisfaction of the board that the applicant for or holder of such license or registration:

a. Has secured such license or registration through deceit, fraud or willful misrepresentation;

b. Has been convicted of a crime involving moral turpitude;

c. Habitually uses drugs or intoxicants;

d. Has been guilty of malpractice or willful or gross neglect in the practice of dental hygiene or dental assisting; or

e. Has violated more than once any of the provisions of this act. Before any license or registration shall be suspended or revoked, the accused person shall be furnished with a copy of the complaint and be given a hearing before said board in person or by attorney, and any person whose license or registration shall be suspended or revoked in accordance with this section, shall be deemed an unlicensed or unregistered person during the period of such suspension or revocation and shall be subject to the penalties prescribed in this act for persons who practice dental hygiene or work as a registered dental assistant without having first obtained a license or registration so to do. Any person whose license or registration shall be suspended or revoked under authority of this act may, in the discretion of the board, be relicensed or re-registered at any time without an examination on application being made to the board.

**C. 45:6-60 Acts constituting disorderly persons offense; fine.**

13. Any person, company or association who commits any of the following acts is a disorderly person, and upon every conviction thereof shall be subject to a fine of not less than $300.00 nor more than $500.00 or by imprisonment for not less than 30 days nor more than 90 days, or by both such fine and imprisonment:

a. Selling or bartering, or offering to sell or barter, any diploma or document showing or purporting to show graduation as a dental hygienist or dental assistant;

b. Purchasing or procuring by barter any such diploma, certificate or transcript with intent that it be used as evidence of the qualifications of the holder to practice dental hygiene or work as a registered dental assistant, or in fraud of the laws regulating such practice or work;

c. With fraudulent intent, altering in a material regard, such diploma, certificate or transcript;

d. Using or attempting to use such diploma, certificate or transcript which has been purchased, fraudulently issued, and counterfeited or materially altered, either as a license or registration or color of license or registration to practice dental hygiene or work

as a registered dental assistant, or in order to procure registration as a dental hygienist; or

e. In any affidavit or examination required of an applicant for examination, license or registration under the laws regulating the practice of dental hygiene or dental assisting, willfully making a false statement in a material regard, or impersonating another applicant at an examination.

**C. 45:6-61 Violation of act by licensed dentist.**

14. Any licensed dentist who shall permit any unlicensed or unregistered person to practice dental hygiene or work as a registered dental assistant under his direction or control or shall permit or direct a licensed dental hygienist or registered dental assistant to perform any act not authorized in this act shall be guilty of a violation of this act and of conduct constituting willful and gross malpractice or willful and gross neglect in the practice of dentistry.

**C. 45:6-62 Practice of dental hygiene.**

15. Any person who has graduated from an approved school or college of dental hygiene and has been licensed to practice dental hygiene in this State may, subject to the supervision of a New Jersey licensed dentist, practice dental hygiene in an institution in this State.

**C. 45:6-63 Procedures to be performed by dental hygienists and dental assistants; procedures not assignable.**

16. a. Subject to the provisions of section 20 of this act, and in accordance with the regulations promulgated hereunder, any licensed dentist in this State may assign to a licensed dental hygienist or registered dental assistant or dental assistant any tasks or procedures to be performed in a dental office or dental facility for which the dentist exercises direct supervision and full responsibility, except those procedures requiring the professional judgment and skill of a dentist; provided, however, that the performance of procedures deemed to constitute the practice of dental hygiene shall be assigned only to a licensed dental hygienist. A licensed dentist may, in accordance with the provisions of P. L. 1968, c. 291 (C. 45:25–1 et seq.), assign to a licensed dental hygienist or registered dental assistant or dental assistant the task of making radiographic exposures of teeth and surrounding tissues for diagnosis by said dentist.

b. Procedures requiring professional judgment and skill not assignable to such licensed dental hygienists, registered dental assistants and dental assistants shall include, but not be limited to:

(1) Diagnosis and treatment planning;

(2) Cutting of hard or soft tissue and removing all hard and soft artificial deposits;

(3) Any procedure involving the adjustment of any appliance or prosthesis which replaces missing teeth or parts thereof, maintains tooth position, adjusts the occlusion of teeth, or creates orthodontic movement;

(4) Administration of a general or local anesthetic or parenteral medication, except a topical anesthetic or medication, in connection with a dental operation; and

(5) Taking impressions for other than diagnostic purposes.

c. Anything herein to the contrary notwithstanding, this section shall not be construed to prevent a dental hygienist from performing a complete oral prophylaxis.

**C. 45:6-64 Act not construed as permitting establishment of independent office by dental hygienists.**

17. Nothing in this act shall be construed as permitting a licensed dental hygienist to establish an independent office for the purpose of performing traditional hygienist services whether or not there is supervision or direct supervision of a licensed dentist.

**C. 45:6-65 Proceedings continued.**

18. All proceedings pending and undisposed of, and any new proceedings based upon any event or transaction occurring before the effective date of this act, shall be continued, or may be initiated and processed to completion and shall be governed, to the extent that it is fair and feasible to do so, in accordance with the law in force at the time of the occurrence of the event or transaction involved, notwithstanding the repeal by this act of any statute now in force.

**C. 45:6-66 Rules and regulations continued.**

19. All rules and regulations heretofore adopted by the board shall continue to be effective on an interim basis as though hereafter adopted as rules and regulations of the board to the extent they are not inconsistent with the provisions of this ac'

**C. 45:6-67 Effective date of rules and regulations.**

20. Section 16 of this act shall remain in force and effect for a period not to exceed 2 years after the effective date of this act. Within 1 year after the effective date of this act, the board shall propose rules and regulations governing the practice of dental hygiene, establish a program for registration of registered dental assistants, and establish the tasks which a duly licensed dentist

may assign to a registered dental assistant. Such rules and regulations shall take effect 2 years after the enactment of this act.

**C. 45:6-68 Partial invalidity.**

21. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence or part thereof directly involved in the controversy in which such judgment shall have been rendered.

22. R. S. 45:6–1 is amended to read as follows:

**State board of dentistry; membership; appointments; terms; removal.**

45:6–1. The State Board of Registration and Examination in Dentistry in the Division of Professional Boards of the Department of Law and Public Safety, hereinafter in this chapter designated as the "board," created and established by an act entitled "An act to regulate the practice of dentistry in the State of New Jersey, and to repeal certain acts now relating to the same," approved March 31, 1915 (L. 1915, c. 146, p. 261), as amended and supplemented, is continued, and shall hereafter be known and designated as the New Jersey State Board of Dentistry. Wherever in any law, rule, regulation, judicial or administrative proceeding or otherwise, reference is made to the State Board of Registration and Examination in Dentistry, the same shall mean and refer to the New Jersey State Board of Dentistry.

In addition to two public members, the board shall consist of nine members, eight of whom shall have resided and practiced dentistry in this State for at least 10 years each immediately preceding their appointments and one of whom shall be a dental hygienist appointed by the Governor for a term of 4 years. In appointing such dental hygienist, the Governor shall give due consideration to, but shall not be bound by, the recommendation of the New Jersey Dental Hygienists Association. Upon the expiration of the term of office of any member, his successor shall be appointed by the Governor, subject to the provisions of section 45:1–2 of this Title, for a term of 4 years, except that the successors of the members whose terms will expire on June 4, 1949, shall be appointed each for a term expiring on August 31, 1952; the successors of the members whose terms will expire on November 9, 1949, and January 7, 1950, respectively, shall be appointed each for a term expiring on August 31, 1953; the successors of the members whose terms will expire on July 31, 1950, and October 8, 1950, respectively, shall be appointed each for a term expiring on August 31, 1954; and the

successors of the members whose terms will expire on July 30, 1951, and November 4, 1951, respectively, shall be appointed each for a term expiring on August 31, 1955. Each member shall hold his office until his successor is appointed and qualifies. Any vacancy in the membership of the board, occurring from any cause, shall be filled by the Governor for the unexpired term only. Upon cause being shown before him, the Governor may remove a member from office upon proven charges of inefficiency, incompetency, immorality or professional misconduct.

**C. 45:6-69 Applicability of P. L. 1968, c. 291.**

23. Nothing herein shall be construed to exempt registered dental assistants, dental assistants or other dental office personnel from compliance with P. L. 1968, c. 291 (C. 45:25–1 et seq.).

24. Section 8 of P. L. 1968, c. 291 (C. 45:25–8) is amended to read as follows:

**C. 45:25-8 Examinations; contents; preparation, administration; certification without examination.**

8. (a) All applicants shall be required to pass an examination encompassing the following subjects: X-ray physics, radiographic techniques, darkroom chemistry and techniques, anatomy and physiology, radiation protection, radiation therapy, medical terminology, basic electronics, radiological equipment maintenance, radiological mathematics and professional ethics.

(b) The board shall prepare and submit to the department, as required, lists of examination questions or problems. Examinations shall be administered by the board.

(c) The board shall hold an examination at least once every 6 months at such times and places as the board may determine, for applicants desirous of practicing as X-ray technicians in this State.

(d) Examinations shall include a written portion but may also include practical and oral portions. Following each examination, the papers and the practical and oral examinations shall be graded and the standing of each applicant shall be recorded. The board shall either pass or reject each applicant.

(e) An applicant who fails to pass the examination may apply for a second examination. A nonrefundable application fee of $20.00 shall be charged for the second and for any subsequent examination.

(f) The board may accept in lieu of its own examination a certificate of the American Registry of Radiologic Technologists issued on the basis of a registry examination satisfactory to the board.

(g) The board may accept in lieu of its own examination a certificate, registration or license as an X-ray technician issued by another state; such acceptance will be based on standards in the other state satisfactory to the board.

(h) The board may accept in lieu of its own examination a certificate of the New Jersey Board of Dentistry issued on the basis of satisfactory completion of the Certification Examination given by the Certifying Board of the American Dental Assistants' Association and any educational requirements as may be prescribed by the New Jersey Board of Dentistry.

25. Section 9 of P. L. 1968, c. 291 (C. 45:25–9) is amended to read as follows:

**C. 45:25-9 Issuance, possession and display of certificate.**

9. (a) The board shall issue a certificate to each candidate who has either successfully passed the examination, or who has paid the prescribed fee and has qualified under subsection (f), (g) or (h) of section 8 of this act.

(b) The board may, in its discretion, issue a limited certificate to any applicant who does not qualify by reason of a restricted area or duration of training and experience for the issuance of a certificate under the provisions of sections 6, 8 or 10 of this act, but who has demonstrated to the satisfaction of the board by examination that he is capable of performing the functions of an X-ray technician in chest radiography or radiation therapy or of acting as a dental technician. A limited certificate shall specify the activities that its holder may engage in, and shall be issued only if the board finds that its issuance will not violate the purposes of this act or tend to endanger the public health and safety.

(c) The board may, in its discretion, issue a temporary certificate (1) to any person who qualified for examination under section 10 of this act (2) to any person who has failed his first examination under section 10 of this act and who applied for a second examination, and (3) to any person whose certification or recertification may be pending and in whose case the issuance of a temporary certificate may be justified by reason of special circumstances. A temporary certificate shall be issued only if the board finds that its issuance will not violate the purposes of this act or tend to endanger the public health and safety. A temporary certificate shall expire 90 days after the date of the next examination if the applicant is required to take the same, or, if the applicant does not take the examination, then on the date of such examination.

In all other cases, a temporary certificate shall expire when the determination is made either to issue to the applicant, or to deny him the issuance, of a regular certificate, and in no event shall such a temporary certificate be issued for a period longer than 180 days.

(d) Every X-ray technician shall carry his certificate with him when at work. The certificate shall be displayed on request.

**Repealer.**

26. The following except to the extent set forth in sections 18 and 19 of this act, is repealed:

P. L. 1948, c. 34 (C. 45:6–33 to 45:6–47).

27. This act shall take effect immediately.

Approved March 21, 1979.

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## CHAPTER 47

AN ACT to amend "An act concerning education and supplementing Title 18A of the New Jersey Statutes," approved July 27, 1978 (P. L. 1978, c. 91).

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

1. Section 1 of P. L. 1978, c. 91 (C. 18A:20–8.2) is amended to read as follows:

**C. 18A:20-8.2 Lease of school lands.**

1. a. Whenever any board of education shall by resolution determine that any tract of land, whether there is a building thereon or not, or part or all of a school building, is not necessary for school purposes, but which it does not desire to dispose of for reason that the property may, at some future time, again be required for school purposes, it may authorize the lease thereof for a term extending beyond the official life of the board and said lease shall be binding upon successor board as follows:

(1) After advertisement of the request for bids to lease to the highest bidder in a newspaper published in the school district, or, if none is published therein, then in a newspaper circulating in the district in which the same is situate, at least once a week for 2 weeks prior to the date fixed for the receipt and opening of bids, unless:

(2) The same is leased to the State, a political subdivision thereof, another school district, or any board, body or commission of a municipality within the school district, in which case the same may be leased by private agreement for a nominal fee without advertisement for bids.

b. Any lease in excess of 5 years shall be approved by the Commissioner of Education.

2. This act shall take effect immediately.

Approved March 21, 1979.

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## CHAPTER 48

AN ACT to create certain exempt railroad grade crossings, eliminating the necessity that certain vehicles stop before proceeding across such crossings and amending R. S. 39:4–128.

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

1. R. S. 39:4–128 is amended to read as follows:

**Full stop at grade crossings; exempt crossing; notice to railroad of intention to cross with certain vehicles or machinery; violation of act; municipal regulations; jurisdiction of board of public utilities.**

39:4–128. (a) The driver of any omnibus, designed for carrying more than six passengers, or of any school bus carrying any school child or children, or of any vehicle carrying explosive substance or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped listen and look in both directions along such track or tracks, for any approaching train, and for signals indicating the approach of a train. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks. This section shall not apply to grade crossings which are no longer used for railroad traffic and which have been abandoned by the railroad company provided that appropriate signs have been posted to indicate that such grade crossing

has been abandoned or is no longer used for any railroad traffic. This section shall not apply to grade crossings where the railroad track has been removed or paved over and the warning signs erected by the railroad in accordance with R. S. 48:12–58 have been removed, provided that in such case written notice is given to the Commissioner of Transportation and to the appropriate State or local authority having jurisdiction over the highway, road, or street prior to the undertaking of such removal or paving of railroad track. This section shall also not apply to grade crossings marked with a sign reading "Exempt Crossing."

The Commissioner of Transportation is hereby vested with the exclusive authority to designate and mark any railroad grade crossings across any street or highway in this State with a sign "Exempt Crossing." The commissioner shall hold a public hearing before designating any crossing as exempt with notice of such hearing to be served in accordance with regulations promulgated by the commissioner.

The commissioner shall designate a grade crossing an exempt crossing when the potential for damage and injury from accidents between motor vehicles required to stop at grade crossings and other motor vehicles traveling in the same direction exceeds that between a train and the vehicles required to stop by law. Crossings designated as exempt crossings may include, but shall not be limited to, industrial, spurline and secondary crossings. The commissioner shall promulgate such regulations as are necessary to effectuate the purpose of the establishment of exempt crossings.

(b) No person shall operate or move any crawler-type tractor, wheel tractor, tractor engine with or without trailer or trailers attached, steam shovel, derrick, roller, self-propelled concrete mixer, or any self-propelled vehicle, equipment, machinery, apparatus or structure having a normal operating speed of 10 or less miles per hour or a vertical body or load clearance of less than ½ inch per foot of the distance between any two adjacent axles or in any event of less than 9 inches, measured above the level surface of a roadway, upon or across any track or tracks at a railroad grade crossing without first complying with the following requirements.

Notice of any such intended crossing shall be given to the nearest superintendent or trainmaster of such railroad. Such notice shall specify the approximate time of crossing and a reasonable time shall be given to such railroad to provide proper protection at such crossing.

After concluding satisfactory arrangements with the proper officer of the railroad and before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad, and while so stopped shall listen and look in both directions along such track or tracks for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If the flagman is provided by the railroad, movement over the crossing shall be made under his jurisdiction.

(c) Any person violating the provisions of this section shall be punished by a fine of not more than $50.00 for the first offense and for the second offense a fine of not more than $100.00, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

(d) This section shall not be construed as limiting the authority of any municipality to adopt police regulations governing the operation of omnibuses and to provide penalties for their violation, or to relieve the owner or operator of such omnibus subject to the jurisdiction of the Board of Public Utilities from any penalty prescribed by the laws of this State for violation of orders of such board.

2. This act shall take effect immediately.

Approved March 21, 1979.

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## CHAPTER 49

AN ACT concerning school elections and supplementing chapter 14 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:14-26.1 Separate ballots to vote.**

1. An application for a military service or civilian absentee ballot made pursuant to section 4 of the "Absentee Voting Law

(1953)'' (C. 19:57–4), may request separate ballots to vote in all school elections on a given day.

2. This act shall take effect April 1 next following enactment.

Approved March 21, 1979.

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## CHAPTER 50

AN ACT to amend the title of ''An act according exemption from taxation to real and personal property of certain educational television associations and corporations and supplementing chapter 4 of Title 54 of the Revised Statutes,'' approved April 18, 1967 (P. L. 1967, c. 24), so that the same shall read ''An act according exemption from taxation to real and personal property of certain educational television and educational radio associations and corporations and supplementing chapter 4 of Title 54 of the Revised Statutes,'' and to amend the body of said act.

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

1. The title of P. L. 1967, c. 24 is amended to read as follows:

**Title amended.**

AN ACT according exemption from taxation to real and personal property of certain educational television and educational radio associations and corporations and supplementing chapter 4 of Title 54 of the Revised Statutes.

2. Section 1 of P. L. 1967, c. 24 (C. 54:4–3.6a) is amended to read as follows:

**C. 54:4-3.6a Property of nonprofit association used for production and broadcasting of educational television or radio programs; exemption from taxation.**

1. In addition to the exemptions from taxation authorized by Revised Statutes 54:4–3.6 the following property shall be exempt from taxation under the chapter to which this act is a supplement: All buildings and structures located in this State and used exclusively by a nonprofit association or corporation organized under the laws of this or another state for the production and broadcasting of educational television or educational radio programs;

the land whereon the buildings and structures are erected and which may be necessary for the fair enjoyment thereof, and which is devoted to the foregoing purpose, and no other purpose, and does not exceed 30 acres in extent; the furniture, equipment and personal property in said buildings and structures if used and devoted to the foregoing purpose. The foregoing exemption shall apply only where the association or corporation owns the property in question and is authorized to carry out the purpose on account of which the exemption is claimed.

3. This act shall take effect immediately but shall be applicable only to taxes payable in 1979 and thereafter.

Approved March 21, 1979.

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## CHAPTER 51

AN ACT to amend "An act concerning tax appeals, establishing certain rebuttable presumptions relating to cases of alleged discrimination, and amending R. S. 54:3–22 and R. S. 54:4–62 and section 15 of chapter 161 of the Laws of 1946," approved May 9, 1973 (P. L. 1973, c. 123).

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

1. Section 1 of P. L. 1973, c 123 (C. 54:1–35a) is amended to read as follows:

**C. 54:1-35a Definitions.**

1. a. The "average ratio" of assessed to true value of real property for a taxing district for the purposes of this act shall mean that ratio promulgated by the Director of the Division of Taxation pursuant to P. L. 1954, c. 86 (C. 54:1–35.1 et seq.), as of October 1 of the year preceding the tax year as revised by the Division of Tax Appeals.

b. The "common level range" for a taxing district is that range which is plus or minus 15% of the average ratio for that district.

2. Section 5 of P. L. 1973, c. 123 (C. 54:1–35b) is amended to read as follows:

**C. 54:1-35b Determination of average ratio and common level range; certified list.**

5. a. On or before April 1 in each year the Director of the Division of Taxation shall determine the average ratio and the common level range.

b. On or before such date, the director shall mail to the secretary of each county board of taxation and to the assessor or board of assessors, and the municipal clerk of each municipality, a certified list setting forth such average ratio and the common level range determined by him for each taxing district.

3. This act shall take effect immediately and shall be applicable to appeals filed for the 1979 tax year and every tax year thereafter.

Approved March 21, 1979.

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## CHAPTER 52

AN ACT to validate certain proceedings for the issuance of bonds of municipalities and any bonds or other obligations issued or to be issued in pursuance of such proceedings.

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

**Validating act.**

1. All proceedings heretofore had and taken by any municipality or by any officials thereof for or in connection with the authorization or issuance of bonds or notes of the municipality pursuant to the Local Bond Law (N. J. S. 40A:2–1 to 40A:2–64, inclusive) and any ordinance with respect to such bonds or notes heretofore adopted and any bonds or notes of the municipality issued or to be issued in pursuance of such proceedings or ordinance, are hereby ratified, validated and confirmed notwithstanding that a supplemental debt statement was not prepared and filed as required by the provisions of N. J. S. 40A:2–10; or notwithstanding that such ordinance did not contain a statement and determination that the issuance of the obligations authorized thereby is within the debt limitations prescribed by the Local Bond Law or that the issuance thereof is permitted by an exception to said limitations naming the particular sections, paragraph or law providing such exception, as required by the provisions of N. J. S. 40A:2–12; or notwithstanding that the

notice of the introduction of such ordinance and of the date and the time and place of further consideration for final passage of such ordinance was not published as required by the provisions of N. J. S. 40A:2–17; or notwithstanding that the Local Government Board consent to final adoption of such ordinance was not endorsed upon a certified copy thereof as passed upon first reading as required by the provisions of N. J. S. 40A:2–7; provided, however, that a supplemental debt statement has heretofore been prepared and filed in the places required by said N. J. S. 40A:2–10, and provided, further, that at least 1 week prior to such date or further consideration there shall have been posted, on the bulletin board or other place upon which public notices are customarily posted in the principal municipal building of the municipality, a copy of such bond ordinance, and a notice that copies of such bond ordinance will be made available during such week and up to and including the date of such meeting or further consideration to the members of the general public of the municipality who shall request such copies, naming the place at which such copies will be so made available, and such copies of said bond ordinance shall have been made available accordingly, as required by said N. J. S. 40A:2–17; and provided, further, that the consent of the Local Government Board to the final adoption of such ordinance shall have been endorsed upon a certified copy thereof as finally adopted; and further, provided, however, that no action, suit or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved March 23, 1979.

New Jersey State Library

## CHAPTER 53

AN ACT concerning penalties for failure to obey the orders of fire police assigned to keep order at fires, and amending R. S. 15:8–4.

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

1. R. S. 15:8–4 is amended to read as follows:

**Appointment of members for police duties at fires and fire drills; term of office; qualification; oath; authority and duties; arrest and punishment of persons refusing to obey orders.**

15:8–4. Any duly organized volunteer fire company may provide for the appointment of certain of its members to perform certain police duties at fires and fire drills, for a term of office not exceeding 5 years from the date of the appointment. Such members shall, before entering upon their duties, qualify by taking and subscribing an oath that they will justly, impartially and faithfully discharge their duties according to the best of their ability and understanding. Said oath shall be administered by the municipal clerk and subscribed to in duplicate. The original copy of said oath shall be filed with the municipal clerk and the copy thereof filed with the secretary of the fire company making such appointment.

After appointment a member shall be eligible as a fire police and shall have full power and authority to act as such anywhere in the county in which he is appointed or in any other county in which he is called upon to act.

It shall be the duty of a member of the fire police to perform his duties under the supervision of the fire officer in charge of the fire or fire drill.

The duties of said fire police subject to the supervision aforesaid shall be to:

(1) Protect property and contents.

(2) Establish and maintain fire lines.

(3) Perform such traffic duties as necessary, from the fire station to and at the vicinity of the fire, fire drill or other emergency call, until the arrival of a duly authorized police officer.

(4) In the absence of investigating authorities, fire police shall investigate all causes of fires and preserve all evidence pertaining

to questionable fire and turn evidence over to proper investigating authorities.

(5) Wear the authorized fire police badge on the left breast of the outermost garment while on duty.

Provided, however, nothing herein contained shall give the fire police or any of them the right to supersede a duly authorized police officer.

If any person shall unreasonably refuse to obey the orders of the fire police such fire police may arrest him and keep him under arrest until the fire is extinguished or the drill completed. If the offender is found guilty by a municipal court or county district court, he shall be sentenced to pay a fine not exceeding $200.00 and costs.

2. This act shall take effect immediately.

Approved March 27, 1979.

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## CHAPTER 54

AN ACT concerning certain retired employees of counties, municipalities and school districts in connection with the New Jersey State Health Benefits Program and amending P. L. 1964, c. 125.

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

1. Section 7 of P. L. 1964, c. 125 (C. 52:14–17.38) is amended to read as follows:

**C. 52:14-17.38 Rates and charges; reimbursement by employer; payment of premium or periodic charges.**

7. The Division of Pensions shall certify to the certifying agent of each employer electing participation under the program the premium rates and periodic charges applicable to the coverage provided for employees and dependents. The participating employer shall remit to the division all contributions to premiums and periodic charges in advance of their due dates, subject to the rules and regulations of the commission.

The employer shall reimburse the active employee for his premium charges under Part B of the Federal Medicare Program covering the employee and the employee's spouse.

From funds allocated therefor, the employer other than the State may pay the premium or periodic charges for the benefits provided to a retired employee and his dependents covered under the program, but not including survivors, if such employee retired from a State or locally-administered retirement system on a benefit based on 25 years or more of service credited in such retirement system, excepting the employee who elected deferred retirement, but including the employee who retired on a disability pension based on fewer years of service credited in such retirement system and may also reimburse such retired employee for his premium charges under Part B of the Federal Medicare Program covering the retired employee and the employee's spouse. "Retired employee and his dependents" may, upon adoption of an appropriate resolution therefor by the participating employer, also include otherwise eligible employees, and their dependents, who retired from a State or locally-administered retirement system on or after July 1, 1964, notwithstanding that said employer became a participating employer in the New Jersey State Health Benefits Program after said date. Eligibility and enrollment of such employees and dependents shall be in accordance with such rules and regulations as may be adopted by the State Health Benefits Commission.

2. This act shall take effect immediately.

Approved March 27, 1979.

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## CHAPTER 55

AN ACT concerning the acquisition of lands for recreation and conservation purposes, appropriating funds from the State Recreation and Conservation Land Acquisition and Development Fund, and supplementing Title 13 of the Revised Statutes.

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

1. The Commissioner of Environmental Protection is hereby authorized and directed to acquire, within the limits of funds appropriated by this act or otherwise made available, additional acreage to be included within Pigeon Swamp State Park, which additional acreage is situate in the township of South Brunswick,

county of Middlesex, and more accurately described as follows: that area of land bounded to the north by Davidson's Mill Road, to the south by the Jamesburg Road (Middlesex County Route 522), to the east by the New Jersey Turnpike, and to the west by Georges Road.

2. There is hereby appropriated to the Department of Environmental Protection, for the purpose of acquiring lands pursuant to section 1 of this act, the sum of $4,000,000.00 from the State Recreation and Conservation Land Acquisition and Development Fund created pursuant to the "New Jersey Green Acres and Recreation Opportunities Bond Act of 1974" (P. L. 1974, c. 102).

3. The Commissioner of Environmental Protection is further authorized and directed to utilize, for the purpose of acquiring lands pursuant to section 1 of this act, the sum of $2,000,000.00, which sum was heretofore appropriated, but not expended, from the State Recreation and Conservation Land Acquisition Fund created pursuant to the "New Jersey Green Acres Bond Act of 1971" (P. L. 1971, c. 165).

4. This act shall take effect immediately.

Approved March 27, 1979.

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## CHAPTER 56

AN ACT relating to the urban environmental concerns program, providing State aid to certain environmental agencies and supplementing Title 13 of the Revised Statutes.

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

**C. 13:1H-8 Short title.**

1. This act shall be known and may be cited as the "Aid for Urban Environmental Concerns Act."

**C. 13:1H-9 Legislature's findings and declarations.**

2. The Legislature hereby finds and declares that urban communities, where the high population and building densities, aged housing stock, economic decline and incidence of poverty present special problems, have unique environmental concerns; and that

State assistance can help environmental agencies meet such concerns.

**C. 13:1H-10 Definitions.**

3. As used in this act:

a. "Department" means the Department of Environmental Protection.

b. "Eligible municipality" means a municipality eligible for aid pursuant to P. L. 1978, c. 14 (C. 52:27D–178 et seq.) or pursuant to the "Depressed Rural Centers Aid Act," P. L. 1977, c. 260 (C. 52:27D–162 et seq.).

c. "Environmental agency" means (1) a municipal parks or recreation department or commission; (2) a municipal planning department or board; (3) a municipal environmental commission, (4) a county parks department or commission, or (5) a county environmental commission.

d. "Project" may include, but is not limited to, artwork in public places, street scaping, flower gardens, flowering trees, neighborhood sitting places and recreation areas.

**C. 13:1H-11 State aid.**

4. The department may grant up to $10,000.00 per year in State aid to any environmental agency for a project or projects addressing urban environmental concerns within an eligible municipality. The contribution by the department shall not exceed 80% of the cost of the project which qualifies for assistance under this act.

5. This act shall take effect immediately.

Approved March 27, 1979.

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## CHAPTER 57

AN ACT to amend "An act concerning the operation and inspection of motorcycles, requiring certain equipment for motorcycles and motorcycle operators and passengers, and amending section 39:8–1 and supplementing chapter 3 of Title 39, of the Revised Statutes," approved December 5, 1967 (P. L. 1967, c. 237).

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

1. Section 4 of P. L. 1967, c. 237 (C. 39:3–76.5) is amended to read as follows:

**C. 39:3-76.5 Seating of riders; required equipment.**

4. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for 2 persons, or upon another seat firmly attached to the rear or side of the operator.

Motorcycles designed to carry more than one person shall be equipped with adequate footrests for each passenger. Seats and footrests shall be of a type approved by the director. Handholds shall be required only in so far as they are necessary to comply with Federal regulations.

2. This act shall take effect immediately.

Approved March 27, 1979.

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## CHAPTER 58

AN ACT concerning marine patrolmen and the regulation of motor vehicles using ice-covered waters, and supplementing Title 12 of the Revised Statutes.

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

**C. 12:7E-1 Powers of marine patrol supervisors.**

1. Notwithstanding the provisions of any statute or any rule or regulation of the Department of Environmental Protection, the supervisory force of marine patrolmen, created pursuant to section 17 of P. L. 1962, c. 73 (C. 12:7–34:52), shall have the same powers conferred upon them, pursuant to R. S. 12:6–6, with respect to motor vehicles operating on the ice-covered waters of this State as may be provided by law with respect to power and other vessels using such waters.

**C. 12:7E-2 Rules and regulations.**

2. The Commissioner of the Department of Environmental Protection shall have the exclusive authority to promulgate rules

and regulations pertaining to the seasonal operation of motor vehicles on the frozen waters of this State when such vehicles are used during periods when ice-bound conditions preclude the normal use of such waters by vessels.

3. This act shall take effect immediately.

Approved March 27, 1979.

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## CHAPTER 59

AN ACT enabling municipalities and counties to establish the position of local historian, prescribing the responsibilities and duties thereof and supplementing Title 40 of the Revised Statutes.

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

**C. 40:10A-1 Short title.**

1. This act shall be known and may be cited as the "Local Historians Enabling Act."

**C. 40:10A-2 Legislature's findings.**

2. The Legislature of the State finds that a New Jersey Historical Commission, New Jersey Bicentennial Commission, New Jersey Cemetery Board, New Jersey Register of Historic Places, State Archivist, and county cultural and heritage commissions have been created, with special interests for historiography, bicentennial celebration, ancient cemetery maintenance, landmarks preservation, archives, preservation, and county heritage, in order to encourage an appreciation, understanding and communication of our State heritage and identity. Notwithstanding programs enlisting the aid of individuals and private associations, the Legislature finds that increased participation to encourage these efforts is necessary, and that the State has an obligation to present and future generations to encourage its citizens to appreciate our cultural, historic and architectural heritage.

**C. 40:10A-3 Declaration of policy.**

3. It is hereby declared as a matter of public policy that each municipality and county may participate to increase the education, appreciation and communication of our heritage through local historians, in such manner as to reflect the special character or

special historic or cultural development within each municipality and county, in the interest of the recreation, education, inspiration and enrichment of the citizens of this State.

**C. 40:10A-4 Local historian; reimbursement of expenses; appointment.**

4. The governing body of any county or municipality may, by ordinance or resolution, as appropriate, establish the position of local historian. The local historian shall serve without compensation, but the governing body may annually appropriate such funds as may be necessary to reimburse a local historian for expenses incurred in the performance of the duties and responsibilities set forth in the act. The local historian shall be appointed in the manner generally provided by law for appointments of the local unit and shall serve at the pleasure of the appointing authority.

**C. 40:10A-5 Chairperson of county cultural and heritage commission; duties and responsibilities as local historian.**

5. Any county which shall have established a county cultural and heritage commission pursuant to P. L. 1968, c. 31 (C. 40:33A–1 et seq.) may, in lieu of establishing the position of local historian, by ordinance or resolution, as appropriate, vest in the chairperson of the commission all the duties and responsibilities provided in this act for local historians of counties to be exercised in addition to those provided in P. L. 1968, c. 31 (C. 40:33A–1 et seq.).

**C. 40:10A-6 Assistance to municipalities.**

6. Whenever the governing body of a county shall establish the position of local historian for the county as herein provided, and one or more municipalities within such county shall establish the position of local historian for such municipality or municipalties, as the case may be, the county local historian may assist the local historian or historians of such municipality or municipalities only upon request. Where any municipality in any county has not so established such position, or where there exists a vacancy in such position in any municipality, the local historian of the county may advise the governing body of any such municipality as herein provided. Otherwise, the local historian of the county shall be responsible only to the governing body of the county, as herein provided.

**C. 40:10A-7 Powers and responsibilities of local historian.**

7. A local historian shall have the following powers and responsibilities, except as otherwise provided in the ordinance or resolution creating the position:

a. To carry out an historical program, including but not restricted to collecting, preserving and making available materials relating to the history of the local unit. The historian shall store such materials in such manner as to insure their preservation, and shall notify the State Archivist, New Jersey Historical Commission, county local historian and local governing body of any materials which should be acquired for preservation. Upon leaving the position, the local historian shall turn over all materials and records and reports into the possession of the successor, if then appointed, or to the governing body until a successor shall be appointed;

b. The local historian shall make an annual report to the chief executive officer and governing body of the local unit stating all the work performed and accomplished during that year. The local historian shall transmit a copy of such report to the New Jersey Historical Commission. The New Jersey Historical Commission may advise each county historian and municipal historian of general guidelines along which their historical program may be implemented;

c. The local historian may research, write and cause to have published a county or municipal history, and may recommend appropriate historical materials for publication;

d. The local historian may assist a landmark commission, as well as advise the governing body, concerning the acquisition, administration, use and disposition of any landmark, or historic site, including such places in his jurisdiction included on the New Jersey Register of Historic Places. Such advice may be furnished to the Historic Sites Section, Department of Environmental Protection;

e. The local historian shall assist in projects of commemoration, including the erection of monuments, historic markers and guide signs.

**C. 40:10A-8 Employment of clerical help.**

8. The local historian may employ such clerical assistants as may be necessary in order to carry out the duties and responsibilities set forth in this act, within the limits of such funds as may be made available by the governing body for such purposes in the annual budget of the local unit.

9. This act shall take effect immediately.

Approved March 27, 1979.

## CHAPTER 60

AN ACT appropriating $46,000,000.00 from the State Recreation and Conservation Land Acquisition and Development Fund for State programs to acquire and conserve lands for recreation and conservation purposes and for State funding of local programs to acquire and develop lands for recreation and conservation purposes.

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

1. There is hereby appropriated to the State Department of Environmental Protection from the State Recreation and Conservation Land Acquisition and Development Fund established pursuant to the "New Jersey Green Acres and Recreation Opportunities Bond Act of 1974" (P. L. 1974, c. 102) the sum of $46,000,000.00 for the purpose of acquisition and development of lands by the State for recreation and conservation purposes, to be allocated as follows:

a. $6 million for State acquisition of lands for recreation and conservation;

b. $20 million for State grants to assist local units to acquire lands;

c. $20 million for State grants to assist local units to develop lands.

2. Such sum may be made available by the sale of bonds authorized by the "New Jersey Green Acres and Recreation Opportunities Bond Act of 1974" (P. L. 1974, c. 102).

3. This act shall take effect immediately.

Approved March 27, 1979.

## CHAPTER 61

AN ACT to amend "An act authorizing municipalities to acquire and retire alcoholic beverage retail consumption licenses in certain cases and to borrow money and increase annual license fees for retail consumption licenses to assist in financing acquisition of such licenses," approved September 4, 1968 (P. L. 1968, c. 277).

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

1. Section 2 of P. L. 1968, c. 277 (C. 40:48–2.41) is amended to read as follows:

**C. 40:48-2.41 Amount of payment; reduction limitation; retirement of license.**

2. No such contract shall authorize payment to the licensee for transfer of the license to the municipality of a sum in excess of $15,000.00 and no such contract shall result in the reduction in the number of retail consumption licenses to fewer than one for each 3,000 of the municipality's population, and no license so acquired by the municipality shall be reissued to any applicant.

2. This act shall take effect immediately.

Approved April 4, 1979.

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## CHAPTER 62

AN ACT to amend "The State Plumbing License Law of 1968," approved December 26, 1968 (P. L. 1968, c. 362).

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

1. Section 16 of P. L. 1968, c. 362 (C. 45:14C–16) is amended to read as follows:

**C. 45:14C-16 Nature of examinations; time and place of holding; notice; fees; re-examination.**

16. (a) Every State master plumber's license examination shall be substantially uniform and shall be designed so as to establish

the competence and qualifications of the applicant to perform the type of work and business as described by this act. The examination may be theoretical or practical in nature, or both.

(b) The examination shall be held at least 4 times a year, at Trenton or such other place as the State board shall deem necessary. Public notice of the time and place of the examination shall be given.

(c) No person who has failed the examination shall be eligible to be re-examined for a period of 6 months from the date of the examination failed by such person.

(d) The following shall be the fees charged by the State board:

| | |
|---|---|
| First application for master plumber's license | $100.00 |
| Annual renewal of master plumber's State license | $50.00 |
| Re-examination for master plumber's State examination | $35.00 |

Any licensed master plumber, however, who serves as a plumbing inspector pursuant to the "State Uniform Construction Code Act," and who presents satisfactory evidence to the State board indicating same, shall not be required to pay the master plumber's license renewal fee; provided, however, that said license shall be invalid during such period of service as plumbing inspector. Upon termination of service as a plumbing inspector, the licensee shall present satisfactory evidence to the State board indicating same, whereupon the master plumber's license shall become valid, subject to other requirements of this act.

2. This act shall take effect immediately.

Approved April 4, 1979.

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## CHAPTER 63

AN ACT concerning certain abandoned personal property, and amending N. J. S. 2A:37–30.

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

1. N. J. S. 2A:37–30 is amended to read as follows:

**Presumption of abandonment of moneys or other personal property.**

2A:37–30. a. Except as may be otherwise provided by subsections (b), (c) and (d) of this section, whenever a corporation, partner-

ship, limited partnership or other business association incorporated or organized under the laws of this State or whenever any natural person doing business and domiciled in this State shall have custody or possession of, or otherwise be the holder of, or shall have deposited with or given to an agent or trustee residing within or without this State custody or possession of, stock dividends or any moneys and other accretions which are or shall be due or payable to any person as a dividend upon capital stock, preferred or common, or as interest payable upon bonds, indentures, notes or other formal instruments evidencing indebtedness, or any moneys payable as wages to any person, or any moneys payable on other general cash obligations, and except as may be otherwise provided by subsections (b), (c) and (d) of this section, whenever any corporation, partnership, limited partnership or other business association incorporated or organized under the laws of any other state or of the United States or whenever any natural person doing business within or without this State, and subject to the laws of this State shall have custody or possession or otherwise be a holder of any moneys or other personal property which are due or payable by such holder to any person in any of the categories above enumerated whose last known address according to the records of the holder is within this State and the owner of, beneficial owner of, or person entitled to the same has been and remains unknown for a period of 5 successive years, or the whereabouts of such person has been and remains unknown for a period of 5 successive years, or such personal property has been and remains unclaimed for a period of 5 successive years, such moneys or other personal property shall be presumed abandoned and subject to delivery to the State Treasurer for safekeeping.

(b) (1) Any funds deposited with or paid to any State or Federal savings and loan association, credit union or investment company engaged in business in the State for savings or toward the purchase of shares or other interest in the organization and any interest or dividends thereon shall be presumed abandoned unless the owner of same has within 10 years:

(i) Increased or decreased the amount of the funds on deposit or presented an appropriate record for the crediting of interest or dividends; or

(ii) Corresponded in writing with the organization concerning the funds or deposits;

(iii) Otherwise indicated an interest in the funds or deposits as evidenced by a memorandum on file with the organization.

(2) Any funds held by any State or Federal savings and loan association, credit union or investment company engaged in business in this State payable on any check or other general cash obligation of the organization which have remained unpaid or unclaimed for 5 successive years shall be presumed abandoned.

(c) All personal property distributable in the course of a voluntary dissolution or other liquidation of:

(1) Any corporation, partnership, limited partnership, unincorporated business association, financial association or other business or financial entity, incorporated or organized within or under the laws of this State; or

(2) Any corporation, partnership, limited partnership, unincorporated business association, financial association or other business or financial entity incorporated or organized within or under the laws of any other state, or of the United States, which personal property is payable to a person whose last known address is within this State, which is unclaimed by the person entitled thereto within 2 years after the date of final distribution is presumed abandoned and subject to delivery to the State Treasurer for safekeeping.

(d) Any sum payable on a money order or travelers check issued or sold in this State by a corporation, partnership, limited partnership or other business association subject to the laws of this State, which has been outstanding for more than 7 years from the date of its issuance in the case of a money order or for more than 15 years from the date of its issuance in the case of a travelers check, is presumed abandoned, unless the owner has within 7 years in the case of a money order or 15 years in the case of a travelers check corresponded in writing with such corporation, partnership, limited partnership or other business concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with such corporation, partnership, limited partnership or other business association.

2. This act shall take effect immediately.

Approved April 4, 1979.

## CHAPTER 64

AN ACT concerning fire insurance policies, and amending Section 6 of P. L. 1954, c. 268 (C. 17:36–5.20).

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

1. Section 6 of P. L. 1954, c. 268 (C. 17:36–5.20) is amended to read as follows:

**C. 17:36-5.20 Standard fire insurance policy.**

6. Every such fire insurance policy shall contain certain standard provisions which shall be in the words and in the order hereinafter set forth:

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**Concealment, fraud.** This entire policy shall be void if, whether before or after a loss, the insured has willfully concealed or misrepresented any material fact or circumstance concerning this insurance or the subject thereof, or the interest of the insured therein, or in case of any fraud or false swearing by the insured relating thereto.

**Uninsurable and excepted property.** This policy shall not cover accounts, bills, currency, deeds, evidences of debt, money or securities; nor, unless specifically named hereon in writing, bullion or manuscripts.

**Perils not included.** This Company shall not be liable for loss by fire or other perils insured against in this policy caused, directly or indirectly, by: (a) enemy attack by armed forces, including action taken by military, naval or air forces in resisting an actual or an immediately impending enemy attack; (b) invasion; (c) insurrection; (d) rebellion; (e) revolution; (f) civil war; (g) usurped power; (h) order of any civil authority except acts of destruction at the time of and for the purpose of preventing the spread of fire, provided that such fire did not originate from any of the perils excluded by this policy; (i) neglect of the insured to use all reasonable means to save and preserve the property at and after a loss, or when the property is endangered by fire in neighboring premises; (j) nor shall this Company be liable for loss by theft.

**Other insurance.** Other insurance may be prohibited or the amount of insurance may be limited by endorsement attached hereto.

**Conditions suspending or restricting insurance. Unless otherwise provided in writing added hereto this Company shall not be liable for loss occurring**

(a) while the hazard is increased by any means within the control or knowledge of the insured; or

(b) while a described building, whether intended for occupancy by owner or tenant, is vacant or unoccupied beyond a period of sixty consecutive days; or

(c) as a result of explosion or riot, unless fire ensue, and in that event for loss by fire only.

**Other perils or subjects.** Any other peril to be insured against or subject of insurance to be covered in this policy shall be by endorsement in writing hereon or added hereto.

**Added provisions.** The extent of the application of insurance under this policy and of the contribution to be made by this Company in case of loss, and any other provision or agreement not inconsistent with the provisions of this policy, may be provided for in writing added hereto, but no provision may be waived except such as by the terms of this policy is subject to change.

**Waiver provisions.** No permission affecting this insurance shall exist, or waiver of any provision be valid, unless granted herein or expressed in writing added hereto. No provision, stipulation or forfeiture shall be held to be waived by any requirement or proceeding on the part of this Company relating to appraisal or to any examination provided for herein.

**Cancellation of policy.** This policy shall be cancelled at any time at the request of the insured, in which case this Company shall, upon demand and surrender of this policy, refund the excess of paid premium above the customary short rates for the expired time. This policy may be cancelled at any time by this Company by giving to the insured a five days' written notice of cancellation with or without tender of the excess of paid premium above the pro rata premium for the expired time, which excess, if not tendered, shall be refunded on demand. Notice of cancellation shall state that said excess premium (if not tendered) will be refunded on demand.

**Mortgagee interests and obligations.** If loss hereunder is made payable, in whole or in part, to a designated mortgagee not named herein as the insured, such interest in this policy may be cancelled by giving to such mortgagee a ten days' written notice of cancellation.

If the insured fails to render proof of loss such mortgagee, upon notice, shall render proof of loss in the form herein specified within sixty (60) days thereafter and shall be subject to the provisions hereof relating to appraisal and time of payment and of bringing suit. If this Company shall claim that no liability existed as to the mortgagor or owner, it shall, to the extent of payment of loss to the mortgagee, be subrogated to all the mortgagee's rights of recovery, but without impairing mortgagee's right to sue; or it may pay off the mortgage debt and require an assignment thereof and of the mortgage. Other provisions relating to the interests and obligations of such mortgagee may be added hereto by agreement in writing.

**Pro rata liability.** This Company shall not be liable for a greater proportion of any loss than the amount hereby insured shall bear to the whole insurance covering the property against the peril involved, whether collectible or not.

**Requirements in case loss occurs.** The insured shall give immediate written notice to this Company of any loss, protect the property from further damage, forthwith separate the damaged and undamaged personal property, put it in the best possible order, furnish a complete inventory of the destroyed, damaged and undamaged property, showing in detail quantities, costs, actual cash value and amount of loss claimed; **and within sixty days after the loss, unless such time is extended in writing by this Company, the insured shall render to this Company a proof of loss,** signed and sworn to by the insured, stating the knowledge and belief of the insured as to the following: the time and origin of the loss, the interest of the insured and of all others in the property, the actual cash value of each item thereof and the amount of loss thereto, all encumbrances thereon, all other contracts of insurance, whether valid or not, covering any of said property, any changes in the title, use, occupation, location, possession or exposures of said property since the issuing of this policy, by whom and for what purpose any building herein described and the several parts thereof were occupied at the time of loss and whether or not it then stood on leased ground, and shall furnish a copy of all the descriptions and schedules in all policies and, if required, verified plans and specifications of any building, fixtures or machinery destroyed or damaged. The insured, as often as may be reasonably required, shall exhibit to any person designated by this Company all that remains of any property herein described, and submit to examinations under oath by any person named by this Company, and subscribe the same; and, as often as may be reasonably required, shall produce for examination all books of account, bills, invoices and other vouchers, or certified copies thereof if originals be lost, at such reasonable time and place as may be designated by this Company or its representative, and shall permit extracts and copies thereof to be made.

**Appraisal.** In case the insured and this Company shall fail to agree as to the actual cash value or the amount of loss, then, on the written demand of either, each shall select a competent and disinterested appraiser and notify the other of the appraiser selected within twenty days of such demand. The appraisers shall first select a competent and disinterested umpire; and failing for fifteen days to agree upon such umpire, then, on request of the insured or this Company, such umpire shall be selected by a judge of a court of record in the state in which the property covered is located. The appraisers shall then appraise the loss, stating separately actual cash value and loss to each item, and, failing to agree, shall submit their differences, only, to the umpire. An award in writing, so itemized, of any two when filed with this Company shall determine the amount of actual cash value and loss. Each appraiser shall be paid by the party selecting him and the expenses of appraisal and umpire shall be paid by the parties equally.

**Company's options.** It shall be optional with this Company to take all, or any part, of the property at the agreed or appraised value, and also to repair, rebuild or replace the property destroyed or damaged with other of like kind and quality within a reasonable time, on giving notice of its intention so to do within thirty days after the receipt of the proof of loss herein required.

**Abandonment.** There can be no abandonment to this Company of any property.

**When loss payable.** The amount of loss for which this Company may be liable shall be payable thirty days after proof of loss, as herein provided, is received by this Company and ascertainment of the loss is made either by agreement between the insured and this Company expressed in writing or by the filing with this Company of an award as herein provided.

**Suit.** No suit or action on this policy for the recovery of any claim shall be sustainable in any court of law or equity unless all the requirements of this policy shall have been complied with, and unless commenced within twelve months next after inception of the loss.

**Subrogation.** This Company may require from the insured an assignment of all right of recovery against any party for loss to the extent that payment therefor is made by this Company.

Provided, however, that the commissioner may approve for use within the State a form of policy which does not correspond to the standard fire insurance policy as provided by this section if the

coverage with respect to the peril of fire provided in such approved form is, when viewed in its entirety, substantially equivalent to or more favorable to the insured than that contained in the standard fire insurance policy established by this section.

2. This act shall take effect immediately.

Approved April 4, 1979.

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## CHAPTER 65

AN ACT concerning the notification of occupants in hotels and multiple dwellings and the public generally of the exceptions granted by the commissioner to certain regulations and amending the "Hotel and Multiple Dwelling Law," approved May 31, 1967 (P. L. 1967, c. 76, C. 55:13A–1 et seq.).

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

1. Section 11 of P. L. 1967, chapter 76 (C. 55:13A–11) is amended to read as follows:

**C. 55:13A-11 Exceptions to requirements.**

11. (a) Upon the application of the owner of any hotel or multiple dwelling, or any building not constructed for use as a hotel or multiple dwelling but which has been or shall be converted or altered to such use, the commissioner may grant exceptions from the literal requirements of any regulation issued pursuant to sections 7 and 8 of this act. No such exception shall be granted in any particular case unless the commissioner shall find: (1) that strict compliance with any such regulation, if required, would result in undue hardship to such owner; and (2) that the exception, if granted, will not unreasonably jeopardize the health, safety and welfare of intended occupants and the public generally.

(b) An application for an exception pursuant to this section shall be filed in writing with the commissioner, and shall set forth specifically: (1) a statement of the requirements of the regulation from which an exception is sought; (2) a statement of the manner by which strict compliance with said regulation would result in undue hardship; (3) a statement of the nature and extent of such undue hardship; and (4) a statement of feasible alternatives to the

requirements of the regulation which would adequately protect the health, safety and welfare of the occupants or intended occupants and the public generally.

(c) Within the 30 days next succeeding the receipt by the commissioner of an application for an exception, the commissioner shall grant or deny said application by written order, stating therein the reason or reasons for the grant or denial of said application. The commissioner shall maintain records of all applications for exceptions, and the action taken thereon, and shall make such records reasonably available for public inspection.

(d) The owner of each hotel or of each multiple dwelling granted an exception to any regulation which shall be deemed to affect the safety of the occupants of the structure by the commissioner shall provide to every applicant or occupant of such hotel or multiple dwelling a written notice citing the specific regulation for which an exception has been granted and stating the exceptions thereto granted by the commissioner to the owner of such hotel or multiple dwelling. Such written notice shall, in the case of a hotel or motel, be posted in a prominent place freely accessible to the occupants and to the general public, and, in the case of a multiple dwelling, such written notice shall be attached to the lease of each affected dwelling unit, and, in the case of a school dormitory, such written notice shall be attached to the housing agreement of each affected housing unit. In the case of exceptions granted to common areas in a multiple dwelling or in a school dormitory, such written notice shall be attached to all leases or housing agreements, as appropriate.

2. This act shall take effect the ninetieth day after enactment.

Approved April 4, 1979.

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## CHAPTER 66

AN ACT concerning the prohibition of commercial activity on State and interstate highway system rights of way and supplementing chapter 4 of Title 39 of the Revised Statutes.

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

**C. 39:4-216 Prohibition of commercial activity or solicitation; rights of way.**

1. No person shall tender or offer for sale goods or merchandise of any kind, engage in any other commercial activity, or solicit contributions for any cause, on any portion of the right of way of a State or interstate highway system, including any rest areas located on such right of way.

Nothing in this section shall be construed to inhibit the operation of commercial traffic, the rendering of emergency services to vehicles or travelers on the State or interstate highway system nor the installation and use of public telephones at locations on the rights of way approved by the State Department of Transportation.

2. This act shall take effect immediately.

Approved April 4, 1979.

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## CHAPTER 67

AN ACT concerning the examination of tax records, and supplementing chapter 50 of Title 54 of the Revised Statutes.

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

**C. 54:50-2.1 Evidence of authorization.**

1. When an examination of the books, records, papers, vouchers or accounts of a taxpayer is conducted on the premises of an agent of the taxpayer by the Director of the Division of Taxation or by any employee thereof, the taxpayer shall provide such agent evidence in writing that the agent is authorized to act in behalf of the taxpayer in making any application, deposition, statement, or report required by the director in the administration of any tax law, and the agent shall produce such authorization to the representative of the Division of Taxation.

2. This act shall take effect immediately.

Approved April 4, 1979.

## CHAPTER 68

AN ACT to amend "An act relating to the confidentiality of information and data secured by and in the possession of utilization review committees," approved December 21, 1970 (P. L. 1970, c. 313).

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

1. Section 1 of P. L. 1970, c. 313 (C. 2A:84A–22.8) is amended to read as follows:

**C. 2A:84A-22.8 Information and data secured by utilization review committees confidential; exceptions.**

1. Information and data secured by and in the possession of utilization review committees established by any certified hospital or extended care facility in the performance of their duties shall not be revealed or disclosed in any manner or under any circumstances by any member of such committee except to: (a) a patient's attending physician, (b) the chief administrative officer of the hospital or extended care facility which it serves, (c) the medical executive committee, or comparable enforcement unit, of such hospital or extended care facility, (d) representatives of, including intermediaries or carriers for, government agencies in the perfomance of their duties, under the provisions of Federal and State law, or (e) any hospital service corporation, medical service corporation or insurance company with which said patient has pertinent coverage under a contract, policy or certificate, the terms of which authorize the carrier to request and be given such information and data.

2. This act shall take effect immediately.

Approved April 10, 1979.

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## CHAPTER 69

AN ACT creating a Commission on Business Efficiency of the Public Schools and making an appropriation therefor.

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

**C. 52:9T-1 Legislature's findings.**

1. The Legislature finds and declares that:

a. The constitutional provision for the maintenance and support of a thorough and efficient system of public education is a legislative responsibility;

b. The Public School Education Act of 1975 (P. L. 1975, c. 212) provides the statutory mandate for establishing and monitoring that system;

c. P. L. 1975, c. 212, provides for the establishment of a task force on business efficiency, reflecting the intent of the Legislature to find ways of improving the business efficiency of the public schools; and

d. The work of the task force will not be effective unless the Legislature monitors the implementation of its recommendations.

**C. 52:9T-2 Commission on business efficiency in the public schools; establishment; membership; appointment; compensation; vacancies.**

2. There is hereby established a Commission on Business Efficiency in the Public Schools, to consist of eight members, two to be appointed from the membership of the Senate by the President thereof, no more than one of whom shall be of the same political party; two to be appointed from the membership of the General Assembly by the Speaker thereof, no more than one of whom shall be of the same political party; and four to be appointed from the general public by the Governor, no more than two of whom shall be of the same political party.

Each of the members of the commission appointed from either House of the Legislature shall serve so long, only, as he shall be a member of that House, and all members shall serve for terms of 2 years and until their respective successors shall be appointed and shall qualify. All shall serve without compensation and vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

**C. 52:9T-3 Organization of commission.**

3. The commission shall organize as soon as may be possible 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 commission.

**C. 52:9T-4 Development and implementation of 5-year plan; recommendations to legislature.**

4. It shall be the duty of said commission to develop and implement a 5-year plan to monitor the implementation of recom-

mendations of the task force on business efficiency and to recommend to the Legislature such statutory changes as may become necessary to facilitate improvements in the business efficiency of the public schools.

**C. 52:9T-5 Assistance by State, county or municipal agencies; employment of clerical assistants; expenses.**

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 said purpose, and to employ such stenographic and clerical assistants and incur such 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 said purposes.

**C. 52:9T-6 Hearings.**

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 annually to the Governor and the Joint Committee on the Public Schools on the status of the monitoring program as provided herein.

7. There is hereby appropriated $20,000.00 for the purposes of this act.

8. This act shall take effect immediately.

Approved April 10, 1979.

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## CHAPTER 70

AN ACT to amend the "Farmland Assessment Act of 1964," approved May 11, 1964 (P. L. 1964, c. 48).

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

1. Section 12 of P. L. 1964, c. 48 (C. 54:4-23.12) is amended to read as follows:

**C. 54:4-23.12 Structures valued, assessed and taxed.**

12. All structures, which are located on land in agricultural or horticultural use and the farmhouse and the land on which the

farmhouse is located, together with the additional land used in connection therewith, shall be valued, assessed and taxed by the same standards, methods and procedures as other taxable structures and other land in the taxing district; provided, however, that the term "structures" shall not include temporary demountable plastic covered framework made up of portable parts with no permanent understructures or related apparatus, commonly known as seed starting plastic greenhouses.

2. This act shall take effect immediately.

Approved April 10, 1979.

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## CHAPTER 71

AN ACT to amend "An act relating to emergency warning lights for members of volunteer fire companies and volunteer first aid or rescue squads, supplementing chapter 3 of Title 39 of the Revised Statutes and repealing P. L. 1971, c. 352," approved September 16, 1977 (P. L. 1977, c. 223).

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

1. Section 1 of P. L. 1977, c. 223 (C. 39:3–54.7) is amended to read as follows:

**C. 39:3-54.7 Display of emergency warning lights.**

1. An active member in good standing of a volunteer fire company or a volunteer first aid or rescue squad recognized by and rendering service in any municipality may display on a motor vehicle owned by him or by a member of his household an emergency warning light or lights as provided in this act.

2. Section 3 of P. L. 1977, c. 223 (C. 39:3–54.9) is amended to read as follows:

**C. 39:3-54.9 Type of emergency lights.**

3. Emergency warning lights shall be temporarily attached, removable lights of the flashing *or revolving* type, not more than 7½ inches in diameter, equipped with a blue lens and a lamp of not more than 51 candlepower and shall be controlled by a switch installed inside the vehicle.

3. Section 4 of P. L. 1977, c. 223 (C. 39:3–54.10) is amended to read as follows:

**C. 39:3-54.10 Installation.**

4. No more than two emergency warning lights shall be installed on a vehicle. If one light is used it shall be installed in the center of the roof of the car, or on the left windshield column in a position where a spotlight is normally located, or on the front of the vehicle so that the top of the emergency warning light is no higher than the top of the vehicle's headlights. If two lights are used they may be placed on the windshield columns on each side of the vehicle where spotlights are normally mounted, or on either side of the roof at the front of the vehicle directly back of the top of the windshield. Under no circumstances may one light be placed on the roof and one on the windshield column in the spotlight position.

4. This act shall take effect immediately.

Approved April 10, 1979.

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## CHAPTER 72

A SUPPLEMENT to the "Public Employees' Retirement System Act," approved June 28, 1954 (P. L. 1954, c. 84, C. 43:15A–1 et seq.) as said short title was amended by P. L. 1971, c. 213.

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

1. a. Any member of the retirement system who was eligible to purchase the additional death benefit coverage under subsections a., b. or d. of section 57 of P. L. 1954, c. 84 (C. 43:15A–57) but did not elect to do so, or who did purchase the additional death benefit coverage under subsections a., b. or d. of section 57 of P. L. 1954, c. 84 (C. 43:15A–57) but elected to discontinue the purchase, may within 6 months following the effective date of this act purchase such additional death benefit coverage; provided, however, that such member, regardless of his age at the time he elects to make the purchase, furnishes satisfactory evidence of insurability and on the date of such election is actively at work and performing all his regular duties at his customary place of employment.

b. The effective date of coverage of any member electing to purchase the additional death benefit coverage under this supplementary act shall be the first day of the month which immediately follows the later of (a) the date of such election; or, (b) the date such evidence of insurability is determined to be satisfactory.

c. The board of trustees shall establish schedules of contributions separate from those schedules adopted pursuant to subsection f of section 57 of P. L. 1954, c. 84 (C. 43:15A–57) to be made by members who elect to purchase the additional death benefit coverage under the provisions of this supplementary act. Such contributions shall be so computed that the contributions made by or on behalf of the members covered pursuant to this supplementary act, shall, in the aggregate, be sufficient to provide for the cost of the benefits established under section 57 of P. L. 1954, c. 84 (C. 43:15A–57). Such schedules of contributions shall be subject to adjustment from time to time by the board of trustees as the experience may indicate.

2. This act shall take effect immediately.

Approved April 10, 1979.

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## CHAPTER 73

AN ACT to amend the "Local Health Services Act," approved March 3, 1976 (P. L. 1975, c. 329).

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

1. Section 10 of P. L. 1975, c. 329 (C. 26:3A2–10) is amended to read as follows:

**C. 26:3A2-10 Standards of performance; compliance; certification; review.**

10. a. Within 3 months after the Public Health Council has completed its first revision of the "Standards of Performance" pursuant to section 13 of this act, the commissioner shall provide an evaluation form to every municipal board of health for the purpose of measuring said municipal boards' compliance with said "Standards of Performance." Said evaluation form shall be completed; signed and certified as being correctly completed by the municipal health officer or by the officer designated to act in behalf

of the municipal board of health and by the presiding officer of said board; and returned to the commissioner by every municipality within 60 days after issuance.

b. Within 18 months after the effective date of this act, the commissioner shall advise every municipal board of health as to whether said board meets the "Standards of Performance."

c. In every municipality not presently providing a program of public health services meeting the "Standards of Performance," as determined herein by the commissioner, the elected governing body shall, within 24 months after the effective date of this act, provide a program of public health services meeting "Standards of Performance." A municipality shall meet this requirement by use of the services of one or more of the following agencies:

(1) Individual municipal local health agency.

(2) Contracting health agency.

(3) Regional health commission.

(4) County health department.

d. The commissioner shall periodically review every municipal or county health department to determine whether said municipal or county department is meeting the "Standards of Performance."

e. This section shall not apply to services provided by volunteer first aid, rescue and ambulance squads as defined in the "New Jersey Highway Safety Act of 1971," P. L. 1971, c. 351 (C. 26:5F–1 et seq.).

2. This act shall take effect immediately.

Approved April 10, 1979.

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## CHAPTER 74

AN ACT to amend the "New Jersey Housing Finance Agency Law of 1967," approved May 31, 1967 (P. L. 1967, c. 81).

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

1. Section 10 of P. L. 1967, c. 81 (C. 55:14J–10) is amended to read as follows:

**C. 55:14J-10 Admission to housing projects; eligibility; periodic examination of income; discharge from liabilities due to excessive income.**

10. (a) Admission to housing projects constructed or rehabilitated under this act shall be limited to families of moderate income whose gross aggregate family income at the time of admission does not exceed six times the annual rental or carrying charges, including the value or cost to them of heat, light, water, sewerage, parking facilities and cooking fuel, of the dwellings that may be furnished to such families, or seven times said charges if there are three or more dependents. There may be included in the carrying charges to any family for residence in any mutual housing project constructed or rehabilitated with a loan from the agency an amount equal to 6% of the original cash investment of the family in said mutual housing project and, to the extent authorized by the agency where not included in said carrying charges, the value or cost of repainting the apartment and replacing any fixtures or appliances. Notwithstanding the provisions of this section, no family or individual shall be eligible for admission to any housing project constructed or rehabilitated with a loan from the agency whose gross aggregate family income exceeds $15,000.00, as said sum may be adjusted from time to time by the agency, by rules or regulations promulgated hereunder, so as to reflect changes in any wage or salary indices for this State as determined and prepared by any department, division, office or agency of this State; provided, however, that with respect to any project financed by an agency mortgage insured or guaranteed by the United States of America or any agency or instrumentality thereof, the agency may adopt the admission standards for such projects then currently utilized or required by the guarantor or insurer.

(b) The agency shall by rules and regulations provide for the periodic examination of the income of any person or family residing in any housing project constructed or rehabilitated with a loan from the agency. In the event that the gross aggregate family income of a family residing in any such housing project increases and the ratio to the current rental or carrying charges of the dwelling unit becomes greater than the ratio prescribed for admission in subsection (a) of this section but is not more than 25% above the family income so prescribed for admission to the project, the owner or managing agent of such housing project shall permit the family to continue to occupy the unit. The agency or (with the approval of the agency) the qualified housing sponsor of any housing project constructed or rehabilitated with a loan from the agency, may terminate the tenancy or interest of any family residing in such hous-

ing project whose gross aggregate family income exceeds 25% of that prescribed herein and which continues to exceed the same for a period of 6 months or more; provided, that no tenancy or interest of any such family in any such housing project shall be terminated except upon reasonable notice and opportunity to obtain suitable alternate housing, in accordance with rules and regulations of the agency; provided further, that any such family, with the approval of the agency, may be permitted to continue to occupy the unit, subject to payment of a rent or carrying charge surcharge to the qualified housing sponsor in accordance with a schedule of surcharges fixed by the agency. Said qualified housing sponsor shall pay such surcharge to the municipality granting tax exemption, but only up to an amount that together with payments made to the municipality in lieu of taxes and for any land taxes equals 25% of the total rents or carrying charges of the housing project for the current and any prior years that the project has been in operation.

For projects financed prior to January 1, 1973, any remainder of the surcharge, or the total surcharge if tax exemption has not been granted, shall be paid into the housing finance fund securing the bonds issued to finance the project for the use of the agency; for projects financed on or after January 1, 1973, any remainder of the surcharge, or the total surcharge if tax exemption has not been granted, shall be paid to the agency.

(c) Any family residing in a mutual housing project required to remove from the project because of excessive income as herein provided shall be discharged from liability on any note, bond or other evidence of indebtedness relating thereto and shall be reimbursed, in accordance with the rules of the agency, for all sums paid by such family to the qualified housing sponsor on account of the purchase of stock or debentures as a condition of occupancy or on account of the acquisition of title for such purpose.

2. This act shall take effect immediately.

Approved April 10, 1979.

# CHAPTER 75

AN ACT concerning certain insurance agency contracts, and amending P. L. 1970, c. 217.

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

1. 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 to be set forth in contracts; exceptions; termination of contracts.**

1. 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. In the event that a policy is canceled by the insured, any broker of record may retain his earned commission, and the balance of the unearned premium including any balance of unearned commission, shall be returned to the policyholder. Contracts between insurance companies and agents for the appointment of the agent as the representative of the company shall set forth the rates 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:

(a) Reinsurance.

(b) Life insurance.

(c) Annuities.

(d) Accident and health insurance.

(e) Title insurance.

(f) Mortgage guaranty insurance.

(g) 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 commissions 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.

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 9 months from the effective date of such termination or for the 3 years following if the insurer renews the policy pursuant to the provisions of section 3 of P. L. 1972, c. 70 (C. 39:6A–3), provided the former agent has been designated as the broker of record by the insured, 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, provided, however, that if such policy is canceled, the unearned commission shall be returned to the policyholder. 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.

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.

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.

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.

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.

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 1 year.

2. This act shall take effect immediately, and expire 3 years after enactment.

Approved April 10, 1979.

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## CHAPTER 76

AN ACT to amend the "Corporation Business Tax Act (1945)," approved April 13, 1945 (P. L. 1945, c. 162).

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

1. Section 4 of P. L. 1945, c. 162 (C. 54:10A–4) is amended to read as follows:

**C. 54:10A-4 Definitions.**

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

(a) "Commissioner" shall mean the Director of the Division of Taxation of the State Department of the Treasury.

(b) "Allocation factor" shall mean the proportionate part of a taxpayer's net worth or entire net income used to determine a measure of its tax under this act.

(c) "Corporation" shall mean any corporation, joint-stock company or association and any business conducted by a trustee or

trustees wherein interest or ownership is evidenced by a certificate of interest or ownership or similar written instrument.

(d) "Net worth" shall mean the aggregate of the values disclosed by the books of the corporation for (1) issued and outstanding capital stock, (2) paid-in or capital surplus, (3) earned surplus and undivided profits, (4) surplus reserves which can reasonably be expected to accrue to holders or owners of equitable shares, not including reasonable valuation reserves, such as reserves for depreciation or obsolescence or depletion, and (5) the amount of all indebtedness owing directly or indirectly to holders of 10% or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes, as of the close of a calendar or fiscal year. In the case of financial business corporations which are funded through debt from affiliated corporations, the debt to the affiliated corporations is not to be considered as "net worth." The foregoing aggregate of values shall be reduced by 50% of the amount disclosed by the books of the corporation for investment in the capital stock of one or more subsidiaries, which investment is defined as ownership (1) of at least 80% of the total combined voting power of all classes of stock of the subsidiary entitled to vote and (2) of at least 80% of the total number of shares of all other classes of stock except nonvoting stock which is limited and preferred as to dividends. In the case of investment in an entity organized under the laws of a foreign country, the foregoing requisite degree of ownership shall effect a like reduction of such investment from net worth of the taxpayer, if the foreign entity is considered a corporation for any purpose under the United States Federal income tax laws, such as (but not by way of sole examples) for the purpose of supplying deemed-paid foreign tax credits or for the purpose of status as a controlled foreign corporation. In calculating the net worth of a taxpayer entitled to reduction for investment in subsidiaries, the amount of liabilities of the taxpayer shall be reduced by such proportion of the liabilities as corresponds to the ratio which the excluded portion of the subsidiary values bears to the total assets of the taxpayer.

If in the opinion of the commissioner, the corporation's books do not disclose fair valuations the commissioner may make a reasonable determination of the net worth which, in his opinion, would reflect the fair value of the assets, exclusive of subsidiary investments as defined aforesaid, carried on the books of the corporation, in accordance with sound accounting principles, and such determination shall be used as net worth for the purpose of this act.

(e) "Indebtedness owing directly or indirectly" shall include, without limitation thereto, all indebtedness owing to any stockholder or shareholder and to members of his immediate family where a stockholder and members of his immediate family together or in the aggregate own 10% or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes.

(f) "Investment company" shall mean any corporation whose business during the period covered by its report consisted, to the extent of at least 90% thereof of holding, investing and reinvesting in stocks, bonds, notes, mortgages, debentures, patents, patent rights and other securities for its own account, but this shall not include any corporation which: (1) is a merchant or a dealer of stocks, bonds and other securities, regularly engaged in buying the same and selling the same to customers; or (2) had less than 90% of its average gross assets in New Jersey, at cost, invested in stocks, bonds, debentures, mortgages, notes, patents, patent rights or other securities or consisting of cash on deposit during the period covered by its report or (3) is a banking corporation or a financial business corporation as defined in the Corporation Business Tax Act.

(g) "Regulated investment company" shall mean any corporation which for a period covered by its report, is registered and regulated under the Investment Company Act of 1940 (54 Stat. 789), as amended.

(h) "Taxpayer" shall mean any corporation required to report or to pay taxes, interest or penalties under this act.

(i) "Fiscal year" shall mean an accounting period ending on any day other than the last day of December on the basis of which the taxpayer is required to report for Federal income tax purposes.

(j) Except as herein provided, "privilege period" shall mean the calendar or fiscal accounting period for which a tax is payable under this act.

(k) "Entire net income" shall mean total net income from all sources, whether within or without the United States, and shall include the gain derived from the employment of capital or labor, or from both combined, as well as profit gained through a sale or conversion of capital assets. For the purpose of this act, the amount of a taxpayer's entire net income shall be deemed prima facie to be equal in amount to the taxable income, before net operating loss deduction and special deductions, which the taxpayer is required to report to the United States Treasury Department

for the purpose of computing its Federal income tax; provided, however, that in the determination of such entire net income,

(1) Entire net income shall exclude 100% of dividends which were included in computing such taxable income for Federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of the 80% or more ownership of investment described in subsection (d) of this section. With respect to other dividends, entire net income shall not exclude 50% of the total included in computing such taxable income for Federal income tax purposes;

(2) Entire net income shall be determined without the exclusion, deduction or credit of:

(A) The amount of any specific exemption or credit allowed in any law of the United States imposing any tax on or measured by the income of corporations;

(B) Any part of any income from dividends or interest on any kind of stock, securities or indebtedness, except as provided in subsection (k) (1) of this section;

(C) Taxes paid or accrued to the United States on or measured by profits or income, or the tax imposed by this act, or any tax paid or accrued with respect to subsidiary dividends excluded from entire net income as provided in subsection (k) (1) of this section;

(D) Net operating losses sustained during any year or period other than that covered by the report;

(E) 90% of interest on indebtedness owing directly or indirectly to holders of 10% or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes; except that such interest may, in any event, be deducted

(i) Up to an amount not exceeding $1,000.00;

(ii) In full to the extent that it relates to bonds or other evidences of indebtedness issued, with stock, pursuant to a bona fide plan of reorganization, to persons, who, prior to such reorganization, were bona fide creditors of the corporation or its predecessors, but were not stockholders or shareholders thereof;

(iii) In full to the extent that it relates to debt of a financial business corporation owed to an affiliate corporation; provided that such interest rate does not exceed 2% over prime rate; the prime rate to be determined by the Commissioner of Banking.

(3) The commissioner may, whenever necessary to properly reflect the entire net income of any taxpayer, determine the year or

period in which any item of income or deduction shall be included, without being limited to the method of accounting employed by the taxpayer.

(l) "Real estate investment trust" shall mean any unincorporated trust or unincorporated association qualifying and electing to be taxed as a real estate investment trust under Federal law.

(m) "Financial business corporation" shall mean any corporate enterprise which is (1) in substantial competition with the business of national banks and which (2) employs moneyed capital with the object of making profit by its use as money through discounting and negotiating promissory notes, drafts, bills of exchange and other evidences or debt; buying and selling exchange, making of or dealing in secured or unsecured loans and discounts; dealing in securities and shares of corporate stock by purchasing and selling such securities and stock without recourse, solely upon the order and for the account of customers; or investing and reinvesting in marketable obligations evidencing indebtedness of any person, copartnership, association or corporation in the form of bonds, notes or debentures commonly known as investment securities; or dealing in or underwriting obligations of the United States, any State or any political subdivision thereof, or of a corporate instrumentality of any of them. This shall include, without limitation of the foregoing business commonly known as industrial banks, dealers in commercial paper and acceptances, sales finance, personal finance, small loan and mortgage financing businesses, as well as any other enterprise employing moneyed capital coming into competition with the business of national banks; provided, that the holding of bonds, notes, or other evidences of indebtedness by individual persons not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with the business of national banks, shall not be deemed financial business. Nor shall "financial business" include national banks, production credit associations organized under the Farm Credit Act of 1933, stock and mutual insurance companies duly authorized to transact business in this State, security brokers or dealers or investment companies or bankers not employing moneyed capital coming into competition with the business of national banks, real estate investment trusts, or any of the following entities organized under the laws of this State: credit unions, savings banks, savings and loan and building and loan associations, pawnbrokers, and State banks and trust companies.

2. This act shall take effect immediately and shall be applicable to taxpayers whose accounting periods end on or after December 31, 1978.

Approved April 11, 1979.

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## CHAPTER 77

AN ACT concerning persons engaged in the conduct of bingo and supplementing the "Bingo Licensing Law," approved February 20, 1954 (P. L. 1954, c. 6).

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

**C. 5:8-34.1 Two or more affiliated licensees to engage in conduct of bingo.**

1. Notwithstanding any law, rule, or regulation to the contrary, it shall be lawful for any person to engage in the conduct of bingo for any two or more affiliated licensees of which he or she is an active member. The commission shall by regulation determine whether licensees are affiliated.

2. This act shall take effect immediately.

Approved April 15, 1979.

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## CHAPTER 78

AN ACT concerning minimum standards in the form, content and sale of health insurance and supplementing Subtitle 3 of Title 17B of the New Jersey Statutes.

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

**C. 17B:26-45 Issuance of regulations; purposes of minimum standards; promulgation of regulations; filing of policies with commissioner.**

1. a. The commissioner of insurance shall issue such regulations as he shall deem necessary or desirable to establish minimum standards, including standards for full and fair disclosure, for the form, content and sale of individual health insurance issued pur-

suant to chapter 26 of Title 17B of the New Jersey Statutes. Such regulations shall apply to all, any portion, or reasonable classifications of such insurance, other than conversion policies pursuant to a contractual conversion privilege.

b. The purposes of such minimum standards shall include any or all of the following: (1) reasonable standardization and simplification of language, terms and coverages to facilitate understanding and comparisons; (2) elimination of provisions which may be misleading or unreasonably confusing in connection with either the purchase of such insurance or the settlement of claims; (3) elimination of deceptive practices in connection with the sale of such insurance; (4) elimination of provisions which may be contrary to the health care needs of the public; (5) elimination of coverages which are so limited in scope as to be of no substantial economic value to the holders thereof; and (6) elimination of unfair renewal practices which are contrary to the health care needs and economic well-being of the public.

c. Any such regulations shall be promulgated in accordance with the Administrative Procedure Act (P. L. 1968, c. 410, C. 52:14B–1 et seq.).

d. The department shall transmit copies of all rules and regulations adopted pursuant to this act to the Senate and General Assembly on a day on which both Houses shall be meeting in the course of a regular or special session. The provisions of the "Administrative Procedure Act" or any other law to the contrary notwithstanding no such rule or regulation shall take effect if, within 60 days of the date of its transmittal to the Senate and General Assembly, the Legislature shall pass a concurrent resolution stating in substance that the Legislature does not favor such proposed rule or regulation.

e. One hundred and twenty days after the effective date of a regulation which has been adopted pursuant to this section, all policies of insurance previously filed with the commissioner which are not in compliance with the regulation shall be deemed to be withdrawn from filing and disapproved. No new policy of insurance shall be delivered or issued for delivery in this State until such new policy has been filed with the commissioner.

**C. 17B:26-46 Violation of act; penalty.**

2. If, after notice and hearing, the commissioner finds that an insurance company, agent or broker or any other person has violated the provisions of this act or any regulation promulgated pursuant to this act, he may, in addition to any other penalty,

impose a penalty not exceeding $2,000.00 for each such violation, which penalty shall be collected and enforced pursuant to the law (N. J. S. 2A:58–1 et seq.).

**C. 17B:26-47 Court action.**

3. The commissioner may, through the Attorney General of this State, institute an action in the Superior Court to enjoin and restrain any insurer who has entered into a policy which does not conform to the regulations promulgated pursuant to this act or an insurer or any other person who has attempted to induce entry into any such policy or whose method of sale is in violation of the regulations promulgated pursuant to this act. The court may proceed in the action in a summary manner.

4. This act shall take effect immediately, and the commissioner shall file for publication in the New Jersey Register proposed regulations required by this act within 60 days thereafter.

Approved April 15, 1979.

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## CHAPTER 79

AN ACT concerning the "New Jersey Gross Income Tax Act," and amending N. J. S. 54A:6–10.

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

1. N. J. S. 54A:6–10 is amended to read as follows:

**Pensions and annuities.**

54A:6–10. Pensions and annuities.

Gross income shall not include that part of any amount received as an annuity under an annuity, endowment, or life insurance contract which bears the same ratio to such amount as the investment in the contract as of the annuity starting date bears to the expected return under the contract as of such date. Where (1) part of the consideration for an annuity, endowment, or life insurance contract is contributed by the employer, and (2) during the 3-year period beginning on the date on which an amount is first received under the contract as an annuity, the aggregate amount receivable by the employee under the terms of the contract is equal to or greater than the consideration for the contract contributed by

the employee, then all amounts received as an annuity under the contract shall be excluded from gross income until there has been so excluded an amount equal to the consideration for the contract contributed by the employee.

In addition to that part of any amount received as an annuity which is excludable from gross income as herein provided, gross income shall not include payments of up to $10,000.00 for a married couple filing jointly, $5,000.00 for a married person filing separately or $7,500.00 for a single taxpayer, which are received as an annuity, endowment or life insurance contract, or payments of any such amounts which are received as pension, disability, or retirement benefits, under any public or private plan, whether the consideration therefor is contributed by the employee or employer or both, by any person who is 62 years of age or older or who, by virtue of disability, is or would be eligible to receive payments under the Federal Social Security Act.

Gross income shall not include any amount received under any public or private plan by reason of a permanent and total disability.

Gross income shall not include distributions from an employees' trust described in Section 401 (a) of the 1954 Internal Revenue Code, as amended (hereinafter referred to as "the Code"), which is exempt from tax under Section 501 (a) of the Code if the distribution, except the portion representing the employees' contributions, is rolled over in accordance with Section 402 (a) (5) or Section 403 (a) (4) of the Code. The distribution shall be paid in one or more installments which constitute a lump-sum distribution within the meaning of Section 402 (e) (4) (A) (determined without reference to subsection (e) (4) (B)), or be on account of a termination of a plan of which the trust is a part or, in the case of a profit-sharing or stock bonus plan, a complete discontinuance of contributions under such plan.

2. This act shall take effect immediately and be applicable to the tax year 1978 and thereafter.

Approved April 15, 1979.

## CHAPTER 80

AN ACT appropriating $5,000,000.00 from the Beaches and Harbor Fund for the purpose of restoring the State shoreline of the New York Harbor; and providing the 33⅓% State matching share for the U.S. Army Corps of Engineers New York Harbor Collection and Removal of Drift Project.

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

1. There is hereby appropriated to the Department of Environmental Protection from the Beaches and Harbor Fund created pursuant to the "Beaches and Harbors Bond Act of 1977" (P. L. 1977, c. 208) the sum of $5,000,000.00 for the purposes of removing and disposing of derelict vessels, deteriorated shore structures and loose drift material along the New Jersey shoreline of the New York Harbor, which sum shall include administrative costs.

2. Such sum shall be made available by the sale of bonds authorized by the "Beaches and Harbors Bond Act of 1977" (P. L. 1977, c. 208).

3. Such sum shall be used to provide the 33⅓% State share of the U.S. Army Corps of Engineers New York Harbor Collection and Removal of Drift Project.

4. The expenditure of the sums appropriated by this act are subject to the provisions and conditions of P. L. 1977, c. 208.

5. This act shall take effect immediately.

Approved April 19, 1979.

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## CHAPTER 81

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, 1979 and regulating the disbursement thereof," approved June 30, 1978 (P. L. 1978, c. 60).

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

1. There is hereby appropriated from the General Treasury to the Department of Environmental Protection for weed control purposes in Mountain Lake in Warren county the sum of $25,000.00.

2. This act shall take effect immediately.

Approved April 26, 1979.

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## CHAPTER 82

AN ACT concerning municipal adult school crossing guards and supplementing Title 40A of the New Jersey Statutes.

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

**C. 40A:9-154.1 Adult school crossing guards; qualifications.**

1. The governing body of any municipality may appoint adult school crossing guards for terms not exceeding 1 year and revoke such appointments for cause and after proper hearing before the chief of police or other chief law enforcement officer of the municipality. No person shall be appointed as an adult school crossing guard unless he:

a. Is a citizen of this State;

b. Is sound in body and of good health;

c. Is of good moral character; and

d. Has not been convicted of any criminal offense involving moral turpitude.

An adult school crossing guard shall not be a member of the police department or force of the municipality and his powers and duties shall cease at the expiration of the term for which he was appointed. He shall not have the right to bear firearms or the power of arrest.

Every adult school crossing guard shall be under the supervision and direction of the chief of police or other chief law enforcement officer of the municipality wherein he is appointed and shall perform his duties only in such municipality. He shall comply with the rules and regulations applicable to the conduct and decorum of the regular police officers of the municipality. Before any adult school crossing guard is appointed the chief of police shall ascertain the eligibility of the applicant and make a report to the governing body.

**C. 40A:9-154.2 Training of guards.**

2. Every adult school crossing guard shall be trained for the proper performance of his duties and responsibilities. Such training shall consist of a minimum of 2 hours of classroom instruction which shall include information on methods of traffic control and the duties and responsibilities of adult school crossing guards and a minimum of 20 hours of field training in which the trainee shall be supervised by an experienced adult school crossing guard or a regular police officer.

**C. 40A:9-154.3 Uniforms of guards.**

3. Before being assigned to any post, an adult school crossing guard shall be provided with a uniform which shall identify his function and which shall be distinct from the uniform of a member of the regular police department or force. Such uniform shall include but not be limited to a safety vest, a hat, and breast and hat badges which shall bear an identification number, and the name of the municipality in which he is employed.

**C. 40A:9-154.4 Positioning of guards at street crossings.**

4. The chief of police or other chief law enforcement officer of a municipality shall have the right to position school crossing guards on any street or highway within the municipality; provided, however, that such guards may be stationed only when it is necessary to control or direct vehicular or pedestrian traffic during those time periods of a school day when it is necessary to control traffic or during any special event or program involving pedestrian crossings whenever it is deemed to be in the best interests of public safety.

5. This act shall take effect immediately.

Approved April 26, 1979.

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## CHAPTER 83

AN ACT concerning vacancies in certain elected municipal offices, enacting chapter 16 to Title 40A of the New Jersey Statutes, and revising sections of the statutory law.

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

# TITLE 40A
# CHAPTER 16
# VACANCIES IN CERTAIN ELECTED MUNICIPAL OFFICES

*Section 1.*


40A:16–1 Short title.
40A:16–2 Definitions.
40A:16–3 When office deemed vacant.
40A:16–4 Filling vacancies in municipalities holding regular municipal elections.
40A:16–5 Filling vacancies in municipalities holding general elections.
40A:16–6 Vote required to fill vacancy in office of mayor.
40A:16–7 Vote required to fill a vacancy in the membership of a governing body.
40A:16–8 Authority of mayor to vote in filling a vacancy.
40A:16–9 Authority of Governor to fill vacancies in governing bodies.
40A:16–10 Qualifications of appointee to fill vacancy.
40A:16–11 Appointment to fill vacancy where incumbent was nominee of a political party; time to fill vacancy.
40A:16–12 Appointment to fill vacancy where incumbent was not nominee of a political party; time to fill vacancy.
40A:16–13 Failure of governing body to fill vacancy in membership of governing body.
40A:16–14 Special election to fill vacancy in the office of mayor; limitation on authority to appoint.
40A:16–15 Special election when person elected to office dies before commencement of term.
40A:16–16 Special election when vacancy occurs pursuant to R. S. 19:3–25.
40A:16–17 Special election when person elected to office becomes disqualified before commencement of term.
40A:16–18 Notice of holding special election; contents.
40A:16–19 Nomination of successor to be elected at special election.
40A:16–20 Nomination of successor to be elected at regular municipal or general election.
40A:16–21 Time for taking office.
40A:16–22 Provisions in secial municipal charters superseded.
40A:16–23 Statutes repealed.

**Short title.**

40A:16–1. Short title. This chapter shall be known and cited as the "Municipal Vacancy Law."

Source: C. 40:45B–1 (1975, c. 213, s. 1).

**Definitions.**

40A:16–2. Definitions. As used in this chapter, unless the context clearly indicates to the contrary, the following words and terms shall have the following meanings:

a. "Governing body" means the body exercising general legislative power in the municipality, including any mayor selected by the governing body from among its own members;

b. "Incumbent" means a person in present possession of the office of mayor or member of a governing body and who is legally authorized to discharge the duties of the office;

c. "Mayor" means the person elected to that office at large by the voters of the municipality;

d. "Municipality" means any village, borough, town, township or city of this State;

e. "Officer" means a mayor elected at large or the member of a governing body;

f. "Political party" means a party which, at the election held for all of the members of the General Assembly next preceding the holding of any primary election held pursuant to Title 19 of the Revised Statutes, polled for members of the General Assembly at least 10% of the total vote cast in the State.

Source: New.

**When office deemed vacant.**

40A:16–3. When office deemed vacant. The office of a mayor or a member of the governing body of a municipality shall be deemed vacant:

a. Upon its being so declared by virtue of a judicial determination;

b. Upon the death of the mayor or a member of a governing body;

c. Upon a determination of the other members of the governing body that the mayor or a member of a governing body no longer resides within the corporate limits of a municipality or ward from which he was elected;

d. Upon the refusal of the mayor or member of a governing body to qualify or serve;

e. Upon a judicial determination that the mayor or member of a governing body shall have become physically or mentally incapable of serving;

f. Upon the filing of a written resignation with the municipal clerk by the mayor or a member of the governing body, except a resignation filed following the filing of a recall petition;

g. Whenever the mayor, when required by law to attend meetings of the governing body, or a member of the governing body, fails to attend and participate in any meetings of the governing body for a period of 8 consecutive weeks without being excused from attendance by a majority of the members of the governing body, at the conclusion of such period; provided, however, that the governing body may refuse to excuse only with respect to those failures to attend and participate which are not due to legitimate illness; or,

h. Upon a determination that the office comes within the purview of R. S. 19:3–25.

Source: C. 40:45B–6 (1975, c. 213, s. 6); C. 40:103–5(77) (1963, c. 149, s. 7).

**Filling vacancies in municipalities holding regular municipal elections.**

40A:16–4. Filling vacancies in municipalities holding regular municipal elections. Whenever a vacancy occurs as provided in N. J. S. 40A:16–3 in the office of mayor or in the membership of the governing body of a municipality holding regular municipal elections, the vacancy shall be filled in the following manner:

a. If the vacancy occurs subsequent to September 1 of the last year of the term of the officer whose office has become vacant, the office shall be filled for its unexpired term by appointment by the governing body as hereinafter provided;

b. If the vacancy occurs at any other time, the vacancy shall be filled for its unexpired term at the next general or regular municipal election, whichever occurs first, to be held not less than 60 days after the occurrence of the vacancy. The governing body may fill the vacancy temporarily by appointment as hereinafter provided.

Source: C. 40:45B–2 (1975, c. 213, s. 2 amended 1978, c. 11, s. 1).

**Filling vacancies in municipalities holding general elections.**

40A:16–5. Filling vacancies in municipalities holding general elections. Whenever a vacancy occurs as provided in N. J. S. 40A:16–3 in the office of a mayor or in the membership of the governing body of a municipality holding general elections, the vacancy shall be filled in the following manner:

a. If the vacancy occurs any time subsequent to September 1 of the next-to-the-last year and up to the expiration of the term of the officer whose office has become vacant, the office shall be filled for its unexpired term by appointment by the governing body as hereinafter provided;

b. If the vacancy occurs at any other time, the vacancy shall be filled for its unexpired term at the next general election to be held not less than 60 days after the occurrence of the vacancy. The governing body may fill the vacancy temporarily by appointment as hereinafter provided.

Source: C. 40:45B–2 (1975, c. 213, s. 2 amended 1978, c. 11, s. 1); C. 40:103–5(78) (1963, c. 149, s. 8).

**Vote required to fill vacancy in office of mayor.**

40A:16–6. Vote required to fill vacancy in office of mayor. An appointment to fill a vacancy in the office of mayor shall be by a majority vote of the entire membership of the governing body.

Source: C. 40:45B–2 (1975, c. 213, s. 2 amended 1978, c. 11, s. 1); C. 40:103–5(78) (1963, c. 149, s. 8).

**Vote required to fill a vacancy in the membership of a governing body.**

40A:16–7. Vote required to fill a vacancy in the membership of a governing body. An appointment to fill a vacancy in the membership of a governing body shall be by a majority vote of the remaining members of the governing body.

Source: C. 40:45B–2 (1975, c. 213, s. 2 amended 1978, c. 11, s. 1); C. 40:103–5(78) (1963, c. 149, s. 8).

**Authority of mayor to vote in filling a vacancy.**

40A:16–8. Authority of mayor to vote in filling a vacancy. In municipalities governed by the provisions of Articles 3, 4, 5, 6, 7 and 8 of the "Optional Municipal Charter Law," P. L. 1950, c. 210 (C. 40:69A–31 et seq., C. 40:69A–49 et seq., C. 40:69A–55 et seq., C. 40:69A–61 et seq., C. 40:69A–68 et seq., and C. 40:69A–74 et seq.), or by the provisions of laws governing boroughs, R. S. 40:86–1 to R. S. 40:94–6 inclusive, a mayor shall be permitted to vote to fill a vacancy in the membership of a governing body only in the case of a tie vote.

Source: New.

**Authority of Governor to fill vacancies in governing bodies.**

40A:16–9. Authority of Governor to fill vacancies in governing bodies. Whenever the offices of all or a majority of the members of a governing body shall become vacant as provided in N. J. S.

40A:16–3, the fact of the vacancies shall be immediately certified to the Governor by the municipal clerk or any remaining member of the governing body. The Governor shall fill the vacancies within 30 days of the occurrence of the vacancies. If the incumbent whose office has become vacant was elected to office other than as the nominee of a political party, the Governor shall appoint a successor to fill the vacancy without regard to party. If the incumbent whose office has become vacant was elected to office as the nominee of a political party, the Governor shall fill the vacancy by the appointment of a successor from the same political party which had nominated such incumbent.

Source: C. 40:45B–2 (1975, c. 213, s. 2 amended 1978, c. 11, s. 1).

**Qualifications of appointee to fill vacancy.**

40A:16–10. Qualifications of appointee to fill vacancy. Every person appointed to fill a vacancy, either for the unexpired term or temporarily, shall have the qualifications required by statute to permit the appointee to qualify for election to office.

Source: C. 40:45B–3 (1975, c. 213, s. 3).

**Appointment to fill vacancy where incumbent was nominee of a political party; time to fill vacancy.**

40A:16–11. Appointment to fill vacancy where incumbent was nominee of a political party; time to fill vacancy. If the incumbent whose office has become vacant was elected to office as the nominee of a political party, the municipal committee of the political party of which the incumbent was the nominee shall, no later than 15 days after the occurrence of the vacancy, present to the governing body the names of three nominees for the selection of a successor to fill the vacancy. The governing body shall, within 30 days after the occurrence of the vacancy, appoint one of the nominees as the successor to fill the vacancy. If the municipal committee which nominated the incumbent fails to submit the names of the nominees within the time prescribed herein, the governing body shall, within the next 15 days fill the vacancy by the appointment of a successor from the same political party which had nominated the incumbent whose office has become vacant.

Source. C. 40:45B–3 (1975, c. 213, s. 3); C. 40:103–5(79) (1963, c. 149, s. 9).

**Appointment to fill vacancy where incumbent was not nominee of a political party; time to fill vacancy.**

40A:16–12. Appointment to fill vacancy where incumbent was not nominee of a political party; time to fill vacancy. If the

incumbent whose office has become vacant was not elected to office as the nominee of a political party, the governing body shall within 30 days of the occurrence of the vacancy, appoint a successor to fill the vacancy without regard to party.

Source: C. 40:45B–3 (1975, c. 213, s. 3); C. 40:103–5(79) (1963, c. 149, s. 9).

**Failure of governing body to fill vacancy in membership of governing body.**

40A:16–13. Failure of governing body to fill vacancy in membership of governing body. If a governing body shall fail to fill a vacancy in the membership of the governing body for its unexpired term as provided in N. J. S. 40A:16–4a or 40A:16–5a within the time prescribed by N. J. S. 40A:16–11 or 40A:16–12, the office shall remain vacant for the remainder of the term.

Source: New.

**Special election to fill vacancy in the office of mayor; limitation on authority to appoint.**

40A:16–14. Special election to fill vacancy in the office of mayor; limitation on authority to appoint. If a governing body shall fail to fill a vacancy in the office of mayor as provided in N. J. S. 40A:16–4a or 40A:16–5a within the 30-day period prescribed by N. J. S. 40A:16–11 or 40A:16–12, the municipal clerk shall forthwith fix the date for a special election to fill the vacancy to be held 45 days after the expiration of the time fixed for the filling of the vacancy. If the date fixed for a special election shall fall within 20 days prior to the holding of any general election, regular municipal election or any other election within the municipality, the vacancy shall be filled at that election. If the date fixed for a special election shall fall within 20 days after the holding of any general election, regular municipal election or any other election within the municipality, then the special election to fill the vacancy shall be held not less than 20 days nor more than 25 days from the date of that election.

Notwithstanding the foregoing, if a vacancy in the office of mayor occurs in the final 6 months of the term of the mayor, no special election shall be held to fill the vacancy.

No appointment shall be made by a governing body to fill a vacancy occurring in the office of a mayor after the fixing of a date for a special election to fill the vacancy pursuant to this section.

Source: C. 40:45B–2 (1975, c. 213, s. 2 amended 1978, c. 11, s. 1).

**Special election when person elected to office dies before commencement of term.**

40A:16–15. Special election when person elected to office dies before commencement of term. If at any time after an election for the office of mayor or for a member of the governing body and before the time fixed for the commencement of the term of the office, the person elected to that office dies, the municipal clerk shall forthwith fix the date for a special election to fill that office for its term or unexpired term, as the case may be, to be held 45 days from the date of such death.

Source: New.

**Special election when vacancy occurs pursuant to R. S. 19:3-25.**

40A:16–16. Special election when vacancy occurs pursuant to R. S. 19:3–25. Whenever the office of mayor or of member of the governing body shall be declared or deemed vacant pursuant to R. S. 19:3–25, the municipal clerk shall forthwith fix the date for a special election to fill that office for its term or unexpired term, as the case may be, to be held 45 days from the date upon which the office was so declared or deemed to be vacant.

Source: New.

**Special election when person elected to office becomes disqualified before commencement of term.**

40A:16–17. Special election when person elected to office becomes disqualified before commencement of term. If at any time after an election for the office of mayor or for a member of the governing body and before the time fixed for the commencement of the term of the office, it shall be determined that the person elected to that office shall no longer have the qualifications required for the office, the municipal clerk shall forthwith fix the date for a special election to fill the office for its term or unexpired term, as the case may be, to be held 45 days from the date of such determination.

Source: New.

**Notice of holding special election; contents.**

40A:16–18. Notice of holding special election; contents. The municipal clerk upon the fixing of a date for the holding of a special election shall immediately cause to be published in a legal newspaper circulating within the municipality a notice setting forth the date of the special election, its purpose, and the date when the nomination of candidates for election shall be filed in the clerk's office.

Source: New.

**Nomination of successor to be elected at special election.**

40A:16–19. Nomination of successor to be elected at special election. The nomination of a successor to be elected at a special election as provided in N. J. S. 40A:16–14, 40A:16–15, 40A:16–16 and 40A:16–17 shall be made in the following manner:

a. In municipalities holding elections for municipal officers at the time of a general election, the municipal committees of the political parties in the municipality shall, no later than 15 days from the expiration of the time fixed in N. J. S. 40A:16–14 for the filling of a vacancy by appointment or from the happening of the events set forth in N. J. S. 40A:16–15, 40A:16–16 and 40A:16–17, select their candidates for election to the office, and file a statement of their selections with the municipal clerk. The statements so filed shall conform to the provisions of R. S. 19:13–20. Other candidates for election to such office shall be nominated by petition in the manner set forth in subsection b. of this section.

b. In municipalities holding regular municipal elections, nomination shall be by petition in writing filed with the municipal clerk. The petition shall be signed by a number of the registered and qualified voters of the municipality if the successor is to be elected at large, or of the ward if the successor is to be elected from a ward, equal to at least 0.5% of the total number of votes cast in the municipality, or ward, as the case may be, at the last preceding general election at which members of the General Assembly were elected, but in no case shall such petition be signed by fewer than 25 such voters. The petition shall be filed with the municipal clerk no later than 15 days from the expiration of the time prescribed in N. J. S. 40A:16–14 for the filling of a vacancy by appointment or from the happening of the events set forth in N. J. S. 40A:16–15, 40A:16–16 and 40A:16–17. The municipal clerk shall forthwith examine the petition, and, if he finds it to be defective in any particular, he shall return the petition to the person nominated thereby setting forth his reasons in writing. Within 3 days after its return, the petition as corrected may be refiled with the municipal clerk.

Source: C. 40:45B–4 (1975, c. 213, s. 4 amended 1976, c. 19, s. 1); C. 40:103–5(78) (1963, c. 149, s. 8).

**Nomination of successor to be elected at regular municipal or general election.**

40A:16–20. Nomination of successor to be elected at regular municipal or general election. The nomination of a successor to

be elected at a regular municipal or general election shall be made in the manner provided in Title 19 of the Revised Statutes.

Source: New.

**Time for taking office.**

40A:16–21. Time for taking office. All appointees to fill a vacancy, whether to fill the unexpired term or temporarily, shall take office immediately after appointment and qualification. All persons elected to serve for the unexpired term of an office shall take office immediately upon certification of the results of the election pursuant to the provisions of R. S. 19:20–9. All persons elected to serve for a full term of office shall take office on the date fixed for the commencement of the term of the office.

Source: C. 40:45B–5 (1975, c. 213, s. 5).

**Provisions in special municipal charters superseded.**

40A:16–22. Provisions in special municipal charters superseded. The provisions of any special municipal charters which are inconsistent with the provisions of this chapter are hereby superseded.

Source: New.

**Statutes repealed.**

40A:16–23. Statutes repealed. The following sections, acts and chapters, together with all amendments and supplements thereto are hereby repealed:

Revised Statutes Sections:
R. S. 40:72–15;
R. S. 40:81–18;
R. S. 40:87–11;
R. S. 40:125–7;
R. S. 40:131–5;
R. S. 40:146–20;
R. S. 40:171–5.
Pamphlet Laws:
P. L. 1975, c. 213, s. 1-6 (C. 40:45B–1 to C. 40:45B–6 inclusive);
P. L. 1950, c. 210, s. 3-5 (C. 40:69A–35);
P. L. 1950, c. 210, s. 4-6 (C. 40:69A–54);
P. L. 1950, c. 210, s. 5-6 (C. 40:69A–60);
P. L. 1950, c. 210, s. 6-7 (C. 40:69A–67);
P. L. 1950, c. 210, s. 7-6 (C. 40:69A–73);
P. L. 1950, c. 210, s. 8-7 (C. 40:69A–80);
P. L. 1950, c. 210, s. 9-5 (C. 40:69A–85);
P. L. 1950, c. 210, s. 10-5 (C. 40:69A–103);

P. L. 1950, c. 210, s. 11-5 (C. 40:69A–108);
P. L. 1950, c. 210, s. 12-6 (C. 40:69A–114);
P. L. 1950, c. 210, s. 13-5 (C. 40:69A–119);
P. L. 1950, c. 210, s. 14-5 (C. 40:69A–137);
P. L. 1953, c. 254, s. 13 (12A–5) (C. 40:69A–114.5);
P. L. 1973, c. 234, s. 5 (C. 40:69A–114.11);
P. L. 1963, c. 149, s. 8 (C. 40:103–5(78)).

2. R. S. 40:84–11 is amended to read as follows:

**Municipal elections; when held.**

40:84–11. In cases provided for in this article the municipal elections to be held in accordance with sections 40:81–5 and 40:84–2 of this Title shall be held on the second Tuesday in May in each year, and the number of persons to be elected at the municipal elections shall be equal to the number of vacancies which are then to be filled, and the terms of office of the persons so elected shall be 3 years and until their successors are elected and qualified.

3. R. S. 40:158–2 is amended to read as follows:

**Trusteees; term of office; organization of board.**

40:158–2. Unless otherwise provided for by any law or charter incorporating any village, the officers to be elected shall be five village trustees, who shall constitute the governing board of the village. At their first meeting after the first election in any village incorporated under or adopting this part of this subtitle the trustees shall decide their term of office by lot. The term of one trustee shall expire at noon on January 1 next ensuing; the terms of two trustees shall expire 1 year thereafter, and the terms of the remaining two trustees 2 years thereafter. The terms of the trustees elected after the first election shall be 3 years. The board shall organize by the election of one of its number as president, who shall be the village president for 1 year and until his successor shall be elected, but the president shall not remain in office after the expiration of his term as trustee.

4. R. S. 40:159–1 is amended to read as follows:

**Eligibility.**

40:159–1. No person shall be eligible to the office of trustee unless he shall be at the time a resident and voter of the village.

5. Section 15–5 of P. L. 1950, c. 210 (C. 40:69A–143) is amended to read as follows:

**C. 40:69A-143 Election of mayor and councilmen.**

15–5. The mayor and councilmen shall be elected at the general election to be held on the first Tuesday after the first Monday in November or at such other time as may be provided by law for holding general elections.

6. Section 16–5 of P. L. 1950, c. 210 (C. 40:69A–148) is amended to read as follows:

**C. 40:69A-148 Election of members of council.**

16–5. Members of the council shall be elected at the general election to be held on the first Tuesday after the first Monday in November or at such other time as may be provided by law for holding general elections.

7. Section 7 of P. L. 1963, c. 149 (C. 40:103–5(77)) is amended to read as follows:

**C. 40:103-5(77) Eligibility for office.**

7. Eligibility for Office.

No person shall be eligible as a candidate for election as mayor or qualified to serve as mayor unless he shall be a citizen of the United States and shall have resided in the city continuously for a period of 2 years next preceding the date of his election to office and continuously after the date of election and during his term of office. No person shall be eligible for election or appointment to the office of councilman unless he shall be a citizen of the United States and shall have resided:

(a) In the city continuously for a period of 2 years next preceding the date of his election or appointment to office, and

(b) In the ward which he is to represent continuously for a period of 1 year next preceding the date of his election or appointment to office and shall maintain each such residence after his election or appointment as the case may be.

8. Section 9 of P. L. 1963, c. 149 (C. 40:103–5(79)) is amended to read as follows:

**C. 40:103-5(79) Acting mayor.**

9. Acting Mayor. The mayor shall in case of his absence from the city or his disability, such that he is unable to attend to the usual and routine functions of his office, designate a city officer as acting mayor for a period not exceeding 60 consecutive days. In the event of the absence from the city or disability of the mayor exceeding 60 consecutive days, the chairman of the city council shall serve as acting mayor until such absence shall terminate or

disability be removed. Any person serving as acting mayor shall be vested with all the rights, powers and duties of mayor, provided, however, that during the first 60 consecutive days of such absence or disability, no appointments shall be made by the acting mayor except temporary appointments necessary for the continuing function of government.

9. Section 8 of P. L. 1897, c. 30 (R. S. 40:108–1(8)) is amended to read as follows:

**Vacancies; election or appointment.**

8. If at any annual city election in any such city there shall be one or more vacancies to be supplied in any office, except in the office of mayor or councilman, at the same time any person is to be elected for the full term of said office, or if two or more are elected at the same time to serve for different terms, the term for which each person is voted for, for said office, shall be designated on the ballot; and if any person who shall be elected to any office, except the office of mayor or councilman, at the annual city election shall not qualify according to law for the space of 20 days after such election, or if any person who shall be elected or appointed to fill any vacancy in any of said offices shall not qualify according to law for the space of 20 days after such election or appoinment, his office shall be deemed vacant.

10. Section 9 of P. L. 1897, c. 30 (R. S. 40:108–1(9)) is amended to read as follows:

**Vacancies; appointment by common council.**

9. In case of death, resignation, disability, disqualification, removal from office, neglect or refusal to act, or removal out of the city or ward of any of the officers, or any vacancy in any office except mayor or councilman, it shall be lawful for the common council to appoint others in their stead until the next city election, or in case of appointed officers until the regular period for appointment, who shall, during the said term, perform like services, be entitled to the same fees and be subject to the same responsibilities as though elected at the annual election or appointed at the regular time; provided, that all resignations shall be sent to the mayor, and he shall report the same to the common council at its next meeting thereafter.

11. Section 11 of P. L. 1897, c. 30 (R. S. 40:108–1(11)) is amended to read as follows:

**Removal from office; vacancies.**

11. Any city or ward officer, except members of the board of city assessors, mayor or councilmen, may be removed from office by resolution, for disability, or other good cause shown, upon complaint in writing to the common council, setting forth such cause, supported by one or more affidavits of the truth of the facts therein alleged; provided, however, that no such removal shall take place until the person sought to be removed has had an opportunity to be heard in his defense, nor unless two-thirds of all the members of the common council shall vote for such removal; vacancies occurring in such office shall be filled for the unexpired term by the common council.

12. Section 8 of P. L. 1899, c. 52 (R. S. 40:109–3(8)) is amended to read as follows:

**Vacancies.**

8. If at any annual city election in any such city there shall be one or more vacancies, except in the office of mayor or councilman, to be supplied in any office at the same time any person is to be elected for the full term of said office, or if two or more are elected at the same time to serve for different terms, the term for which each person is voted for, for said office, shall be designated on the ballot; and if any person who shall be elected to any office, except the office of mayor or councilman, at the annual city election shall not qualify according to law for the space of 20 days after such election, or if any person who shall be elected or appointed to fill any vacancy in any of said offices shall not qualify according to law for the space of 20 days after such election or appointment, his office shall be deemed vacant.

13. Section 9 of P. L. 1899, c. 52 (R. S. 40:109–3(9)) is amended to read as follows:

**Filling of vacancies.**

9. That in case of a vacancy by death, resignation, disability, disqualification, removal from office, neglect or refusal to act, removal out of the city or ward, or from any other cause, in any appointive city or ward office, such vacancy shall be filled by the common council by appointment for the unexpired term, and until the appointment and qualification of a successor, and if such vacancy shall occur in any elective city or ward office, except mayor or councilman, the said common council shall fill the same by appointment until the next city election, and until the election and

qualification of a successor; such appointees shall during the said term perform like services, be entitled to the same fees, and be subject to the same responsibilities as though elected at the annual election or appointed at the regular time; provided, that all resignations shall be sent to the mayor, and he shall report the same to the common council at its next meeting thereafter.

14. Section 11 of P. L. 1899, c. 52 (R. S. 40:109–3(11)) is amended to read as follows:

**Removal from office; procedure.**

11. Any city or ward officer, except members of the board of city assessors, mayor or councilmen, may be removed from office by resolution, for disability, or other good cause shown, upon complaint in writing to the common council, setting forth such cause, supported by one or more affidavits of the truth of the facts therein alleged; provided, however, that no such removal shall take place until the person sought to be removed has had an opportunity to be heard in his defense, nor unless two-thirds of all of the members of the common council shall vote for such removal; vacancies occurring in such office shall be filled for the unexpired term by the common council.

15. N. J. S. 40A:9–11 is amended to read as follows:

**Vacancies; how filled; change of residence.**

40A:9–11. Whenever a county or municipal officer, who is required to be a resident shall cease to be a bona fide resident of the county or municipality, as the case may be, or whenever the resignation of any such officer shall have been accepted by the proper authority, his office shall immediately be deemed to be vacant. The county or municipality, by the proper authority, shall thereupon proceed to fill the vacancy in the manner prescribed by law.

A nonresident of any municipality may hold office as counsel, attorney, engineer, health officer, auditor or comptroller of such municipality and no such office shall be deemed vacated by a change of residence of any such person.

16. N. J. S. 40A:9–12 is amended to read as follows:

**Vacancies occurring from causes other than expiration of term of office or filing of petition for recall.**

40A:9–12. In any county or municipality, whenever a vacancy in office occurs from any cause other than expiration of the term of office or the filing of petition for recall, such vacancy shall be filled in the manner prescribed by law.

17. The provisions of this act shall be applicable to all vacancies existing as of the effective date hereof, provided, however, that for the purpose of filling such vacancies by appointment the time limits set forth in sections 40A:16–9, 40A:16–11 and 40A:16–12 shall be reckoned from the effective date of this act.

18. Effective Date. This act shall take effect immediately.

Approved April 26, 1979.

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## CHAPTER 84

AN ACT concerning newspapers and amending R. S. 35:1–2.2.

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

1. R. S. 35:1–2.2 is amended to read as follows:

**Publication by counties, municipalities or corporations; additional qualifications of newspaper.**

35:1–2.2. Whenever, by law, it is required that there be published by printing and publishing in a newspaper or newspapers, ordinances, resolutions or notices or advertisements of any sort, kind or character by any county, city or other municipality or municipal corporation, or by any municipal board or official board, or body, or office, or officials, or by any person or corporation, such newspaper or newspapers must, in addition to any other qualification now required by law, meet the following qualifications, namely: said newspaper or newspapers shall be entirely printed in the English language, shall be printed and published within the State of New Jersey, shall be a newspaper of general paid circulation possessing an average news content of not less than 35%, shall have been published continuously in the municipality where its publication office is situate for not less than 2 years and shall have been entered for 2 years as second-class mail matter under the postal laws and regulations of the United States. In case a newspaper cannot meet these qualifications itself but has acquired another newspaper which meets these qualifications, the acquiring newspaper shall be deemed to meet these qualifications if it is published in the same municipality and entered in the same post office as was the acquired newspaper. Continuous publication within the meaning of this section shall not be deemed interrupted

by any involuntary suspension of publication for a period not exceeding 6 months resulting from loss, destruction, mechanical or electrical failure of typesetting equipment or printing presses or the unavailability, due to conditions beyond the control of the publisher, of paper or other materials and supplies necessary for operation, or resulting from a labor dispute with a recognized labor union, and any newspaper so affected shall not be disqualified hereunder in the event that publication is resumed within said period of 6 months.

For the purposes of this section and for the purpose of qualifying for legal advertisements generally, any newspaper which for not less than 2 years shall have been continuously printed in a building located within two municipalities and which for not less than 2 years shall have continuously maintained its editorial and business offices in said building shall be deemed to have been published continuously in each of said municipalities during that period and its publication office shall be deemed to have been situate in each municipality during that period.

In the event any newspaper which shall have been qualified to publish legal advertisements shall move its publication office to any municipality in the same county or in an adjacent county in this State and which shall otherwise continue to meet the qualifications of this section, it shall be qualified to publish legal advertisements which it was qualified to publish prior to moving said publication office for a period of 2 years after the date of the moving of its publication office or such period as said newspaper shall have the highest paid circulation of any newspaper within the county or municipality which shall use said newspaper for legal advertisements.

2. This act shall take effect immediately.

Approved May 7, 1979.

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## CHAPTER 85

AN ACT concerning certain loans and amending R. S. 31:1–1 and P. L. 1968, c. 54.

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

1. R. S. 31:1–1 is amended to read as follows:

**Contract rate; establishment of interest rates.**

31:1–1. (a) Except as herein and otherwise provided by law, no person shall, upon contract, take, directly or indirectly for loan of any money, wares, merchandise, goods and chattels, above the value of $6.00 for the forebearance of $100.00 for a year. (b) The Commissioner of Banking may by regulations adopted, amended and rescinded from time to time, provide that the value which may be taken for any such loans shall be a value more than $6.00 but not more than $10.75 for the forbearance of $100.00 for a year, as shall be prescribed in such regulation, and after that rate for a greater or less sum or for longer or shorter time. In no event, however, shall the rate set by the commissioner exceed the Monthly Index of Long Term United States Government Bond Yields, compiled by the Board of Governors of the Federal Reserve System and as published by said Board of Governors in the monthly Federal Reserve Bulletin, for the second preceding calendar month plus an additional 2½% per annum rounded off to the nearest quarter of 1% per annum. Within the limits as provided by this subsection, and if he finds it to be in the best interests of the citizens and economy of this State, the commissioner may establish:

(1) A rate of interest on loans secured by a first lien on real property on which there is erected or to be erected a structure containing one, two, three, four, five or six dwelling units, a portion of which structure may be used for nonresidential purposes. The commissioner may establish different rates for such loans based upon the ratio of the loan to the appraised value of the real property. With respect to loans covered by this subsection, the commissioner may by regulation provide that any mortgage commitment outstanding as of the date of an increase in the rate set by the commissioner shall be extended from that date for a period not to exceed 60 days, provided that such extension shall not apply to any commitment which expires beyond the extension period so established.

(2) A rate of interest on all loans not included within paragraph (1) of this subsection, except as otherwise provided by law.

If for any reason no such index of long term bonds is compiled or published for any 1 or more months, the commissioner shall determine and publish such an index based upon available statistics.

In the case of a loan secured by a first lien on real property as described in subsection (1) of this section, beginning in the calendar year following the date of the mortgage loan, and annually thereafter, the mortgagee shall notify the mortgagor of the interest rate ceilings established by the commissioner as of the fifteenth

day of the month preceding. Such notification shall be given at the same time as the mortgagee gives notice to the mortgagor for Federal Income Tax purposes of the interest paid on the loan in the preceding calendar year.

(c) When, however, pursuant to any such contract, interest or discount is taken or reserved for a period of less than 1 year, or when interest is required to be paid at intervals of less than 1 year, such interest or discount may be computed on a daily basis, or on a monthly basis, or on a combination of both such bases when the period for which interest or discount is taken or reserved contains 1 or more months and 1 or more days; and, in any such case, a day shall be deemed to be a 1/360 part of a year, and a month shall be deemed to be a 1/12 part of a year, regardless of the number of days contained in such month. Any computation of interest or discount made on any such basis shall constitute a compliance with this section, and any such basis may be applied regardless whether the principal debt is payable in more than or less than 1 year from the time of making the loan.

(d) In making, amending and rescinding regulations pursuant to subsection (b) of this section, the Commissioner of Banking shall consider the general state of the economy, the discount rates prescribed by the Federal Reserve Bank of New York and the Federal Reserve Bank of Philadelphia, the advance rate as prescribed by the Federal Home Loan Bank of New York, the availability of funds for loans, studies and statistics published by the Federal Home Loan Bank Board and other agencies of the United States and of this State, and such other factors and bases for determination as the commissioner may deem pertinent. The rate established by any such regulations shall reasonably reflect prevailing market conditions, regionally and nationally, based upon the studies, statistics and factors considered, and shall remain in force until such time as such regulation is rescinded or such rate is increased or decreased by a subsequent regulation. Any such regulation shall have prospective effect only, and any rate established in excess of 8% shall apply only to loans secured by real estate on which there is erected or to be erected a structure containing one, two, three, four, five or six dwelling units, a portion of which structure may also be used for nonresidential purposes.

(e) Notwithstanding the provisions of paragraph (a) or (b) of this section, contracts for the following classes or types of loans may provide for any rate of interest which the parties agree upon, and interest at any such rate may be taken, notwithstanding that it exceeds a rate limited by paragraph (a) or (b) of this section:

(1) Loans in the amount of $50,000.00 or more, except loans where the security given is a first lien on real property on which there is erected or to be erected a structure containing one, two, three, four, five or six dwelling units, a portion of which structure may be used for nonresidential purposes. The rate of interest stated in such contract upon the origination of such loans may be taken notwithstanding that payments thereon reduce the amount outstanding to less than $50,000.00;

(2) Loans or advances of credit made by savings and loan associations, banking institutions, or any Department of Housing and Urban Affairs or Federal Housing Administration approved mortgages which are subsequently purchased, in whole or in part, by the Federal Housing Administration, Veterans Administration, Farmers Home Administration, Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, and any successor thereof or by any organization authorized by the Emergency Home Finance Act of 1970 to purchase such loans or by any State or Federal Governmental or quasi-governmental organizations.

If such loan is not purchased within 395 days from the date the loan instruments are executed, the maximum rate of interest which may be charged on such loan shall not be in excess of that authorized by the commissioner under the provisions of this section and such rate of interest, if in excess of that rate, shall be reduced to the rate in effect at the date of the execution of the loan instruments. No such reduction shall change the maturity date of the loan without the written consent of the borrower nor shall such reduction affect the lien of the mortgage which secures the loan.

(f) Any provision in a mortgage commitment contracted prior to the effective date of this act providing for an increase in interest rates to be charged based on the highest lawful interest rate shall be null and void.

2. Section 1 of P. L. 1968, c. 54 (C. 46:10B–1) is amended to read as follows:

**C. 46:10B-1 Definitions.**

1. As used in this act:

(a) "Mortgage loan" means a loan secured by an interest in real property consisting of land upon which is erected or to be erected, in whole or in part with the proceeds of such loan, a structure containing one, two, three, four, five or six dwelling units, a portion of which structure may be used for nonresidential purposes and upon

which interest is taken or contracted for at a rate in excess of $6.00 for the forbearance of $100.00 for a year;

(b) "Mortgagor" includes any person other than a corporation liable for the payment of a mortgage loan, and the owner of the real property which secures the payment of a mortgage loan;

(c) "Prepayment" of a mortgage loan means the payment in full of the balance owing on a mortgage loan at any time prior to the time limited for the final payment of such loan in an instrument evidencing such loan.

3. Section 2 of P. L. 1968, c. 54 (C. 46:10B–2) is amended to read as follows:

**C. 46:10B-2 Prepayment of mortgage loan; schedule.**

2. Prepayment of a mortgage loan may be made by or on behalf of a mortgagor at any time, and the holder of the mortgage loan shall be entitled to charge and collect a fee for the exercise of the right of such prepayment according to the following schedule:

(a) If prepayment is made within the first 6 months from the date of such mortgage loan, the prepayment fee shall not exceed 3% of the balance due on the mortgage loan as of the date of prepayment of the mortgage loan;

(b) If prepayment is made on or after 6 months from the date of the mortgage plan, but within 12 months from such date, the prepayment fee shall not exceed 2% of the balance due on the mortgage loan as of the date of prepayment of the mortgage loan;

(c) If prepayment is made on or after 12 months from the date of the mortgage loan, but within 18 months from such date, the prepayment fee shall not exceed 1% of the balance due on the mortgage loan as of the date of prepayment of the mortgage loan;

(d) If prepayment is made on or after 18 months from the date of the mortgage loan, no fee shall be charged or collected therefor.

4. This act shall take effect immediately.

Approved May 10, 1979.

# CHAPTER 86

AN ACT to revise, correct and repeal certain statutes.

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" includes 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 post-secondary 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 seeing eye 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 which is 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 a dog as an aid to personal travel, and has been trained by an organization generally recognized by agencies involved in the rehabilitation of the blind as reputable and competent to provide dogs with training of this type.

t. "Guide dog trainer" means any person who is employed by an organization generally recognized by agencies involved in the rehabilitation of the blind 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.

2. Section 11 of P. L. 1945, c. 169 (C. 10:5–12) is amended to read as follows:

**C. 10:5-12 Unlawful employment practice or unlawful discrimination.**

11. It shall be unlawful employment practice, or, as the case may be, an unlawful discrimination:

a. For an employer, because of the race, creed, color, national origin, ancestry, age, marital status or sex of any individual, or because of the liability for service in the Armed Forces of the United States or the nationality of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment; provided, however, it shall not be an unlawful employment practice to refuse to accept for employment an applicant who has received a notice of induction or orders to report for active duty in the armed forces; provided further that nothing herein contained shall be construed to bar an employer from refusing to accept for employment any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification, reasonably necessary to the

normal operation of the particular business or enterprise; provided further that it shall not be an unlawful employment practice for a club exclusively social or fraternal to use club membership as a uniform qualification for employment, or for a religious association or organization to utilize religious affiliation as a uniform qualification in the employment of clergy, religious teachers or other employees engaged in the religious activities of the association or organization, or in following the tenets of its religion in establishing and utilizing criteria for employment of an employee; and provided further that an employer may restrict employment to citizens of the United States where such restriction is required by Federal law or is otherwise necessary to protect the national interest.

b. For a labor organization, because of the race, creed, color, national origin, ancestry, age, marital status or sex of any individual, or because of the liability for service in the Armed Forces of the United States or nationality of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members, against any applicant for, or individual included in, any apprentice or other training program or against any employer or any individual employed by an employer; provided, however, that nothing herein contained shall be construed to bar a labor organization from excluding from its apprentice or other training programs any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the particular apprentice or other training program.

c. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment, or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, age, marital status or sex or liability of any applicant for employment for service in the Armed Forces of the United States, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

d. For any person to take reprisals against any person because he has opposed any practices or acts forbidden under this act or because he has filed a complaint, testified or assisted in any proceeding under this act.

e. For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.

f. For any owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation directly or indirectly to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any person in the furnishing thereof, or directly or indirectly to publish, circulate, issue, display, post or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, or privileges of any such place will be refused, withheld from, or denied to any person on account of the race, creed, color, national origin, ancestry, marital status, sex or nationality of such person, or that the patronage or custom thereat of any person of any particular race, creed, color, national origin, ancestry, marital status, sex or nationality is unwelcome, objectionable or not acceptable, desired or solicited, and the production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any owner, lessee, proprietor, superintendent or manager thereof, shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained herein shall be construed to bar any place of public accommodation which is in its nature reasonably restricted exclusively to individuals of one sex, and which shall include but not be limited to any summer camp, day camp, or resort camp, bathhouse, dressing room, swimming pool, gymnasium, comfort station, dispensary, clinic or hospital, or school or educational institution which is restricted exclusively to individuals of one sex, from refusing, withholding from or denying to any individual of the opposite sex any of the accommodations, advantages, facilities or privileges thereof on the basis of sex; provided further, that the foregoing limitation shall not apply to any restaurant as defined in R. S. 33:1–1 or place where alcoholic beverages are served.

g. For the owner, lessee, sublessee, assignee or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent, lease, assign, or sublease any real property or part or portion thereof, or any agent or employee of any of these:

(1) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of the race, creed,

color, national origin, ancestry, marital status, sex or nationality of such person or group of persons;

(2) To discriminate against any person or group of persons because of the race, creed, color, national origin, marital status or sex of such person or group of persons in the terms, conditions or privileges of the sale, rental or lease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith; or

(3) To print, publish, circulate, issue, display, post or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment or sublease of any real property or part or portion thereof, or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property, or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, sex or nationality or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied by individuals of one sex to any individual of the exclusively opposite sex on the basis of sex.

h. For any real estate broker, real estate salesman or employee or agent thereof:

(1) To refuse to sell, rent, assign, lease or sublease, or offer for sale, rental, lease, assignment, or sublease any real property or part or portion thereof to any person or group of persons or to refuse to negotiate for the sale, rental, lease, assignment, or sublease of any real property or part or portion thereof to any person or group of persons because of the race, creed, color, national origin, ancestry, marital status, sex or nationality of such person or group of persons, or to represent that any real property or portion thereof is not available for inspection, sale, rental, lease, assignment, or sublease when in fact it is so available, or otherwise to deny or with-

hold any real property or any part or portion of facilities thereof to or from any person or group of persons because of the race, creed, color, national origin, ancestry, marital status, sex or nationality of such person or group of persons.

(2) To discriminate against any person because of his race, creed, color, national origin, ancestry, marital status or sex in the terms, conditions or privileges of the sale, rental, lease, assignment or sublease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith; or

(3) To print, publish, circulate, issue, display, post, or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, sex or nationality or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection h., shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied exclusively by individuals of one sex to any individual of the opposite sex on the basis of sex.

i. For any person, bank, banking organization, mortgage company, insurance company or other financial institution, lender or credit institution to whom application is made for any loan or extension of credit including but not limited to an application for financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any real property or part or portion thereof or any agent or employee thereof:

(1) To discriminate against any person or group of persons because of the race, creed, color, national origin, ancestry, marital status, sex or nationality of such person or group of persons or of the prospective occupants or tenants of such real property

or part or portion thereof, in the granting, withholding, extending, modifying or renewing, or in the fixing of the rates, terms, conditions or provisions of any such loan, extension of credit or financial assistance or in the extension of services in connection therewith; or

(2) To use any form of application for such loan, extension of credit or financial assistance or to make record or inquiry in connection with applications for any such loan, extension of credit or financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, sex or nationality or any intent to make any such limitation, specification or discrimination; unless otherwise required by law or regulation to retain or use such information.

j. For any person whose activities are included within the scope of this act to refuse to post or display such notices concerning the rights or responsibilities of persons affected by this act as the Attorney General may by regulation require.

k. For any real estate broker, real estate salesman or employee or agent thereof or any other individual, corporation, partnership, or organization, for the purpose of inducing a transaction for the sale or rental of real property from which transaction such person or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, ancestry, marital status, sex or nationality of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including, but not limited to the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools or other facilities.

l. For any person to refuse to buy from, sell to, lease from or to, license, contract with, or trade with, provide goods, service or information to, or otherwise do business with any other person on the basis of the race, creed, color, national origin, ancestry, age, sex, marital status, liability for service in the Armed Forces of the United States, or nationality of such other person or of such other person's spouse, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers. This subsection shall not pro-

hibit refusals or other actions (1) pertaining to employee-employer collective bargaining, labor disputes, or unfair labor practices, or (2) made or taken in connection with a protest of unlawful discrimination or unlawful employment practices.

m. For any person to:

(1) Grant or accept any letter of credit or other document which evidences the transfer of funds or credit, or enter into any contract for the exchange of goods or services, where the letter of credit, contract, or other document contains any provisions requiring any person to discriminate against or to certify that he, she or it has not dealt with any other person on the basis of the race, creed, color, national origin, ancestry, age, sex, marital status, liability for service in the Armed Forces of the United States, or nationality of such other person or of such other person's spouse, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers.

(2) Refuse to grant or accept any letter of credit, or other document which evidences the transfer of funds or credit, or refuse to enter into any contract for the exchange of goods or services, on the ground that it does not contain such a discriminatory provision or certification.

The provision of this subsection shall not apply to any letter of credit, contract, or other document which contains any provision pertaining to employee-employer collective bargaining, a labor dispute or an unfair labor practice, or made in connection with the protest of unlawful discrimination or an unlawful employment practice, if the other provisions of such letter of credit, contract, or other document do not otherwise violate the provisions of this subsection.

n. For any person to aid, abet, incite, compel, coerce, or induce the doing of any act forbidden by subsections 11(l) and (m) of this act, or to attempt, or to conspire to do so. Such prohibited conduct shall include, but not be limited to:

(1) Buying from, selling to, leasing from or to, licensing, contracting with, trading with, providing goods, services, or information to, or otherwise doing business with any person because that person does, or agrees or attempts to do, any such act or any act prohibited by this subsection (n); or

(2) Boycotting, commercially blacklisting or refusing to buy from, sell to, lease from or to, license, contract with, provide goods, services or information to, or otherwise do business with any person

because that person has not done or refuses to do any such act or any act prohibited by this subsection (n); provided, that, this subsection (n) shall not prohibit refusals or other actions either pertaining to employee-employer collective bargaining, labor disputes, or unfair labor practices, or made or taken in connection with a protest of unlawful discrimination or unlawful employment practices.

3. Section 9 of P. L. 1973, c. 185 (C. 13:19–9) is amended to read as follows:

**C. 13:19-9 Hearing.**

9. a. The commissioner, or a member of the department designated by him, shall hold a hearing to afford interested parties the opportunity to present, orally or in writing, their position concerning the application and any data they may have developed in reference to the environmental effects of the proposed facility.

b. The commissioner, within 15 days after the hearing, may require an applicant to submit any additional information necessary for the complete review of the application.

4. N. J. S. 14A:12–2 is amended to read as follows:

**Dissolution of corporation.**

14A:12–2. (1) A corporation may be dissolved by action of its incorporators when there has been no organization meeting of the board, or by the board if there has been an organization meeting, provided that the corporation

(a) Has not commenced business;

(b) Has not issued any shares;

(c) Has no debts or other liabilities; and

(d) Has received no payments on subscriptions for its shares, or, if it has received such payments, has returned them to those entitled thereto, less any part thereof disbursed for expenses.

(2) The dissolution of such a corporation shall be effected in the following manner: the sole incorporator or director, if there is only one, or both incorporators or directors, if there are only two, or a majority of the incorporators or directors, if there are more than two, shall execute and file in the office of the Secretary of State a certificate of dissolution stating

(a) The name of the corporation;

(b) The name of the registered agent of the corporation;

(c) The location of the registered office of the corporation;

(d) The names of the incorporators and directors constituting the first board;

(e) That the corporation has not commenced business and has issued no shares, and has no debts or other liabilities;

(f) That the corporation has received no payments or subscriptions to its shares, or, if it has received such payments, that it has returned them to those entitled thereto, less any part thereof disbursed for expenses; and

(g) That the sole incorporator or director, if there is only one, or both incorporators or directors, if there are only two, or a majority of the incorporators or directors, if there are more than two, has or have elected that the corporation be dissolved.

(3) Notwithstanding the provisions of sections 14A:2–2 and 14A:15–2 and section 3 of P. L. 1973, c. 367 (C. 54:50–14),

(a) The Secretary of State shall accept for filing a certificate of dissolution pursuant to the provisions of this section

(i) Without payment of any filing fee; and

(ii) Without the filing with him of the certificate of the Director of the Division of Taxation evidencing the payment, or provision for the payment, by the corporation of taxes, fees, penalties, and interest; and

(b) The name of the corporation shall be available immediately for corporate use upon the filing of a certificate of dissolution pursuant to the provisions of this section.

5. N. J. S. 17B:26–2 is amended to read as follows:

**Form and content of policy; requirements.**

17B:26–2. a. No such policy of insurance shall be delivered or issued for delivery to any person in this State unless:

(1) The entire money and other considerations therefor are expressed therein; and

(2) The time at which the insurance takes effect and terminates is expressed therein; and

(3) It purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any two or more eligible members of that family, including husband, wife, dependent children or any children under a specified age which shall not exceed 19 years and any other person dependent upon the policyholder; and

(4) The style, arrangement and over-all appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in light-faced type of a style in general use, the size of which shall be uniform and not

less than 10-point with a lower-case unspaced alphabet length not less than 120-point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and captions and subcaptions); and

(5) The exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in sections 17B:26–3 to 17B:26–31 inclusive, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as "exceptions," or "exceptions and reductions," provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies; and

(6) Each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof; and

(7) It contains no provision purporting to make any portion of the charter, rules, constitution, or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short-rate table filed with the commissioner.

b. A policy under which coverage of a dependent of the policyholder terminates at a specified age shall, with respect to an unmarried child covered by the policy prior to the attainment of age 19, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon such policyholder for support and maintenance, not so terminate while the policy remains in force and the dependent remains in such condition, if the policyholder has within 31 days of such dependent's attainment of the limiting age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not require an insurer to insure a dependent who is a mentally retarded or physically handicapped child where the policy is underwritten on evidence of insurability based on health factors set forth in the application or where such dependent does not satisfy the conditions of the policy as to any requirement for evidence of insurability or other provisions of the policy, satisfaction of which is required for coverage thereunder to take effect. In any such case the terms of the policy shall apply

with regard to the coverage or exclusion from coverage of such dependent.

c. Notwithstanding any provision of a policy of health insurance, hereafter delivered or issued for delivery in this State, whenever such policy provides for reimbursement for any optometric service which is within the lawful scope of practice of a duly licensed optometrist, the insured under such policy shall be entitled to reimbursement for such service, whether the said service is performed by a physician or duly licensed optometrist.

d. If any policy is issued by an insurer domiciled in this State for delivery to a person residing in another state, and if the official having responsibility for the administration of the insurance laws of such other state shall have advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the standards set forth in subsection a. of this section and in sections 17B:26–3 to 17B:26–31 inclusive.

e. Notwithstanding any provision of a policy of health insurance, hereafter delivered or issued for delivery in this State, whenever such policy provides for reimbursement for any psychological service which is within the lawful scope of practice of a duly licensed psychologist, the insured under such policy shall be entitled to reimbursement for such service, whether the said service is performed by a physician or duly licensed psychologist.

f. Notwithstanding any provision of a policy of health insurance, hereafter delivered or issued for delivery in this State, whenever such policy provides for reimbursement for any service which is within the lawful scope of practice of a duly licensed chiropractor, the insured under such policy or the chiropractor rendering such service shall be entitled to reimbursement for such service, when the said service is performed by a chiropractor. The foregoing provision shall be liberally construed in favor of reimbursement of chiropractors.

g. All individual health insurance policies which provide coverage for a family member or dependent of the isured on an expense incurred basis shall also provide that the health insurance benefits applicable for children shall be payable with respect to a newly born child of that insured from the moment of birth.

(1) The coverage for newly born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.

(2) If payment of a specific premium is required to provide coverage for a child, the policy may require that notification of birth of a newly born child and payment of the required premium must be furnished to the insurer within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

h. All individual health insurance policies which provide coverage on an expense incurred basis but do not provide coverage for a family member or dependent of the insured on an expense incurred basis shall nevertheless provide for coverage of newborn children of the insured which shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities, provided application therefor and payment of the required premium are made to the insurer to include in said policy coverage the same or similar to that of the insured, described in g. (1) above 31 days from the date of a newborn child.

6. Section 1 of P. L. 1940, c. 74 (C. 17:48A–1) is amended to read as follows:

**C. 17:48A-1 Definitions.**

1. As used in this act the following words and phrases shall have the following meanings:

A medical service corporation is any corporation organized, without capital stock, and not for profit, for the purpose of establishing, maintaining and operating nonprofit medical service plans, or to provide or pay for medical services on the basis of premiums or other valuable consideration. A nonprofit medical service plan is any plan or arrangement operated by a medical service corporation, under the provisions of this act, and whereby the expense of medical services to subscribers and other covered dependents is paid in whole or in part by the corporation to participating physicians of such plans or arrangements and to others as provided herein. A subscriber is a person to whom a subscription certificate is issued by the corporation and which sets forth the kinds and extent of the medical services for which the corporation is liable to make payment and which constitutes the contract between the subscriber and the corporation. A covered dependent is the spouse, an adult dependent or a child of the subscriber who is named in the subscription certificate issued to the subscriber and with respect to whom appropriate premium is specified in the certificate. A participating physician is any physician licensed to practice medicine and surgery, or licensed

to practice chiropractic in the State of New Jersey pursuant to chapter 9, Title 45, of the Revised Statutes, who agrees in writing with the corporation to perform the medical services specified in the contracts issued by the corporation and at such rates of compensation as shall be determined by its board of trustees and who agrees to abide by the bylaws, rules and regulations of the corporation applicable to participating physicians. Medical service includes all general and special medical, dental and surgical services and chiropractic diagnostic X-ray services, ordinarily provided by such licensed physicians and by others as provided herein in accordance with accepted practices in the community at the time the service is rendered, and within the scope of their licenses. No subscriber or his covered dependents shall be liable for any payment to any participating physician for medical services specified in the subscriber's certificate to be paid to the participating physician by the corporation.

7. N. J. S. 18A:14–35 is amended to read as follows:

**Paper ballot; directions.**

18A:14–35. Below the rule there shall be printed on each paper ballot to be voted for candidates the following directions instructing the voter how to indicate his choice for the person for whom he may desire to vote and stating the maximum number of candidates he may vote for: "To vote for any person whose name appears on this ballot make a cross (×) or plus (+) or check (√) mark with black ink or black pencil in the space or square at the left of the name of such person. To vote for any person whose name is not printed upon this ballot write with black ink or black pencil or paste the name in the blank space. Do not vote for more candidates than are to be elected." Below these instructions shall be printed a heavy diagram rule below which shall be printed such directions to the voter as may be necessary as "Vote for one," or "Vote for two," or a greater number, as the case may be, immediately after which shall be printed the names of the candidates duly nominated by petition as they appear signed to the certificate of acceptance in the order prescribed by law, but no candidate who has failed to file a certificate of acceptance shall have his name printed upon the ballot. The same size and style of type shall be used in printing the name of each candidate and between the name of each candidate shall be printed a heavy diagram rule and the space between each of the rules shall be exactly equal. Immediately after the space allotted to the names

of candidates there shall be as many ruled blank spaces as there are members to be voted for. Immediately to the left and on the same line with the name of each candidate and blank space there shall be printed a square the same size of type in which the name of the candidate is printed, which type shall, in no case, be larger than 24 point. In case a member is to be elected for a full term, and one is to be elected to fill an unexpired term, the ballots shall designate which of the persons to be voted for is to be elected for the full term and which for the unexpired term.

8. N. J. S. 18A:14–36 is amended to read as follows:

**Illustration of form of ballot.**

18A:14–36. The following is an illustration of the form of ballot:

No. .....

To be torn off by the Judge of Election.

.....

Fold to this line.

SCHOOL ELECTION BALLOT
Township of Webster
February 14, 1922

Polling District No. 1 — John Henry Doe,
Main Street School. — Secretary.

To vote for any person whose name appears on this ballot mark a cross (×) or plus (+) or check (√) mark with black ink or black pencil in the place or square at the left of the name of such person.

To vote for any person whose name is not printed upon this ballot write with black ink or black pencil or paste the name in the blank space. Do not vote for more candidates than are to be elected.

For Membership to Board of Education,
Full Term. — Vote for three.

☐ RUTHERFORD B. FALLON
☐ WILLIAM F. SEIBEL
☐ JAMES A. STEPHENS
☐ THOMAS TEMPLETON
☐
☐
☐

For Membership to Board of Education, Unexpired
Two-Year Term. — Vote for one.

☐ HENRY JONES
☐ JOHN SMITH
☐

For Membership to Board of Education, Unexpired
One-Year Term. Vote for one.

☐ FRANCIS R. LORRI
☐ ARTHUR H. PATTERSON
☐

using as much of the said form as may be applicable to the current school board election and extending the same to provide for cases not herein specified.

9. Section 26 of P. L. 1970, c. 226 (C. 24:21–26) is amended to read as follows:

**C. 24:21-26 Distribution to persons under age 18.**

26. Distribution to persons under age 18. a. Any person who is at least 18 years of age who violates subsection 19a. (1) by distributing a substance listed in Schedules I or II which is a narcotic drug to a person 17 years of age or younger who is at least 3 years his junior is punishable by a term of imprisonment of up to twice that authorized by subsection 19b. (1), (3) or (4) or by the fine authorized by subsection 19b. (1), or by both.

b. Any person who is at least 18 years of age who violates subsection 19a. (1) by distributing any other controlled dangerous substance listed in Schedules I, II, III, IV or V to a person 17 years of age or younger who is at least 3 years his junior is punishable by a term of imprisonment up to twice that authorized by subsections 19b. (3) or (4), or by the fine authorized by subsections 19b. (3) or (4) or both.

10. Section 27 of P. L. 1970, c. 226 (C. 24:21–27) is amended to read as follows:

**C. 24:21-27 Conditional discharge for certain first offenses; expunging of records.**

27. Conditional discharge for certain first offenses; expunging of records. a. Whenever any person who has not previously been convicted of any offense under the provisons of this act or, subsequent to the effective date of this act, under any law of the United States, this State or of any other state, relating to narcotic drugs, marihuana, or stimulant, depressant, or hallucinogenic drugs, is charged with or convicted of any offense under section 20 (C. 24:21–20), the court, upon notice to the prosecutor and subject to subsection c. of section 20, may on motion of the defendant or the court:

(1) Suspend further proceedings and with the consent of such person after reference to the Controlled Dangerous Substances

Registry, as established and defined in the Controlled Dangerous Substances Registry Act of 1970, place him under supervisory treatment upon such reasonable terms and conditions as it may require; or

(2) After plea of guilt or finding of guilt, and without entering a judgment of conviction, and with the consent of such person after proper reference to the Controlled Dangerous Substances Registry as established and defined in the Controlled Dangerous Substances Registry Act of 1970, place him on supervisory treatment upon such reasonable terms and conditions as it may require, or as otherwise provided by law.

b. In no event shall the court require as a term or condition of supervisory treatment under this section, referral to any residential treatment facility for a period exceeding the maximum period of confinement prescribed by law for the offense for which the individual has been charged or convicted, nor shall any term of supervisory treatment imposed under this subsection exceed a period of 3 years. Upon violation of a term or condition of supervisory treatment the court may enter a judgment of conviction and proceed as otherwise provided, or where there has been no plea of guilt or finding of guilt, resume proceedings. Upon fulfillment of the terms and conditions of supervisory treatment the court shall terminate the supervisory treatment and dismiss the proceedings against him. Termination of supervisory treatment and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of disqualifications or disabilities, if any, imposed by law upon conviction of a crime or disorderly persons offense but shall be reported by the clerk of the court pursuant to the Controlled Dangerous Substances Registry Act. Termination of supervisory treatment and dismissal under this section may occur only once with respect to any person. Imposition of supervisory treatment under this section shall not be deemed a conviction for the purposes of determining whether a second or subsequent offense has occurred under section 29 (C. 24:21–29) of this act or any law of this State.

c. Proceedings under this section shall not be available to any defendant unless the court in its discretion concludes that:

(1) The defendant's continued presence in the community, or in a civil treatment center or program, will not pose a danger to the community; or

(2) That the terms and conditions of supervisory treatment will be adequate to protect the public and will benefit the defendant by

serving to correct any dependence on or use of controlled substances which he may manifest.

11. The title of P. L. 1973, c. 126 is amended to read as follows:

**Title amended.**

An act authorizing the Commissioner of Transportation to establish a program to provide intrastate and interstate motor bus and rail transportation services to senior citizens and handicapped citizens at reduced fares, and making an appropriation therefor.

12. Section 11 of P. L. 1971, c. 344 (C. 30:6AA–11) is amended to read as follows:

**C. 30:6AA-11 Veterans' Service Council; creation; membership; vacancies; terms; compensation.**

There is hereby created within the Department of Human Services a Veterans' Service Council which shall consist of 15 members, at least 10 of whom shall be veterans, appointed by the commissioner, with the approval of the Governor. The term of each council member, except for the initial members, shall be 3 years commencing on July 1 and ending on June 30 of the third year thereafter, and vacancies shall be filled for the unexpired term only.

The initial membership of the council shall include those persons serving on the effective date of this act as members of the boards of managers of the New Jersey Memorial Home for Disabled Soldiers at Menlo Park and the New Jersey Memorial Home for Disabled Soldiers, Sailors, Marines and Their Wives and Widows at Vineland, which boards are hereby abolished. Such members shall serve for the term to which they had been last appointed to the respective boards, but additional and subsequent appointments shall be made in such manner that the terms of one-third of the members of the council shall expire on June 30 of each year.

The members of the council shall receive no compensation for services but shall be reimbursed for actual expenditures incurred in the performance of duty. They shall be subject to removal by the Governor at any time for good and sufficient cause.

13. Section 5 of P. L. 1973, c. 289 (C. 40:8B–5) is amended to read as follows:

**C. 40:8B-5 Applications for joint service program grants; areas of governmental service covered.**

5. Applications for joint service program grants may be made covering any or all of the following areas of governmental service:

a. Joint assessment and collection of taxes;

b. Joint maintenance of municipal records and statistics and electronic data processing;

c. Joint building, housing and plumbing code inspection and enforcement;

d. Joint solid waste collection and disposal;

e. Joint air pollution control inspection and enforcement;

f. Joint welfare and social service programs;

g. Joint maintenance and administration of parks and recreational and cultural facilities;

h. Joint maintenance of roads, public works and beaches;

i. Joint fire departments (any intermunicipal volunteer department or company shall be eligible to apply pursuant to section 4 of this act, except that any intermunicipal volunteer fire program shall provide for the consolidation of all companies within the municipalities served. Such consolidation shall in no way be deemed to affect municipal aid to fire companies under N. J. S. 40A:14–34. For purposes of such aid, the consolidated company shall be eligible for the full amount of aid which its constituent companies might have received from any municipality had they remained separate entities);

j. Consolidation of municipal police forces or departments;

k. Joint municipal courts.

14. Section 49 of P. L. 1957, c. 183 (C. 40:14B–49) is amended to read as follows:

**C. 40:14B-49 Contracts providing for collection, treatment and disposal of sewage or solid waste.**

49. Any municipal authority for the carrying out and effectuation of its purposes, and (a) any of the local units (b) any other municipality whether within or without the district and (c) any other municipal authority, any sewerage authority or any other public body of the State empowered to treat or dispose of sewage or solid waste (all such local units, municipalities, other municipal authorities, sewerage authorities and other bodies being hereinafter referred to individually as a "governmental unit") for fostering the relief of waters in, bordering or entering the territorial area of the governmental unit from pollution or threatened pollution or assisting the municipal authority in carrying out and effectuating its purposes, may enter into a contract or contracts providing for or relating to the collection, treatment and disposal of sewage or solid waste originating in the district or received by the municipal authority, or originating in the territorial area of or collected by the governmental unit, by means of the sewerage or solid waste system or any sewerage or solid waste facilities of the governmental unit or both, and the cost and expense of such

collection, treatment and disposal. Any municipal authority for the carrying out and effectuation of its purposes, and (a) any of the local units (b) any other municipality whether within or without the district and (c) any other municipal authority, any sewerage authority or any other public body of the State empowered to sell and supply water (all such local units, municipalities, other municipal authorities, sewerage authorities and other bodies being hereinafter referred to individually as a "governmental unit") for fostering the provision and distribution of an adequate supply of water within the territorial area of the governmental unit or assisting the municipal authority in carrying out and effectuating its purposes may enter into a contract or contracts providing for or relating to the sale or supplying of water to such municipal authority or to the governmental unit or to persons or properties within the district or the governmental unit, and the cost and expense of such sale or supplying of water. Any such contract may provide for the payment to the municipal authority by the governmental unit annually or otherwise of such sum or sums of money, computed at fixed amounts or by a formula based on any factors or other matters described in section 21 or section 22 of this act or in any other manner, as said contract or contracts may provide, and may provide that the sum or sums so payable to the municipal authority shall be in lieu of all or any part of the service charges which would otherwise be charged and collected by the municipal authority with regard to persons or real property within the territorial area of the governmental unit. Such contract or contracts may also contain provisions as to the financing and payment of expenses to be incurred by the municipal authority and determined by it to be necessary for its purposes prior to the placing in operation of a sewerage, solid waste or water supply and distribution system and may provide for the payment by the governmental unit to the municipal authority for application to such expenses or indebtedness therefor such sum or sums of money, computed as said contract or contracts may provide and as the governing body (hereinafter described) of the governmental unit shall, by virtue of its authorization of and entry into said contract or contracts, determine to be necessary for the purposes of the municipal authority. Every such contract shall be authorized and entered into under and pursuant to a resolution adopted by the authority in the case of a municipal or other authority, an ordinance of the governing body in the case of a municipality, a resolution or ordinance of the governing body in the case of a county, and, in the

case of any other public body, a resolution of the commission, council, board or body by whatever name it may be known (in this section sometimes referred to as "governing body") having charge of the finances of such public body, but the terms or text of said contract need not be set forth in full or stated in any such resolution or ordinance if the form of said contract is on file in the office of the clerk or other recording officer of the governmental unit or its governing body and the place and fact of such filing is described in the resolution or ordinance. Any such contract may be made with or without consideration and for a specified or an unlimited time and on any terms and conditions which may be approved by or on behalf of the governmental unit and which may be agreed to by the municipal authority in conformity with its contracts with the holders of any bonds, and shall be valid whether or not an appropriation with respect thereto is made by the governmental unit prior to authorization or execution thereof. Every such governmental unit is hereby authorized and directed to do and perform any and all acts or things necessary, convenient or desirable to carry out and perform every such contract and to provide for the payment or discharge of any obligation thereunder in the same manner as other obligations of such governmental unit. Subject to any such contracts with the holders of bonds, the municipal authority is hereby authorized to do and perform any and all acts or things necessary, convenient or desirable to carry out and perform every such contract and, in accordance with any such contract, to waive, modify, suspend or reduce the service charges which would otherwise be charged and collected by the municipal authority with regard to persons or real property within the territorial area of the governmental unit, but nothing in this section or any such contract shall prevent the municipal authority from charging and collecting, as if such contract had not been made, service charges with regard to such persons and real property sufficient to meet any default or deficiency in any payments agreed in such contract to be made by such governmental unit.

15. N. J. S. 40A:9–175 is amended to read as follows:

**Statutes repealed.**

40A:9–175. Statutes repealed. The following sections, acts and parts of acts, together with all amendments and supplements thereto, are hereby repealed.

Revised Statutes sections:

40:46–1;

40:46–3, 40:46–4;

40:46–5 amended 1938, c. 149; 1948, c. 46; 1955, c. 131; 1967, c. 236;
40:46–6 amended 1953, c. 37;
40:46–6.1 amended 1945, c. 138;
40:46–7 to 40:46–12 both inclusive;
40:46–16;
40:46–17, 40:46–18;
40:46–23 amended 1947, c. 166; 1948, c. 282; 1958, c. 145; 1962, c. 144; 1965, c. 227;
40:46–25;
40:46–26 amended 1942, c. 53; 1944, c. 99; 1947, c. 33; 1947, c. 166; 1948, c. 282; 1949, c. 271; 1952, c. 281; 1955, c. 175; 1962, c. 144;
40:46–27 amended 1941, c. 144; 1954, c. 271; 1955, c. 186; 1958, c. 145;
40:46–28;
40:46–29;
40:46–32;
40:46–33;
40:46–34 amended 1948, c. 163; 1948, c. 395;
40:46–35, 40:46–36;
40:72–20;
40:73–7;
40:87–61;
40:145–19 to 40:145–22 both inclusive;
40:171–19 amended 1970, c. 99;
40:171–20 to 40:171–24 both inclusive;
40:171–48, 40:171–49;
40:171–93, 40:171–94;
40:171–96, 40:171–97;

Pamphlet Laws:
Laws of 1938, c. 386 (C. 40:46–6.2, C. 40:46–6.3);
Laws of 1939, c. 286 (C. 40:46–34.1);
Laws of 1941, c. 133 (C. 40:46–37, C. 40:46–38);
Laws of 1944, c. 90 (C. 40:171–24.1);
Laws of 1947, c. 192 (C. 40:46–6.13);
Laws of 1947, c. 331 (C. 40:145–14.1 to C. 40:145–14.4 both inclusive);
Laws of 1947, c. 350 (C. 40:46–6.14 to C. 40:46–6.22 both inclusive);
Schedule of Amendments of Laws of 1947, c. 350;
Section 1 amended by P. L. 1951, c. 173;
Section 4 amended by P. L. 1953, c. 37;
Laws of 1947, c. 362 (C. 48:83–8, C. 40:83–9);

Laws of 1951, c. 339, c. 1 (C. 40:46–27.1 amended by P. L. 1962, c. 151; 1967, c. 299;
Laws of 1952, c. 325 (C. 40:145–14.5, C. 40:145–14.6);
Laws of 1953, c. 322 (C. 40:46–2.1);
Laws of 1960, c. 81 (C. 40:46–6.23 to C. 40:46–6.25 both inclusive);
Laws of 1964, c. 2 (C. 40:46–16.1 to C. 40:46–16.5 both inclusive);
Laws of 1965, c. 243 (C. 40:46–6.22a);
Laws of 1968, c. 35 (C. 40:46–6.2a, C. 40:46–6.2b);
Laws of 1968, c. 239 (C. 40:46–32.1);
Laws of 1968, c. 367 (C. 40:46–2.2 to C. 40:46–2.4 both inclusive); Schedule of Amendment of Laws of 1968, c. 367; Section 1 amended by P. L. 1970, c. 146;
Laws of 1969, c. 241 (C. 40:41–50 to C. 40:41–53 both inclusive);
Laws of 1969, c. 287 (C. 40:46–32.2).

**Repealer.**

16. N. J. S. 40A:14–69 is repealed.

17. 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. It shall also mean any permanent, active, and full-time 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, alcoholic beverage control investigators, alcoholic beverage control inspectors, assistant deputy director, bureau of enforcement, and deputy director, bureau of enforcement in the Division of Alcoholic Beverage Control, conservation officer, assistant district conservation officer, district conservation officer, and chief conservation officer, in the Division of Fish, Game, and Shell Fisheries, rangers, and chief ranger in the Bureau of Parks, marine

patrolman, senior marine patrolman, principal marine patrolman, and chief, bureau of marine law enforcement, correction officer, senior correction officer, correction officer sergeant, correction officer lieutenant, correction officer captain, and deputy keepers 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, and county investigator in the office of the county prosecutors, 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 office 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 925,000 inhabitants, cottage officer, head cottage officer, interstate escort officer, juvenile officer, head juvenile officer, assistant supervising juvenile officer, supervising juvenile officer, 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 3 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 3 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 either (a) under the age of 18 or (b) 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 5 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 5-year qualification shall be waived.

(24) "Widow" shall mean the woman to whom a member or retirant was married at least 5 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 5-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 work day.

(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.

18. R. S. 43:21–4 is amended to read as follows:

**Benefit eligibility conditions.**

43:21–4. Benefit eligibility conditions. An unemployed individual shall be eligible to receive benefits with respect to any week only if it appears that:

(a) He has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the division may prescribe, except that the division may, by regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs, and as to such other types of cases or situations with respect to which the division finds that compliance with such requirements would be oppressive, or would be inconsistent with the purpose of this act; provided, that no such regulation shall conflict with subsection (a) of R. S. 43:21–3.

(b) He has made a claim for benefits in accordance with the provisions of subsection (a) of R. S. 43:21–6.

(c) He is able to work, and is available for work, and has demonstrated that he is actively seeking work, except as hereinafter provided in this subsection or in subsection (f) of this section:

The director may, in his discretion, modify the requirement of actively seeking work if, in his judgment, such modification of this requirement is warranted by economic conditions.

No individual, who is otherwise eligible, shall be deemed ineligible, or unavailable for work, because he is on vacation, without pay, during said week, if said vacation is not the result of his own action as distinguished from any collective action of a collective bargaining agent or other action beyond his individual control. Subject to such limitations and conditions as the division may prescribe, an individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible because he is attending a training program approved for him by the division to enhance his employment opportunities, or because he failed or refused to accept work while attending such program. An unemployed individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible solely by reason of his attendance before a court in response to a summons for service on a jury.

(d) He has been totally or partially unemployed for a waiting period of 1 week in the benefit year which includes that week. When benefits become payable with respect to the third consecutive week

next following the waiting period, he shall be eligible to receive benefits as appropriate with respect to the waiting period. No week shall be counted as a week of unemployment for the purposes of this subsection:

(1) If benefits have been paid, or are payable with respect thereto; provided, that the requirements of this paragraph shall be waived with respect to any benefits paid or payable for a waiting period as provided in this subsection;

(2) If it has constituted a waiting period week under temporary disability benefits law;

(3) Unless the individual fulfills the requirements of subsections (a) and (c) of this section;

(4) If with respect thereto, claimant was disqualified for benefits in accordance with the provisions of subsection (d) of R. S. 43:21–5.

(e) With respect to a base year as defined in subsection (c) of R. S. 43:21–19 he has established at least 20 base weeks as defined in subsection (t) of R. S. 43:21–19, or, in the alternative, has earned $2,200.00 or more in his base year, except that with respect to benefit years commencing on or after January 1, 1978, an individual's base week wages in his base year shall include wages paid for previously uncovered services. For the purposes of this subsection, the term "previously uncovered services" means services—

(1) Which were not employment as defined in R. S. 43:21–19 (i)(1) and were not services covered pursuant to R. S. 43:21–8 at any time during the 1-year period ending December 31, 1975; and

(2) Which—

(A) are agricultural labor (as defined in R. S. 43:21–19 (i)(1)(I)) or domestic service (as defined in R. S. 43:21–19 (i)(1)(J)), or

(B) are services performed by an employee of a governmental unit or instrumentality in employment as defined in R. S. 43:21–19 (i)(1)(B)(ii), or by an employee of a nonprofit educational institution which is not an institution of higher education, as provided in R. S. 43:21–19 (i)(1)(D)(iii):

except to the extent that assistance under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such services. To the extent that the unemployment compensation fund is reimbursed pursuant to Section 121 of the Federal Unemployment Compensation Amendments of 1976 (Public Law 94-566), an employer's account shall not be charged for that portion of benefits paid to any individual attributable to base year wages for previously uncovered services, nor shall any non-

profit organization or governmental unit or instrumentality which elects to make payments in lieu of contributions into the unemployment fund be liable to make payments with respect to that portion of benefits paid to any individual attributable to base year wages for previously uncovered services as defined herein.

(f) (1) He has suffered any accident or sickness not compensable under the Workers' Compensation Law (Title 34 of the Revised Statutes) and resulting in his total disability to perform any work for remuneration, and would be eligible to receive benefits under this chapter (R. S. 43:21–1 et seq.) (without regard to the maximum amount of benefits payable during any benefit year) except for his inability to work and has furnished notice and proof of claim to the division, in accordance with its rules and regulations, and payment is not precluded by the provisions of R. S. 43:21–3 (d); provided, however, that benefits paid under this subsection (f) shall be computed on the basis of only those base year wages earned by the claimant as a "covered individual" as defined in R. S. 43:21–27 (b); provided further, that no benefits shall be payable under this subsection to any individual:

(A) For any period during which such individual is not under the care of a legally licensed physician, dentist or podiatrist;

(B) For any period of disability due to pregnancy or resulting childbirth, miscarriage, or abortion, except for disability existing during the 4 weeks immediately before the expected birth of child, and the 4 weeks following the termination of the pregnancy;

(C) For any period of disability due to willfully or intentionally self-inflicted injury, or to injuries sustained in the perpetration by the individual of a high misdemeanor;

(D) For any week with respect to which or a part of which he has received or is seeking benefits under any unemployment compensation or disability benefit law of any other state or of the United States; provided, that if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such benefits, his disqualification shall not apply;

(E) For any week with respect to which or part of which he has received or is seeking disability benefits under the temporary disability benefits law;

(F) For any period of disability commencing while such individual is a "covered individual" as defined in subsection 3 (b) of the temporary disability benefits law (P. L. 1948, c. 110).

(2) Benefit payments under this subsection shall be charged to and paid from the State disability benefits fund established by the

temporary disability benefits law, and shall not be charged to any employer account in computing any employer's experience rate for contributions payable under this chapter.

(g) Benefits based on service in employment defined in subparagraphs (B) and (C) of R. S. 43:21–19 (i) (1) shall be payable in the same amount and on the terms and subject to the same conditions as benefits payable on the basis of other service subject to the Unemployment Compensation Law; except that notwithstanding any other provisions of the Unemployment Compensation Law:

(1) With respect to service performed after December 31, 1977, in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms;

(2) With respect to service performed after December 31, 1977, in any other capacity for an educational institution (other than an institution of higher education as defined in R. S. 43:21–19 (y)(2)) benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms;

(3) With respect to those services described in paragraphs (1) and (2) above, benefits shall not be paid on the basis of such services to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such period or holiday recess.

(h) Benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate,

for any week which commences during the period between two successive sport seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(i) (1) Benefits shall not be paid on the basis of services performed by an alien unless such alien is an individual who has been lawfully admitted for permanent residence or otherwise is permanently residing in the United States under color of law (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 203 (a)(7) or section 212 (d)(5) of the Immigration and Nationality Act); provided, that any modifications of the provisions of section 3304 (a)(14) of the Federal Unemployment Tax Act as provided by Public Law 94-566 which specify other conditions or other effective dates than stated herein for the denial of benefits based on services performed by aliens and which modifications are required to be implemented under State law as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, shall be deemed applicable under the provisions of this section.

(2) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(3) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his alien status shall be made except upon a preponderance of the evidence.

(j) Notwithstanding any other provision of this chapter, the director may, to the extent that he deems efficient and economical provide for consolidated administration by one or more representatives or deputies of claims made pursuant to subsection (f) of this section with those made pursuant to Article III (State plan) of the Temporary Disability Benefits Law.

19. Section 3 of P. L. 1968, c. 54 (C. 46:10B–3) is amended to read as follows:

**C. 46:10B-3 Right to pay additional payments.**

3. A mortgagor shall have the right, during any 12-month period beginning with the date of the mortgage loan, to pay, without charge or penalty, an additional sum of $50.00, or multiples thereof,

on account of the principal amount owing on a mortgage loan, provided that the additional sums so paid and the principal payments required to be made by the terms of such mortgage loan during such year do not together exceed in any such year 33 1/3% of the face amount of such mortgage loan. The right to make additional payments as provided by this section shall not be cumulative, and to the extent that it is not exercised during any year, shall lapse.

20. R. S. 48:2–23 is amended to read as follows:

**Safe, adequate and proper service to be furnished.**

48:2–23. The board may, after hearing, upon notice, by order in writing, require any public utility to furnish safe, adequate and proper service, including furnishing and performance of service in a manner that tends to conserve and preserve the quality of the environment and prevent the pollution of the waters, land and air of this State, and to maintain its property and equipment in such condition as to enable it to do so.

The board may, pending any such proceeding, require any public utility to continue to furnish service and to maintain its property and equipment in such condition as to enable it to do so.

21. Section 13 of P. L. 1969, c. 202 (C. 52:27D–84) is amended to read as follows:

**C. 52:27D-84 Refinancing of loans; limitations.**

13. Subject to such rules and regulations as the authority may prescribe, any incentive loan made under and pursuant to the provisions of this act for a period of less than 10 years may be extended or refinanced in the discretion of the bank without affecting the obligation of the authority hereunder; provided, provision is made for complete discharge of the obligation, and interest thereon, not later than 10 years from the date of the original loan. Except as the authority may prescribe in the terms of any instrument creating a lien required under the provisions of this act, installments may not be accelerated on any incentive loan unless the loan is more than 3 months in arrears. A loan may be reduced at any time in the option of the borrower.

22. Section 4 of P. L. 1945, c. 162 (C. 54:10A–4) is amended to read as follows:

**C. 54:10A-4 Definitions.**

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

(a) "Commissioner" shall mean the Director of the Division of Taxation of the State Department of the Treasury.

(b) "Allocation factor" shall mean the proportionate part of a taxpayer's net worth or entire net income used to determine a measure of its tax under this act.

(c) "Corporation" shall mean any corporation, joint-stock company or association and any business conducted by a trustee or trustees wherein interest or ownership is evidenced by a certificate of interest or ownership or similar written instrument.

(d) "Net worth" shall mean the aggregate of the values disclosed by the books of the corporation for (1) issued and outstanding capital stock, (2) paid-in or capital surplus, (3) earned surplus and undivided profits, (4) surplus reserves which can reasonably be expected to accrue to holders or owners of equitable shares, not including reasonable valuation reserves, such as reserves for depreciation or obsolescence or depletion, and (5) the amount of all indebtedness owing directly or indirectly to holders of 10% or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes, as of the close of a calendar or fiscal year. The foregoing aggregate of values shall be reduced by 50% of the amount disclosed by the books of the corporation for investment in the capital stock of one or more subsidiaries, which investment is defined as ownership (1) of at least 80% of the total combined voting power of all classes of stock of the subsidiary entitled to vote and (2) of at least 80% of the total number of shares of all other classes of stock except nonvoting stock which is limited and preferred as to dividends. In the case of investment in an entity organized under the laws of a foreign country, the foregoing requisite degree of ownership shall effect a like reduction of such investment from net worth of the taxpayer, if the foreign entity is considered a corporation for any purpose under the United States Federal income tax laws, such as (but not by way of sole examples) for the purpose of supplying deemed-paid foreign tax credits or for the purpose of status as a controlled foreign corporation. In calculating the net worth of a taxpayer entitled to reduction for investment in subsidiaries, the amount of liabilities of the taxpayer shall be reduced by such proportion of the liabilities as corresponds to the ratio which the excluded portion of the subsidiary values bears to the total assets of the taxpayer.

If in the opinion of the commissioner, the corporation's books do not disclose fair valuations the commissioner may make a reasonable determination of the net worth which, in his opinion, would

reflect the fair value of the assets, exclusive of subsidiary investments as defined aforesaid, carried on the books of the corporation, in accordance with sound accounting principles, and such determination shall be used as net worth for the purpose of this act.

(e) "Indebtedness owing directly or indirectly" shall include, without limitation thereto, all indebtedness owing to any stockholder or shareholder and to members of his immediate family where a stockholder and members of his immediate family together or in the aggregate own 10% or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes.

(f) "Investment company" shall mean any corporation whose business during the period covered by its report consisted, to the extent of at least 90% thereof of holding, investing and reinvesting in stocks, bonds, notes, mortgages, debentures, patents, patent rights and other securities for its own account, but this shall not include any corporation which: (1) is a merchant or a dealer of stocks, bonds and other securities, regularly engaged in buying the same and selling the same to customers; or (2) had less than 90% of its average gross assets in New Jersey, at cost, invested in stocks, bonds, debentures, mortgages, notes, patents, patent rights or other securities or consisting of cash on deposit during the period covered by its report or (3) is a banking corporation or a financial business corporation as defined in the Corporation Business Tax Act.

(g) "Regulated investment company" shall mean any corporation which for a period covered by its report, is registered and regulated under the Investment Company Act of 1940 (54 Stat. 789), as amended.

(h) "Taxpayer" shall mean any corporation required to report or to pay taxes, interest or penalties under this act.

(i) "Fiscal year" shall mean an accounting period ending on any day other than the last day of December on the basis of which the taxpayer is required to report for Federal income tax purposes.

(j) Except as herein provided, "privilege period" shall mean the calendar or fiscal accounting period for which a tax is payable under this act.

(k) "Entire net income" shall mean total net income from all sources, whether within or without the United States, and shall include the gain derived from the employment of capital or labor, or from both combined, as well as profit gained through a sale or conversion of capital assets. For the purpose of this act, the amount of a taxpayer's entire net income shall be deemed prima

facie to be equal in amount to the taxable income, before net operating loss deduction and special deductions, which the taxpayer is required to report to the United States Treasury Department for the purpose of computing its Federal income tax; provided, however, that in the determination of such entire net income,

(1) Entire net income shall exclude 100% of dividends which were included in computing such taxable income for Federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of the 80% or more ownership of investment described in subsection (d) of this section. With respect to other dividends, entire net income shall not include 50% of the total included in computing such taxable income for Federal income tax purposes;

(2) Entire net income shall be determined without the exclusion, deduction or credit of:

(A) The amount of any specific exemption or credit allowed in any law of the United States imposing any tax on or measured by the income of corporations;

(B) Any part of any income from dividends or interest on any kind of stock, securities or indebtedness, except as provided in subsection (k) (1) of this section;

(C) Taxes paid or accrued to the United States on or measured by profits or income, or the tax imposed by this act, or any tax paid or accrued with respect to subsidiary dividends excluded from entire net income as provided in subsection (k) (1) of this section;

(D) Net operating losses sustained during any year or period other than that covered by the report;

(E) 90% of interest on indebtedness owing directly or indirectly to holders of 10% or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes; except that such interest may, in any event, be deducted

(i) Up to an amount not exceeding $1,000.00;

(ii) In full to the extent that it relates to bonds or other evidences of indebtedness issued, with stock, pursuant to a bona fide plan of reorganization, to persons, who, prior to such reorganization, were bona fide creditors of the corporation or its predecessors, but were not stockholders or shareholders thereof;

(3) The commissioner may, whenever necessary to properly reflect the entire net income of any taxpayer, determine the year or period in which any item of income or deduction shall be included,

without being limited to the method of accounting employed by the taxpayer.

(l) "Real estate investment trust" shall mean any unincorporated trust or unincorporated association qualifying and electing to be taxed as a real estate investment trust under Federal law.

(m) "Financial business corporation" shall mean any corporate enterprise which is (1) in substantial competition with the business of national banks and which (2) employs moneyed capital with the object of making profit by its use as money, through discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of debt; buying and selling exchange; making of or dealing in secured or unsecured loans and discounts; dealing in securities and shares of corporate stock by purchasing and selling such securities and stock without recourse, solely upon the order and for the account of customers; or investing and reinvesting in marketable obligations evidencing indebtedness of any person, copartnership, association or corporation in the form of bonds, notes or debentures commonly known as investment securities; or dealing in or underwriting obligations of the United States, any state or any political subdivision thereof, or of a corporate instrumentality of any of them. This shall include, without limitation of the foregoing business commonly known as industrial banks, dealers in commercial paper and acceptances, sales finance, personal finance, small loan and mortgage financing businesses, as well as any other enterprise employing moneyed capital coming into competition with the business of national banks; provided, that the holding of bonds, notes, or other evidences of indebtedness by individual persons not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with the business of national banks, shall not be deemed financial business. Nor shall "financial business" include national banks, production credit associations organized under the Farm Credit Act of 1933, stock and mutual insurance companies duly authorized to transact business in this State, security brokers or dealers or investment companies or bankers not employing moneyed capital coming into competition with the business of national banks, real estate investment trusts, or any of the following entities organized under the laws of this State: credit unions, savings banks, savings and loan and building and loan associations, pawnbrokers, and State banks and trust companies.

23. Section 3 of P. L. 1966, c. 30 (C. 54:32B–3) is amended to read as follows:

**C. 54:32B-3 Imposition of sales tax.**

3. Imposition of sales tax. On and after July 1, 1966 and continuing through February 28, 1970 there is hereby imposed and there shall be paid a tax of 3%, and on and after March 1, 1970 there is hereby imposed and there shall be paid a tax of 5% upon:

(a) The receipts from every retail sale of tangible personal property, except as otherwise provided in this act.

(b) The receipts from every sale, except for resale, of the following services:

(1) Producing, fabricating, processing, printing or imprinting tangible personal property, performed for a person who directly or indirectly furnishes the tangible personal property, not purchased by him for resale, upon which such services are performed.

(2) Installing tangible personal property, or maintaining, servicing, repairing tangible personal property not held for sale in the regular course of business, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction therewith, except (i) such services rendered by an individual who is engaged directly by a private homeowner or lessee in or about his residence and who is not in a regular trade or business offering his services to the public, (ii) such services rendered with respect to personal property exempt from taxation hereunder pursuant to subsection (a) of section 8, (iii) services rendered with respect to trucks, tractors, trailers or semitrailers by a person who is not engaged, directly or indirectly through subsidiaries, parents, affiliates or otherwise, in a regular trade or business offering such services to the public, (iv) any receipts from laundering, dry cleaning, tailoring, weaving, pressing, shoe repairing and shoeshining, and (v) services rendered in installing property which, when installed, will constitute an addition or capital improvement to real property, property or land.

(3) Storing all tangible personal property not held for sale in the regular course of business and the rental of safe deposit boxes or similar space.

(4) Maintaining, servicing or repairing real property, other than a residential heating system unit serving not more than three families living independently of each other and doing their cooking on the premises, whether the services are performed in or outside of a building, as distinguished from adding to or improving such real property, by a capital improvement, but excluding services rendered by an individual who is not in a regular trade or business

offering his services to the public, and excluding interior cleaning and maintenance services, garbage removal and sewer services performed on a regular contractual basis for a term of not less than 30 days, other than window cleaning, and rodent and pest control.

(5) Advertising services except advertising services for use directly and primarily for publication in newspapers and magazines.

Wages, salaries and other compensation paid by an employer to an employee for performing as an employee the services described in this subsection are not receipts subject to the taxes imposed under this subsection (b).

Services otherwise taxable under paragraph (1) or (2) of this subsection (b) are not subject to the taxes imposed under this subsection where the tangible personal property upon which the services were performed is delivered to the purchaser outside this State for use outside this State.

(c) Receipts from the sale of food and drink except alcoholic beverages as defined in the Alcoholic Beverage Tax Law, in or by restaurants, taverns or other establishments in this State, or by caterers, including in the amount of such receipts any cover, minimum, entertainment or other charge made to patrons or customers:

(1) In all instances where the sale is for consumption on the premises where sold;

(2) In those instances where the vendor or any person whose services are arranged for by the vendor, after the delivery of the food or drink by or on behalf of the vendor for consumption off the premises of the vendor, serves or assists in serving, cooks, heats or provides other services with respect to the food or drink, except for meals especially prepared for and delivered to homebound elderly, age 60 or older, and to disabled persons, or meals prepared and served at a group-sitting at a location outside of the home to otherwise homebound elderly persons, age 60 or older, and otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization; and

(3) In those instances where the sale is for consumption off the premises of the vendor, and consists of a meal, or food prepared and ready to be eaten, of a kind obtainable in restaurants as the main course of a meal, including a sandwich, except where food

other than sandwiches is sold in an unheated state and is of a type commonly sold in the same form and condition in food stores other than those which are principally engaged in selling prepared foods.

The tax imposed by this subsection (c) shall not apply to food or drink which is sold to an air line for consumption while in flight.

(d) The rent for every occupancy of a room or rooms in a hotel in this State, except that the tax shall not be imposed upon (1) a permanent resident, or (2) where the rent is not more than at the rate of $2.00 per day.

(e) (1) Any admission charge where such admission charge is in excess of $0.75 to or for the use of any place of amusement in the State, including charges for admission to race tracks, baseball, football, basketball or exhibitions, dramatic or musical arts performances, motion picture theatres, except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or a lease or a license, other than a season ticket, for the use of a box or seat at place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

(2) The amount paid as charge of a roof garden, cabaret or other similar place in this State, to the extent that a tax upon such charges has not been paid pursuant to subsection (c) hereof.

24. Section 8 of P. L. 1966, c. 30 (C. 54:32B–8) is amended to read as follows:

**C. 54:32B-8 Exempt sales.**

8. Exempt sales. Receipts from the following shall be exempt from the tax on retail sales imposed under subsection (a) of section 3 and the use tax imposed under section 6:

(a) Sales of medicines and drugs sold pursuant to a doctor's prescription for human use; crutches, artificial limbs, artificial eyes, artificial hearing devices, corrective eyeglasses, prosthetic aids, artificial teeth or dentures, braces, tampons or like products, orthopedic appliances and artificial devices designed to correct or alleviate physical incapacity, medical oxygen, human blood and its derivative when sold for human use, wheelchairs, and replacement parts for any of the foregoing;

(b) Sales of food, food products, beverages except alcoholic beverages, excluding draft beer sold by the barrel, as defined in the Alcoholic Beverage Tax Law, dietary foods and health supplements, sold for human consumption off the premises where sold but not including (i) candy and confectionery, and (ii) carbonated soft drinks and beverages all of which shall be subject to the retail sales and compensating use taxes, whether or not the item is sold in liquid form. Nothing herein shall be construed as exempting food or drink from the tax imposed under subsection (c) of section 3;

(c) Sales of food sold in an elementary or secondary school cafeteria, sales of food sold in an institution of higher education or in a fraternity, sorority or eating club operated in connection therewith, to students of such an institution;

(d) Sales of articles of clothing and footwear for human use except articles made of fur on the hide or pelt of an animal or animals where such fur is the component material of chief value of the article. "Clothing" as used herein, shall also mean and include sales to noncommercial purchasers of common wearing apparel materials intended to be incorporated into wearing apparel as a constituent part thereof, such as fabrics, thread, knitting yarn, buttons and zippers. The director shall prescribe regulations to carry out the provisions of this subsection;

(e) Sales of newspapers, magazines and periodicals;

(f) Casual sales except as to sales of motor vehicles, whether for use on the highways or otherwise, and except as to sales of boats or vessels registered or subject to registration under the New Jersey Boat Act of 1962 (P. L. 1962, c. 73, and all amendments thereto);

(g) Sales of gas, water, steam, fuel, electricity, telephone or telegraph services delivered to consumers through mains, lines, pipe, or in containers or bulk;

(h) Sales of motor fuels as motor fuels are defined for purposes of the New Jersey Motor Fuel Tax Law; and sale of fuel to an airline for use in its airplanes or to a railroad for use in its locomotives;

(i) Tangible personal property sold through coin-operated vending machines at $0.10 or less, provided the retailer is primarily engaged in making such sales and maintains records satisfactory to the director;

(j) Sales not within the taxing power of this State under the Constitution of the United States;

(k) The transportation of persons or property;

(l) Sales, repairs, alterations or conversion of commercial ships, barges and other vessels of 50-ton burden or over, primarily engaged in interstate or foreign commerce, and of governmentally-owned ships, barges, and other vessels and property used by or purchased for the use of such vessels for fuel, provisions, supplies, maintenance and repairs (other than articles purchased for the original equipping of a new ship);

(m) (1) Sales of machinery, apparatus or equipment for use or consumption directly and primarily in the production of tangible personal property by manufacturing, processing, assembling or refining;

(2) Sales of machinery, apparatus or equipment for use or consumption directly and primarily in the production, generation, transmission or distribution of gas, electricity, refrigeration, steam or water for sale or in the operation of sewerage systems;

(3) Sales of telephone lines, cables, central office equipment or station apparatus, or other machinery, equipment or apparatus, or comparable telegraph equipment, for use directly and primarily in receiving at destination or initiating, transmitting and switching telephone or telegraph communication;

(4) The exemptions granted under this subsection shall not be construed to apply to sales, otherwise taxable, of machinery, equipment or apparatus whose use is incidental to the activities described in paragraphs (1), (2) and (3) of this subsection;

(5) The exemptions granted in this subsection (m) shall not apply to motor vehicles or to parts with a useful life of 1 year or less or tools or supplies used in connection with the machinery, equipment or apparatus described in this subsection;

(n) Sales of tangible personal property purchased for use or consumption directly and exclusively in research and development in the experimental or laboratory sense. Such research and development shall not be deemed to include the ordinary testing or inspection of materials or products for quality control, efficiency surveys, management studies, consumer surveys, advertising, promotions or research in connection with literary, historical or similar projects;

(o) Sales or use of wrapping paper, wrapping twine, bags, cartons, tape, rope, labels, nonreturnable containers, reusable milk containers and all other wrapping supplies when such use is incidental to the delivery of any personal property;

(p) Sales of tangible personal property (except automobiles, and except property incorporated in a building or structure) for use and consumption directly and exclusively in the production for sale of tangible personal property on farms, including stock, dairy, poultry, fruit, fur-bearing animals, and truck farms, ranches, nurseries, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards;

(q) Sales of tangible personal property sold by a mortician, undertaker or funeral director. However, all tangible personal property sold to a mortician, undertaker or funeral director for use in the conducting of funerals shall not be deemed a sale for resale and shall not be exempt from the tax imposed by this act;

(r) Sales of films, records, tapes or any type of visual or sound transcriptions to, or produced for exhibition in or use through the medium of, theatres and radio and television broadcasting stations or networks, and not used for advertising purposes;

(s) Sales of tangible personal property and services taxable under any municipal ordinance heretofore adopted pursuant to P. L. 1947, c. 71, which is in effect on April 27, 1966, but only to the extent such sales are taxable under said ordinance;

(t) Sales of materials, such as chemicals and catalysts, used to induce or cause a refining or chemical process, where such materials are an integral or essential part of the processing operation, but do not become a component part of the finished product;

(u) Sales of school textbooks for use by students in a school, college, university or other educational institution, approved as such by the Department of Education or by the Department of Higher Education, when the educational institution, upon forms and pursuant to regulations prescribed by the director, has declared the books are required for school purposes and the purchaser has supplied the vendor with the form at the time of the sale;

(v) (Deleted by amendment.) P. L. 1970, c. 7, s. 5.

(w) Sales made to contractors, subcontractors or repairmen of materials, supplies or services for exclusive use in erecting structures, or building on, or otherwise improving, altering or repairing real property of organizations described in subsections (a) and (b) of section 9 of this act, provided any person seeking to qualify for this exemption shall do so pursuant to such rules and regulations and upon such forms as shall be prescribed by the director;

(x) The renting, leasing, licensing or interchanging of trucks, tractors, trailers or semitrailers by persons not engaged in a reg-

ular trade or business offering such renting, leasing, licensing or interchanging to the public, provided, that such renting, leasing, licensing or interchanging is carried on with persons engaged in a regular trade or business involving carriage of freight by such vehicles;

(y) Sales of cigarettes subject to tax under the Cigarette Tax Act;

(z) Sales of the Bible or similar sacred scripture of a bona fide church or religious denomination;

(aa) Sales of the flag of the United States of America and of the flag of the State of New Jersey;

(bb) Sales of locomotives, railroad cars and other railroad rolling stock, including repair and replacement parts therefor, track materials, and communication, signal and power transmission equipment, to a railroad whose rates are regulated by the Interstate Commerce Commission or by the Board of Public Utilities;

(cc) Sales of buses for public passenger transportation, including repair and replacement parts therefor, to bus companies whose rates are regulated by the Interstate Commerce Commission or the Board of Public Utilities or to an affiliate of said bus companies or to common or contract carriers for their use in the transportation of children to and from school. For the purposes of this subsection "affiliate" shall mean a corporation whose stock is wholly owned by the regulated bus company or whose stock is wholly owned by the same persons who own all of the stock of the regulated bus company.

(dd) Sales of newspaper production machinery, apparatus and equipment for use and consumption directly and primarily in the publication of newspapers in the production departments of a newspaper plant, including, but not limited to: engraving, enlarging and development equipment, internal process cameras and news transmission equipment, composing and pressroom apparatus and equipment, type fonts, lead, mats, ink, plates, conveyors, stackers, sorting, bundling, stuffing, labeling and wrapping equipment and supplies for any of the foregoing except that sales of motor vehicles, typewriters, and other equipment and supplies otherwise taxable under this act are not exempt.

(ee) The sale of advertising to be published in a newspaper.

(ff) Sales, renting or leasing of: commercial motor vehicles, and vehicles used in combination therewith, as defined in R. S. 39:1–1 and registered in New Jersey for more than 18,000 pounds; or which are operated pursuant to a certificate or permit issued by

the Interstate Commerce Commission; and repair and replacement parts therefor.

(gg) The sale of gold or silver and storage thereof, in the form traded on any contract market or other board of trade or exchange licensed by the Federal Commodity Futures Trading Commission as defined in the Commodity Exchange Act, as amended; provided that the sale shall have been in fulfillment of the obligations of a contract for future delivery of gold or silver, or an option to purchase or sell such commodity, entered into on and in accordance with the rules of such licensed contract or options market; provided, further that this exemption shall not apply with respect to any gold or silver subsequently converted to use by a purchaser and in such event such purchaser shall be liable for the sales and use tax imposed hereunder.

(hh) Sales of solar energy devices or systems designed to provide heating or cooling, or electrical or mechanical power by collecting and transferring solar-generated energy and including mechanical or chemical devices for storing solar-generated energy. The Director of the Division of Energy Planning and Conservation in the Department of Energy shall establish standards with respect to the technical sufficiency of solar energy systems for purposes of qualification for exemption.

**Title amended.**

25. The title of P. L. 1968, c. 323 is amended to read as follows:

An act to amend the "Unsatisfied Claim and Judgment Fund Law," approved May 10, 1952 (P. L. 1952, c. 174), and amending sections 39:3–37 and 39:3–40, and supplementing Title 39, of the Revised Statutes.

26. Section 19 of P. L. 1969, c. 127, is amended to read as follows:

19. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

(a) Net revenues, if any, with respect to water supply facilities funded in whole or in part by the bonds;

(b) Revenue derived from the collection of taxes as provided by the "Sales and Use Tax Act" (P. L. 1966, c. 30) as amended and supplemented, or so much thereof as may be required; and

(c) If in any year or at any time funds, as hereinabove appropriated, necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not

available, then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on 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 such bonds as it is proposed to issue under this act in the calendar year in which such 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 thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such 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 said tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year the issuing official shall determine that there are moneys in the General State 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, then and in the event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from the tax specified in subsection (b) of this section shall thereupon be considered and treated as part of the General State Fund, available for general purposes.

27. This act shall take effect immediately, but the exemption contained in new subsection (hh) of section 8 of P. L. 1966, c. 30 (C. 54:32B–8) shall be operative July 1, 1978.

Approved May 15, 1979.

## CHAPTER 87

AN ACT concerning consumer credit balances and supplementing Title 56 of the Revised Statutes.

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

**C. 56:11-10 Definitions.**

1. Whenever used in this act:

a. "Consumer" means a natural person.

b. "Creditor" means a person, partnership, corporation, association or other entity who, in the ordinary course of business, regularly extends consumer credit. The term creditor includes any agent of a creditor for collection, processing or other purposes.

c. "Consumer credit" means credit extended to a consumer on an account pursuant to a plan under which (1) the creditor may permit the customer to make purchases or obtain loans, from time to time, directly from the creditor or indirectly by use of a credit card, check, or other device, as the plan may provide; (2) the customer has the privilege of paying the balance in full or in installments; and (3) a finance charge may be computed by the creditor from time to time on an outstanding unpaid balance. The term does not include negotiated advances under an open end real estate mortgage or a letter of credit.

d. "Credit balance" means any money or credit owed to, or held for the benefit of, a consumer by a creditor on a consumer credit account, whether resulting from an overpayment or return of merchandise by the consumer, or otherwise.

**C. 56:11-11 Deleting or transferring credit balance from consumer credit account; exceptions.**

2. No creditor shall write off, delete or transfer any credit balance greater than $1.00 or such amount as may be established by the Commissioner of Banking by regulation from a consumer credit account except to the extent that the consumer has either received a cash refund or made offsetting purchases. Provided, however, that nothing herein shall prevent the creditor from deleting a credit balance created through an error.

**C. 56:11-12 Credit balance statement.**

3. Each creditor shall provide every holder of a consumer credit account with a statement setting forth any credit balance greater

than $1.00 or such amount as may be established by the Commissioner of Banking by regulation at the end of the billing cycle in which such balance is first posted, unless such balances have already been refunded, and thereafter at least once in every three billing cycles.

**C. 56:11-13 Notice to request refund.**

4. a. Every statement reflecting a credit balance in favor of the consumer shall contain a clear and conspicuous notice stating the right of the consumer to request and receive a refund of the full credit balance, together with the address to which such request may be sent.

b. Every creditor shall refund the full credit balance by cash or check within 30 days of receipt of such request.

**C. 56:11-14 Refund.**

5. Where a credit balance greater than $1.00 or such amount as may be established by the Commissioner of Banking by regulation exists, and where no purchases, payments or other transactions (other than the imposition of service, membership or other administrative charges) occur with respect to a consumer credit account for six consecutive billing cycles, the creditor shall refund the full amount of such credit balance by cash or check within 30 days after the end of such period of inactivity.

**C. 56:11-15 Retention of moneys when consumer cannot be located.**

6. In the event the creditor, after due diligence, cannot locate a consumer to make a credit balance refund pursuant to this act, such money shall be retained in a separate trust account to be maintained by the creditor for such purpose for a period of 5 years and thereafter shall be deemed abandoned property and transferred to the State Treasurer, pursuant to N. J. S. 2A:37–30.

7. This act shall take effect 30 days following enactment.

Approved May 15, 1979.

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## CHAPTER 88

AN ACT concerning escheat of consumer credit balances, amending N. J. S. 2A:37–30 and supplementing chapter 37 of Title 2A of the New Jersey Statutes.

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

**C. 2A:37-30.1 Definitions.**

1. (New section) As used in this act:

a. "Consumer" means a natural person.

b. "Creditor" means a person, partnership, corporation, association or other entity who, in the ordinary course of business, regularly extends consumer credit. The term creditor includes any agent of a creditor for collection, processing or other purposes.

c. "Consumer credit" means credit extended to a consumer on an account pursuant to a plan under which (1) the creditor may permit the customer to make purchases or obtain loans, from time to time, directly from the creditor or indirectly by use of a credit card, check, or other device, as the plan may provide; (2) the customer has the privilege of paying the balance in full or in installments; and (3) a finance charge may be computed by the creditor from time to time on an outstanding unpaid balance. The term does not include negotiated advances under an open end real estate mortgage or a letter of credit.

d. "Credit balance" means any money or credit owed to, or held for the benefit of, a consumer by a creditor on a consumer credit account, whether resulting from an overpayment or return of merchandise by the consumer, or otherwise.

2. N. J. S. 2A:37-30 is amended to read as follows:

**Presumption of abandonment of moneys or other personal property.**

2A:37-30. (a) Except as may be otherwise provided by subsections (b), (c) and (d) of this section, whenever a corporation, partnership, limited partnership or other business association incorporated or organized under the laws of this State or whenever any natural person doing business and domiciled in this State shall have custody or possession of, or otherwise be the holder of, or shall have deposited with or given to an agent or trustee residing within or without this State custody or possession of, stock dividends or any moneys and other accretions which are or shall be due or payable to any person as a dividend upon capital stock, preferred or common, or as interest payable upon bonds, indentures, notes or other formal instruments evidencing indebtedness, or any moneys payable on other general cash obligations, or any moneys payable on a credit balance, and except as may be otherwise provided by subsections (b), (c) and (d) of this section, whenever any corporation, partnership, limited partnership or other business association incorporated or organized under the laws of any other state or of the United States or whenever any

natural person doing business within or without this State, and subject to the laws of this State shall have custody or possession or otherwise be a holder of any moneys or other personal property which are due or payable by such holder to any person in any of the categories above enumerated whose last known address according to the records of the holder is within this State and the owner of, beneficial owner of, or person entitled to the same has been and remains unknown for a period of 5 successive years, or the whereabouts of such person has been and remains unknown for a period of 5 successive years, or such personal property has been and remains unclaimed for a period of 5 successive years, such moneys or other personal property shall be presumed abandoned and subject to delivery to the State Treasurer for safekeeping.

(b) (1) Any funds deposited with or paid to any State or Federal savings and loan association, credit union or investment company engaged in business in this State for savings or toward the purchase of shares or other interest in the organization and any interest or dividends thereon shall be presumed abandoned unless the owner of same has within 20 years:

(i) Increased or decreased the amount of the funds on deposit or presented an appropriate record for the crediting of interest or dividends; or

(ii) Corresponded in writing with the organization concerning the funds or deposits;

(iii) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the organization.

(2) Any funds held by any State or Federal savings and loan association, credit union or investment company engaged in business in this State payable on any check, money order or other general cash obligation of the organization which have remained unpaid or unclaimed for 5 successive years shall be presumed abandoned.

(c) All personal property distributable in the course of a voluntary dissolution or other liquidation of:

(1) Any corporation, partnership, limited partnership, unincorporated business association, financial association or other business or financial entity, incorporated or organized within or under the laws of this State; or

(2) Any corporation, partnership, limited partnership, unincorporated business association, financial association or other business or financial entity incorporated or organized within or under the laws of any other state, or of the United States, which personal

property is payable to a person whose last known address is within this State, which is unclaimed by the person entitled thereto within 2 years after the date of final distribution is presumed abandoned and subject to delivery to the State Treasurer for safekeeping.

(d) Any sum payable on a money order or travelers check issued or sold in this State by a corporation, partnership, limited partnership or other business association subject to the laws of this State, which has been outstanding for more than 7 years from the date of its issuance in the case of a money order or for more than 15 years from the date of its issuance in the case of a travelers check, is presumed abandoned, unless the owner has within 7 years in the case of a money order or 15 years in the case of a travelers check corresponded in writing with such corporation, partnership, limited partnership or other business association concerning it, or otherwise indicated an interest as evidence by a memorandum on file with such corporation, partnership, limited partnership or other business association.

3. This act shall take effect immediately.

Approved May 15, 1979.

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## CHAPTER 89

AN ACT validating certain deeds and conveyances.

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

**Validating act.**

1. When any deed or conveyance of real estate in this State, heretofore made, shall for a period of 5 years or more have stood on record in any of the lawful and appropriate books of record in this State, such deed or conveyance shall, if otherwise valid, be deemed to be properly recorded and good, valid and effectual in law to convey, in accordance with its terms, the estate of the grantors therein in such real estate, notwithstanding the absence of, or any informality, imperfection, uncertainty or defect in, the acknowledgment or proof of such deed or conveyance or the certificate thereof; provided that this act shall not affect or impair any intervening interest or equity which may arise during such 5 year period and, further, provided, that this act shall be

inapplicable to any proceeding in a court of competent jurisdiction heretofore instituted or which shall be instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved May 15, 1979.

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## CHAPTER 90

AN ACT to extend certain benefits to employees of the New Jersey Institute of Technology and amending P. L. 1961, c. 49.

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

1. Section 2 of P. L. 1961, c. 49 (C. 52:14–17.26) is amended to read as follows:

**C. 52:14-17.26 Definitions.**

2. As used in this act

(a) The term "State" means the State of New Jersey.

(b) The term "commission" means the State Health Benefits Commission, created by section 3 of this act.

(c) The term "employee" means an appointive or elective officer or full-time employee of the State of New Jersey. For the purposes of this act an employee of Rutgers, The State University of New Jersey, shall be deemed to be an employee of the State, and an employee of the New Jersey Institute of Technology shall be considered to be an employee of the State during such time as the Trustees of the Institute are party to a contractual agreement with the State Board of Higher Education for the provision of educational services. For the purposes of this act the term "employee" shall not include persons employed on a short-term, seasonal, intermittent or emergency basis, persons compensated on a fee basis, persons having less than 2 months of continuous service or persons whose compensation from the State is limited to reimbursement of necessary expenses actually incurred in the discharge of their official duties. An employee paid on a 10-month basis, pursuant to an annual contract, will be deemed to have satisfied the 2-month waiting period if he begins employment at the beginning of the contract year. The term "employee" shall also not include persons, active or retired, who are otherwise eligible for benefits under

this act but who, although they meet the age eligibility requirement of the Federal medicare program, are not covered by the complete Federal program. A determination by the commission that a person is an eligible employee within the meaning of this act shall be final and shall be binding on all parties.

(d) The term "dependents" means an employee's spouse and the employee's unmarried children under the age of 23 years who live with the employee in a regular parent-child relationship. "Children" shall include stepchildren, legally adopted children and foster children provided they are reported for coverage and are wholly 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 such military service. The term "dependents" shall not include spouses of persons, active or retired, who are otherwise eligible for the benefits under this act but who, although they meet the age eligibility requirement of the Federal medicare program, are not covered by the complete Federal program.

(e) The term "carrier" means a voluntary association, corporation or other organization which is lawfully engaged in providing or paying for or reimbursing the cost of, personal health services, including hospitalization, medical and surgical services, under insurance policies or contracts, membership or subscription contracts, or the like, in consideration of premiums or other periodic charges payable to the carrier.

(f) The term "hospital" means (1) an institution operated pursuant to law which is primarily engaged in providing on its own premises, for compensation from its patients, medical diagnostic and major surgical facilities for the care and treatment of sick and injured persons on an inpatient basis, and which provides such facilities under the supervision of a staff of physicians and with 24 hour a day nursing service by registered graduate nurses, or (2) an institution not meeting all of the requirements of (1) but which is accredited as a hospital by the Joint Commission on Accreditation of Hospitals. In no event shall the term "hospital" include a convalescent nursing home or any institution or part thereof which is used principally as a convalescent facility, residential center for the treatment and education of children with mental disorders, rest facility, nursing facility or facility for the aged or for the care of drug addicts or alcoholics.

2. This act shall take effect immediately.

Approved May 15, 1979.

# CHAPTER 91

AN ACT concerning the valuation and assessment of income-producing real property and amending R. S. 54:4–34.

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

1. R. S. 54:4–34 is amended to read as follows:

**Statement by owner to assessor's written request; refusal to respond; valuation of property; appeal.**

54:4–34. Every owner of real property of the taxing district shall, on written request of the assessor, made by certified mail, render a full and true account of his name and real property and the income therefrom, in the case of income-producing property, and produce his title papers, and he may be examined on oath by the assessor, and if he shall fail or refuse to respond to the written request of the assessor within 45 days of such request, or to testify on oath when required, or shall render a false or fraudulent account, the assessor shall value his property at such amount as he may, from any information in his possession or available to him, reasonably determine to be the full and fair value thereof. No appeal shall be heard from the assessor's valuation and assessment with respect to income-producing property where the owner has failed or refused to respond to such written request for information within 45 days of such request or to testify on oath when required, or shall have rendered a false or fraudulent account. The county board of taxation may impose such terms and conditions for furnishing the requested information where it appears that the owner, for good cause shown, could not furnish the information within the required period of time. In making such written request for information pursuant to this section the assessor shall enclose therewith a copy of this section.

2. This act shall take effect immediately.

Approved May 16, 1979.

## CHAPTER 92

AN ACT relating to acknowledgments and proofs of deeds and other instruments, and amending R. S. 46:14–7.

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

1. R. S. 46:14–7 is amended to read as follows:

**Officer without State but within United States before whom deeds or instruments may be acknowledged or proved; methods; certificates.**

46:14–7. If the party who shall have executed or who shall execute any deed or instrument of the description or nature set forth in section 46:16–1 of this Title, or the witnesses thereto, shall have happened or shall happen to be in some other state of the United States or territory thereof, or in the District of Columbia, whether resident in this State, or in such state, territory or district, or elsewhere, an acknowledgment or proof of such as is prescribed by section 46:14–6 of this Title, made before and certified by any one of the officers herein named, shall be as good and effectual as if the same had been made in this State before an officer authorized to take acknowledgments or proofs within the State and had been certified by him, as provided in section 46:16–6.

The officers authorized to take acknowledgments and proofs under authority of this section are:

a. The Chief Justice or any associate justice of the Supreme Court of the United States, or a master of the Superior Court of New Jersey or attorney-at-law of New Jersey, at any place without the State but within the territorial limits of the United States.

b. At any place without this State but within the territorial limits of the United States and within the territorial limits of the jurisdiction of such officer or of his court, by

(1) A judge of any of the United States courts other than the Supreme Court;

(2) The Chancellor of any state of the United States or territory thereof;

(3) Any judge or justice of the Supreme or Superior Courts of any state of the United States or territory thereof, or the District of Columbia;

(4) Any foreign commissioner of deeds for New Jersey, when his certificate of acknowledgment or proof is duly certified under his official seal;

(5) The mayor or other chief magistrate of any city, borough or corporation, when his certificate of acknowledgment or proof is duly certified under the seal of the city, borough or corporation of which he was or is the mayor or chief magistrate;

(6) A judge of a court of record of any state of the United States or territory thereof, or of the District of Columbia when his certificate of acknowledgment or proof is duly certified that he was or is such judge under the great seal of such state, territory or district, or under the seal of a court of record of the state, county, city or district in which the acknowledgment or proof was or is made and in and for which he was or is such judge; or

(7) Any notary public of any such state, territory or district, then residing or being anywhere therein, and a recital in his certificate of acknowledgment or proof that he is such notary with his official designation annexed to his signature and attested under his official seal, if such seal is required within the jurisdiction wherein he holds the office of notary public, shall be sufficient proof that the person before or by whom such acknowledgment or proof was taken is such notary.

(8) Any officer of any such state, territory or district, then residing and being anywhere in such state, territory or district, authorized at the time of such acknowledgment or proof by the laws of such state, territory or district to take acknowledgments and proofs, when his certificate of acknowledgment or proof is accompanied by a certificate under the great seal of such state, territory or district, or under the seal of some court of record in or county clerk of the state, county, city or district in which the acknowledgment or proof was or shall be made, and that such officer was, at the time of the taking of such acknowledgments or proofs, authorized by the laws of such state, territory or district to take acknowledgments and proofs.

2. This act shall take effect immediately.

Approved May 16, 1979.

New Jersey State Library

## CHAPTER 93

AN ACT concerning the solemnization of marriages and amending R. S. 37:1–13.

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

1. R. S. 37:1–13 is amended to read as follows:

**Persons authorized to solemnize marriages.**

37:1–13. Each judge of a Federal district court, judge of a county district court, magistrate of a municipal court, or any judge of the superior court and any mayor, or chairman of any township committee or village president of this State, and every minister of every religion, and judges of the criminal judicial district courts in counties wherein such courts are or may be established, and judges of the juvenile and domestic relations courts in counties in which such courts are or may be established, are hereby authorized to solemnize marriage between such persons as may lawfully enter into the matrimonial relation; and every religious society, institution or organization in this State may join together in marriage such persons as are members of such society, institution or organization, or when one of such persons is a member of such society, institution or organization, according to the rules and customs of the society, institution or organization to which they or either of them belong.

2. This act shall take effect immediately.

Approved May 18, 1979.

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## CHAPTER 94

AN ACT concerning horse race meetings and supplementing P. L. 1940, c. 17 (C. 5:5–22 et seq.).

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

1. Notwithstanding the provisions of section 44 of P. L. 1940, c. 17, (C. 5:5–64) to the contrary, from the total contributions to all parimutuel pools conducted or made during the 1979 calendar year:

a. 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 permit holder 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 permit holder engaged in the business of conducting running or harness race meetings under this act shall pay to the commission for the use of the State the breaks as herein defined, except as the same shall have been applied toward making up a deficiency in a pool as herein provided.

b. Payment of such breaks shall be made every seventh day of any and every race meeting and shall be accompanied by 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 permit holder for payment of outstanding parimutuel tickets not claimed by the person or persons entitled thereto within 6 months from the time such tickets are issued shall be paid to the commission upon the expiration of such 6-month holding period.

c. 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, the commission may adjust and credit the permit holder's account accord-

ingly and the permit holder 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. Said outstanding parimutuel ticket account shall be subject to the rules and regulations prescribed by the Division of New Jersey Racing Commission.

2. Notwithstanding the provisions of section 46 of P. L. 1940, c. 17, (C. 5:5–66) to the contrary, from the total contributions to all parimutuel pools conducted or made during the 1979 calendar year, every permitholder engaged in the business of conducting horse race meetings under this act shall make disposition of the deposits remaining undistributed pursuant to section 44 of P. L. 1940, c. 17 (C. 5:5–64) as follows:

a. In the case of running races:

(1) Where the amount derived from the parimutuel handle does not exceed $1 million per day based on such contributions accumulated and averaged during the 1979 calendar year, the permitholder shall

(a) Pay to the commission 42% 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 1.42% 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 23% of 1% of such total contributions 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) 18% of 1% thereof for contributions and awards designed to improve and promote the thoroughbred breeding industry in New Jersey through payments of awards to owners and breeders of registered New Jersey bred horses which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion rosters of the Thoroughbred Breeders' Association of New Jersey which sire such registered New Jersey bred money winners;

(ii) 5% of 1% thereof for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration.

(c) Retain 8.57% 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 9.66% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 12.12% of the total contributions.

(d) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 7.16% of such contributions. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall distribute as purse money 8.00% of such contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 10.11% 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.

(e) 50% 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 closed races at

New Jersey race tracks and to owners of stallions posted on the official stallion rosters 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 while the thoroughbred open breeder awards shall be administered and disbursed by the New Jersey Department of Agriculture. The special trust account to be established pursuant to this paragraph shall be separate and apart from any special trust account established and maintained pursuant to section 46 of P. L. 1940, c. 17, (C. 5:5–66).

(f) 12% of 1% shall be deposited in a separate special trust account for use by the commission in keeping thoroughbred tracks and stable facilities open during periods of time when they are not normally in operation when to do so would serve the public interest.

(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 paragraph (1).

(2) Where the amount derived from the parimutuel handle exceeds $1 million per day based on such contributions accumulated and averaged during the 1979 calendar year, the permitholder shall

(a) Pay to the commission 3.42% 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 4.42% 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 .23% of such total contributions 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) 18% of 1% thereof for contributions and awards designed to improve and promote the thoroughbred breeding industry in New Jersey through payments of awards to owners and breeders of registered New Jersey bred horses which earned portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion rosters of the Thoroughbred Breeders' Association of New Jersey which sire such registered New Jersey bred money winners;

(ii) 5% of 1% thereof for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration.

(c) Retain 6.81% 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 7.88% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 10.29% of the total contributions.

(d) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 5.92% of such contributions. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall distribute as purse money 6.85% of such contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 8.94% 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.

(e) 50% 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 closed races at New Jersey race tracks and to owners of stallions posted on the official stallion rosters 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 while the thoroughbred open breeder awards shall be administered and disbursed by the New Jersey Department of Agriculture. The special trust account to be established pursuant to this paragraph shall be separate and apart from any special trust account established and maintained pursuant to section 46 of P. L. 1940, c. 17 (C. 5:5–66).

(f) 12% of 1% shall be deposited in a separate special trust account for use by the New Jersey Racing Commission in keeping thoroughbred tracks and stable facilities open during periods of time when they are not normally in operation when to do so would serve the public interest.

(g) Notwithstanding the foregoing, for pools and 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 paragraph (2).

b. In the case of harness races:

(1) Pay to the commission 3.30% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year on any and every horse race track granted a permit under this act; but, notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall pay to the commission 4.30% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall pay to the commission 7.30% 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 assesed 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.

(2) Hold and set aside in an account designated as a special trust account 1.15% 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:

(a) 37% 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) 55% 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;

(c) 5% 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 stallions 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.

(3) Retain 6.00% 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 6.50% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 8.00% of the total contributions.

(4) Distribute as purse money and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Asso-

ciation 6.55% of such contributions. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall distribute as purse money 7.05% of such contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 8.55% of the total contributions. Expenditures for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association shall not exceed 3.2% 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 Standardbred Breeders' and Owners' Association and the permitholder.

3. In addition to the racing days authorized by section 24 of P. L. 1940, c. 17 (C. 5:5–44) the commission may also allot among the harness racing permitholders an additional 100 days, in any proportion it deems fit where it is in the public interest to do so commensurate with the provisions of section 44 of P. L. 1940, c. 17 (C. 5:5–44).

4. Notwithstanding any other provision of this act, every harness permitholder engaged in the business of conducting harness race meetings pursuant to P. L. 1940, c. 17 (C. 5:5–22 et seq.), shall retain from the funds designated in subsection b. (1) of section 2 of this act an additional 1% of the total contributions to all parimutuel pools for his own uses and purposes in addition to those sums herein mentioned in subsection b. (3) of section 2 of this act during the period of November 1 to March 31, referred to as winter racing days. Any running race permitholder operating pursuant to subsection a. (2) of section 2 of this act shall retain from the funds designated in subsection a. (2) (a) an additional 1% of the total contributions to all parimutuel pools for his own uses and purposes in addition to those sums herein mentioned in subsection a. (2) (c) for any winter racing days as herein defined.

5. Nothing in this act shall be deemed to affect those facilities which fall within the provisions of P. L. 1971, c. 137 (C. 5:10–1 et seq.).

6. This act shall take effect immediately and shall be retroactive to January 1, 1979 and shall expire December 31, 1979.

Approved May 19, 1979.

# CHAPTER 95

AN ACT concerning the taxation of real property withdrawn from railroad use in municipalities of this State, amending section 21 of P. L. 1966, c. 139, and supplementing P. L. 1941, c. 291 (C. 54:29A–1 et seq.).

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

1. Section 21 of P. L. 1966, c. 139 (C. 54:29A–24.3) is amended to read as follows:

**C. 54:29A-24.3 State aid.**

21. State aid shall be appropriated and paid annually to each municipality in which railroad property is located in an amount equal to base tax revenue, subject to the following adjustments, except that no State aid shall be appropriated or paid to any municipality where the base tax revenue, as adjusted, is less than $1,000.00:

(a) If additional Class II property, as defined in this act, in a municipality is placed in railroad use after the base year, the base tax revenue shall be increased by an amount equal to the product of the assessed value of such additional property as of the base year times the base tax rate.

(b) If any real property in a municipality is withdrawn from railroad use after the base year, the base tax revenue shall be reduced by an amount equal to the product of the assessed value of such property in the base year times the base tax rate;

(1) Provided, however, that with respect to real property withdrawn from railroad use during 1976:

(A) Such reduction shall not become effective for the year 1977, and

(B) That if a municipality files with the State Treasurer and a copy thereof with the appropriate county board of taxation within 15 days after the effective date of this act a written request for a continuance of State aid payments for such property (or a part thereof) for the year 1978:

(i) Such reduction (and in the case of a request for extended State aid payments for only a portion of the property, such proportionate reduction) shall not become effective until the year 1979, or until such property is sold or

conveyed for other than railroad use, whichever comes sooner;

(ii) The municipality shall be obligated to pay to the State Treasurer within 60 days of the receipt thereof any and all payments made by or on behalf of the taxpayer, a trustee of the taxpayer, or any other representative of the taxpayer, for taxes which the municipality assessed on such real property for the tax year 1978 for which extended State aid payments have been requested;

(iii) The State shall be entitled, but not required, to negotiate, litigate, or settle the municipality's real property tax claim described in subsection 2 (b) (1) (B) (ii) of this section, with whatever assistance the State requires from the municipality in such negotiation, litigation, or settlement; and

(iv) In the event the State collects a greater amount of money under subsections (b) (1) (B) (ii) or 2 (b) (1) (B) (iii) of this section than it paid to a municipality in extended State aid payments for the tax year 1978, the State Treasurer shall within 60 days return the excess payment to the municipality.

(2) Provided further, however, that with respect to real property withdrawn from railroad use during 1977 and thereafter, that if a municipality files with the State Treasurer and a copy thereof with the appropriate county board of taxation, a written request for a 2 year continuance of State aid payments for such real property (or a part thereof) on or before February 1 of the year following the initial notification by the Director of the Division of Taxation that such property has been withdrawn from railroad use or within 15 days after the effective date of this act, whichever comes later:

(A) Such reduction (and in the case of a request for extended State aid payments for only a portion of the property, such proportionate reduction) shall not become effective for 2 tax years following the year of initial notification to the municipality by the Director of the Division of Taxation that such real property is withdrawn from railroad use, or until such property is sold or conveyed for other than railroad use, whichever comes sooner;

(B) The municipality shall be obligated to pay to the State Treasurer within 60 days of the filing of the written request for extended State aid payments, or within 60 days of the receipt thereof, any and all payments made by or on behalf of

the taxpayer, a trustee of the taxpayer, or any other representative of the taxpayer, for taxes which the municipality assessed on such real property for the tax years for which extended State aid payments were made;

(C) The State shall be entitled, but not required, to negotiate, litigate, or settle the municipality's real property tax claim described in subsection (b) (2) (B) of this section, with whatever assistance the State requires from the municipality in such negotiation, litigation, or settlement; and

(D) In the event the State collects a greater amount of money under subsection (b) (2) (B) or (b) (2) (C) of this proviso than it paid to a municipality in extended State aid payment for a given tax year, the State Treasurer shall within 60 days return the excess payment to the municipality.

(c) For the year 1967 the amount of State aid payable to each municipality shall be increased by an amount equal to the difference between the railroad tax revenue derived by such municipality for the year 1965 and the base tax revenue for such municipality. For each year thereafter, such increase shall be reduced by 10% until such time as the aforesaid difference is eliminated; provided, however, if any real property in a municipality is placed in or withdrawn from railroad use after 1967, the annual increase provided in this subsection (c) shall be adjusted to reflect any such additions or withdrawals.

(d) The authorities of any taxing district desiring to contest the validity or amount of the assessment on any such additions or withdrawals may appeal to the Division of Tax Appeals in the manner provided in sections 31 and 32 of the act of which this act is amendatory and supplementary.

For the purposes of this section, real property shall be deemed to be in railroad use if such property is used for the transportation of persons or freight by a railroad, regardless of the ownership or possession of the real property.

**C. 54:29A-7.1 Railroad use of real property.**

2. (New section) For the purposes of the act to which this act is a supplement, real property shall be deemed to be in railroad use if such property is used for the transportation of persons or freight by a railroad, regardless of the ownership or possession of the real property.

3. This act shall take effect immediately and shall be retroactive to December 15, 1978.

Approved May 19, 1979.

## CHAPTER 96

AN ACT to repeal "An act relating to the government, services, administration and finances of certain townships in the State and of certain political subdivisions within such townships," approved August 4, 1941 (P. L. 1941, c. 332).

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

**C. 40:156A-1 to C. 40:156A-47 repealed.**

1. "An Act relating to the government, services, administration and finances of certain townships in the State and of certain political subdivisions within such townships," approved August 4, 1941 (C. 40:156A–1, et seq.), is repealed.

2. This act shall take effect immediately.

Approved May 24, 1979.

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## CHAPTER 97

AN ACT concerning motor vehicles and amending R. S. 39:3–10 and R. S. 39:3–13 and supplementing chapter 3 of Title 39 of the Revised Statutes.

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

1. R. S. 39:3–10 is amended to read as follows:

**Drivers' licenses; examination; classifications; basic driver's license; issuance; fees; renewals; denial of license; violations.**

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

the laws and ordinary usages of the road and a demonstration of his ability to operate a vehicle of the class designated.

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

a. Motorcycles;

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

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

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

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

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

The director, upon payment of the lawful fee and after he or an inspector of his has examined the applicant and is satisfied of the applicant's ability as an operator, may, in his discretion, license the applicant to drive a motor vehicle. The license shall authorize him to drive any registered vehicle, of the kind or kinds indicated, and shall expire on the last day of the twenty-fourth calendar month following the calendar month in which such license was issued. The director may, at his discretion and for good cause shown, issue licenses which shall expire on a date fixed by him. The fee for such licenses shall be fixed by the director in amounts proportionately less or greater than the fee herein established.

The required fee for a license for the 24-month period shall be as follows:

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|---|---|
| Motorcycle license or endorsement | $4.00 |
| Omnibus or school bus endorsement | $8.00 |
| Articulated vehicle endorsement | $4.00 |
| Basic driver's license | $8.00 |

The director shall waive the payment of fees for issuance of omnibus endorsements whenever an applicant establishes to the

director's satisfaction that said applicant will use the omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes.

The driver's license shall have the legal name of the licensee endorsed thereon in his own handwriting. For purposes of this section, legal name shall mean the name recorded on a birth certificate unless otherwise changed by marriage, divorce or order of court. The director may require that only the legal name be recorded on the driver's license. A licensee whose name is changed due to marriage, divorce, or by judgment of the court, shall notify the director of the change in name within 2 weeks after the change is made. A person who violates this provision shall be subject to a penalty of not more than $10.00.

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

All applications for renewals of licenses shall be made on forms prescribed by the director, which forms shall be mailed by the director from the central office of the division to the last addresses of the licensed drivers as they appear on the records of the division. Upon the return by mail of such forms, accompanied by the requisite fees, the director shall issue renewals of such licenses by mail from the central office of the division.

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

A person violating this section shall be subject to a fine not exceeding $500.00 or imprisonment in the county jail for not more than 60 days.

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

2. R. S. 39:3–13 is amended to read as follows:

**Examination permit; scope and effect; fee.**

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. 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.

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:

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|---|---|
| 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.

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.

**C. 39:3-13.5 Omnibus endorsement; eligibility.**

3. (New section) A holder of a valid New Jersey driver's license who has had at least 90 days or 200 hours experience in driving omnibuses shall be eligible to receive the omnibus endorsement without examination upon application and proof of driving experience which is satisfactory to the director; provided, however, that 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.

4. This act shall take effect immediately.

Approved May 24, 1979.

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## CHAPTER 98

AN ACT concerning school board expenditure procedures, amending N. J. S. 18A:19–1 and N. J. S. 18A:19–4 and repealing sections 18A:17–37, 18A:17–38, 18A:17–39, 18A:17–40, 18A:19–5, 18A:19–6, 18A:19–7 and 18A:19–8 of the New Jersey Statutes.

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

1. N. J. S. 18A:19–1 is amended to read as follows:

**Expenditure of moneys on warrant only.**

18A:19–1. The money or funds of the board in the custody of its custodian of school moneys shall be expended by such custodian by, and only by, warrants, each made payable to the order of the person entitled to receive the amount thereof and specifying the object for which is issued, signed by the president and secretary of the board and by such custodian of school moneys,

(a) After audit of the account or demand to be paid, by the secretary, and after approval by the board, or

(b) In accordance with payrolls duly certified as provided by this title, or

(c) For debt service.

2. N. J. S. 18A:19–4 is amended to read as follows:

**Audit of claims and demands; issuance of warrant for payment.**

18A:19–4. All claims and demands against the board, except such as are to be paid from funds derived from athletic events or other activities of pupil organizations, shall be examined, audited and certified, in writing, by the secretary and presented by him to the board for its approval at a regularly called meeting and if found to be correct, shall be ordered paid by the board, whereupon the secretary and the president of the board shall issue and sign a warrant in payment therefor. The secretary thereupon shall forward such warrant to the custodian of school moneys of the district.

**Repealer.**

3. Sections 18A:17–37, 18A:17–38, 18A:17–39, 18A:17–40, 18A:19–5, 18A:19–6, 18A:19–7 and 18A:19–8 of the New Jersey Statutes are hereby repealed.

4. This act shall take effect immediately.

Approved May 24, 1979.

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## CHAPTER 99

AN ACT concerning certain county officers and amending N. J. S. 40A:9–108.

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

1. N. J. S. 40A:9–108 is amended to read as follows:

**Sheriff not to hold other civil office; exception.**

40A:9–108. No person shall hold any other civil office during the time he holds and exercises the office of sheriff and by acceptance of the latter office his former office shall be deemed vacated, provided, however, that the governing body of any county may, by ordinance or resolution, as appropriate, provide that any person holding and exercising the office of sheriff may simultaneously hold and exercise the office of county disaster control coordinator but shall not receive any compensation or any other benefits otherwise attached to the office of county disaster control coordinator during such time as such person shall hold both such offices.

2. This act shall take effect immediately.

Approved May 24, 1979.

## CHAPTER 100

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

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

**Validating act.**

1. All proceedings heretofore had or taken by any board of fire commissioners or at any fire district meeting or election for the authorization or issuance of bonds or other obligations of the fire district and any bonds or other obligations of the fire district issued or to be issued pursuant to a resolution of the board of commissioners of such fire district approved by the legal voters at such fire district election, are hereby ratified, validated and confirmed, notwithstanding that notices relating to such election were not published as required by the Absentee Voting Law (P. L. 1953, c. 211, C. 19:57–1 et seq.) as amended and supplemented; provided, however, that no action, suit or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefore by or pursuant to law or rule of court, or when such time has not been heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved May 25, 1979.

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## CHAPTER 101

AN ACT concerning municipal ordinances regulating operators engaged in the removal of motor vehicles, and supplementing Title 40 of the Revised Statutes.

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

**C. 40:48-2.49 Regulation of operators engaged in removal of motor vehicles.**

1. Notwithstanding the provisions of section 1 of P. L. 1973, c. 137 (C. 39:4–56.6) or any other law, nothing shall restrict the authority of any municipality to regulate, by ordinance, the removal of motor vehicles from private or public property by operators engaged in such practice, including, but not limited to, the fees charged for such removal, notice requirements therefor, and the mercantile licensing of such operators.

2. This act shall take effect immediately.

Approved May 25, 1979.

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## CHAPTER 102

AN ACT to amend "An act relating to training of policemen prior to permanent appointment; appointments in certain municipal and county law enforcement agencies; establishing a police training commission; and providing an appropriation therefor," approved June 3, 1961 (P. L. 1961, c. 56).

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

1. Section 6 of P. L. 1961, c. 56 (C. 52:17B–71) is amended to read as follows:

**C. 52:17B-71 Powers and duties of commission.**

6. The commission is vested with the power, responsibility and duty:

a. To prescribe standards for the approval and continuation of approval of schools at which police training courses authorized by this act and in-service police training course shall be conducted, including but not limited to present existing regional, county, municipal and police chiefs association police training schools;

b. To approve and issue certificates of approval to such schools, to inspect such schools from time to time, and to revoke any approval or certificate issued to such school;

c. To prescribe the curriculum, the minimum courses of study, attendance requirements, equipment and facilities, and standards of operation for such schools, and may prescribe psychological

and psychiatric examinations for police recruits while in such schools;

d. To prescribe minimum qualifications for instructors at such schools and to certify, as qualified, instructors for approved police training schools and to issue appropriate certificates to such instructors;

e. To certify police officers who have satisfactorily completed training programs and to issue appropriate certificates to such police officers;

f. To appoint an executive secretary, to serve at its pleasure, who shall perform general administrative functions, and to fix his compensation;

g. To employ such other persons as may be necessary to carry out the provisions of this act, and to fix their compensation;

h. To make such rules and regulations as may be reasonably necessary or appropriate to accomplish the purposes and objectives of this act;

i. To make a continuous study of police training methods and to consult and accept the cooperation of any recognized Federal or State law enforcement agency or educational institution;

j. To consult and cooperate with universities, colleges and institutes in the State for the development of specialized courses of study for police officers in police science and police administration;

k. To consult and cooperate with other departments and agencies of the State concerned with police training;

l. To participate in unified programs and projects relating to police training sponsored by any Federal, State, or other public or private agency;

m. To perform such other acts as may be necessary or appropriate to carry out its functions and duties as set forth in this act;

n. To extend the time limit for satisfactory completion of police training programs upon a finding that health, extraordinary workload or other factors have, singly or in combination, effected a delay in the satisfactory completion of such training programs;

o. To furnish approved schools, for inclusion in their regular police training courses and curriculum with information concerning the advisability of high speed chases, the risk caused thereby, and the benefits resulting therefrom.

2. This act shall take effect immediately.

Approved May 29, 1979.

## CHAPTER 103

A SUPPLEMENT to "An act concerning consumer fraud, its prevention, and providing penalties therefor," approved June 9, 1960 (P. L. 1960, c. 39, C. 56:8–1 et seq.).

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

**C. 56:8-2.8 "Going out of business sale"; advertisement; time limitations; violations.**

1. It shall be an unlawful practice for any person to advertise merchandise for sale as a "going out of business sale" or in terms substantially similar to "going out of business sale" for a period in excess of 90 days or to advertise more than one such sale in 360 days. The 360-day period shall commence on the first day of such sale. For any person in violation of this act, each day in violation shall constitute an additional, separate and distinct violation.

2. This act shall take effect in 90 days.

Approved May 31, 1979.

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## CHAPTER 104

**AN ACT concerning education and supplementing Title 18A of the New Jersey Statutes.**

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

**C. 18A:54B-1 "Enrichment program" defined.**

1. For the purposes of this act "Enrichment Program" means any summer school program offered by a public school for which a student does not receive credit for graduation and is unrelated to the curriculum content of the regular school program.

**C. 18A:54B-2 Tuition.**

2. For the purpose of providing enrichment programs in public schools boards of education may charge tuition for students to attend such noncredit courses subject to rules and regulations promulgated by the State board.

3. This act shall take effect immediately.

Approved May 31, 1979.

# CHAPTER 105

AN ACT establishing and continuing the Developmental Disabilities Council.

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

**C. 30:1AA-1 Developmental disabilities council; establishment.**

1. The Developmental Disabilities Council, established pursuant to Executive Order Number 20 of 1971, as amended by Executive Order Number 49 of 1973 and Executive Order Number 42 of 1976, is hereby established and continued in the Executive Branch of State Government. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Developmental Disabilities Council is hereby allocated within the Department of Human Services, but, notwithstanding said allocation, the council shall be independent of any supervision or control by the department or any board or officer thereof.

**C. 30:1AA-2 "Developmental disability" defined.**

2. For the purposes of this act, a "developmental disability" means:

a. A severe, chronic disability of a person which

(1) Is attributable to a mental or physical impairment or combination of mental or physical impairments;

(2) Is manifest before age 22;

(3) Is likely to continue indefinitely;

(4) Results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and

(5) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, or other services which are of lifelong or extended duration.

b. Other handicapping conditions requiring services and treatment similar to that required by those who meet the criteria defined above.

**C. 30:1AA-3 Membership; appointment; terms; vacancies.**

3. The council shall consist of 30 members, of whom 18 shall be public members appointed by the Governor with the advice and

consent of the Senate for terms of 3 years and until their respective successors have been appointed and have qualified, and 12 shall be representatives of State agencies who shall serve at the pleasure of the Governor in accordance with the qualifications established in section 4 of this act. Vacancies shall be filled in the same manner as the original appointment. Public members shall receive no compensation, but shall be entitled to reimbursement for necessary expenses incurred in the performance of their duties. Members of the council at the time of enactment of this act shall continue to serve until the expiration of their current terms, and until their respective successors are appointed and have qualified.

**C. 30:1AA-4 Public and State members.**

4. The public members shall be representative of the diverse social, economic and geographical interests in the State, and shall include at least 15 persons who are consumers or representatives of consumers of services for persons with developmental disabilities. The State members shall be official representatives of State agencies responsible for the following programs: Special Education; Residential Services for Mentally Retarded Persons; Health Services for Crippled Children and for Maternal and Child Health; Comprehensive Health Planning; Medical Assistance; Higher Education; Community Affairs, Youth and Family Services; Public Welfare; Mental Health Services; Vocational Rehabilitation Services; and the Public Advocate.

**C. 30:1AA-5 Chairperson, vice-chairperson and secretary; appointment.**

5. The Governor shall appoint a chairperson from among the public members to serve in such capacity at the capacity at the pleasure of the Governor. The members shall elect annually from among themselves a vice-chairperson and other such officers as may be necessary, and may appoint a secretary who need not be a member of the council.

**C. 30:1AA-6 Executive director; powers and duties.**

6. The council shall employ, subject to the provisions of Title 11, Civil Service, of the Revised Statutes, and other applicable statutes, an executive director and such other employees as it deems necessary. The executive director shall:

a. Supervise and administer the work of the council;

b. Appoint and remove such other employees as may be necessary to perform the duties and responsibilities of the council and shall promulgate fees and compensation within the limits of available appropriations and as shall be provided by law; and

c. Select and retain the services of consultants whose advice is considered necessary to assist the council in obtaining information or developing plans or programs required for the performance of the duties and responsibilities of the council.

**C. 30:1AA-7 Rules and regulations.**

7. The council shall promulgate such rules as it deems necessary for the proper conduct of its work.

**C. 30:1AA-8 Duties of council.**

8. It shall be the duty of the council to:

a. Study and review the needs and problems of the developmentally disabled in this State and the nature and extent of public and private services for such persons, and to recommend immediate and long range program and construction priorities.

b. Foster cooperation and communication among State, county, municipal, voluntary and private agencies providing services to the developmentally disabled to assure that such services are delivered effectively, efficiently and without duplication;

c. Promote public awareness of the needs and problems of the developmentally disabled and their related budgetary implications;

d. Be designated as the State Planning Council in accordance with the requirements of P. L. 94–103 and subsequent amendments thereto and

(1) Be responsible for reviewing and evaluating from time to time, and not less often than annually, the State Plan on Developmental Disabilities and submitting such appropriate modifications as may be required to the United States Secretary of Health, Education and Welfare and

(2) Make such reports in such form and containing such information as the United States Secretary of Health, Education and Welfare may reasonably require, and keep such records and afford such access thereto as the Governor or the Secretary of Health, Education and Welfare find necessary to assure the correctness and verification of such reports;

e. Review and comment upon laws and practices relating to the developmentally disabled;

f. Propose training and scholarship programs to prepare professionals to work with the developmentally disabled;

g. Recommend training and recruitment programs to encourage employment of the developmentally disabled;

h. Encourage and support pertinent research efforts and preventative measures;

i. Inform local government agencies of Federal and State programs and requirements concerning developmentally disabled and other handicapped persons and provide technical assistance to such agencies as to methods for participating in such programs or meeting such requirements;

j. Promote the establishment of local commissions on the developmentally disabled and other handicapped for the identification and development of locally-based programs for such persons, and to stimulate planning at the community level;

k. Administer loan and grant programs, if and when funds become available, to enable local agencies, commissions and individuals concerned with the handicapped to acquire or improve relevant facilities, services and personnel;

l. Undertake at the request of the Governor and the Legislature such activities as may be pertinent for the accomplishment of legislative and executive functions.

**C. 30:1AA-9 Annual report.**

9. The council shall report annually, not later than July 1, to the Governor and the Legislature as to its activities and including any recommendations for administrative and legislative action it deems appropriate.

10. This act shall take effect immediately.

Approved May 31, 1979.

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## CHAPTER 106

AN ACT concerning certain State administered retirement systems, providing for an equality in contributions by members thereof, and revising parts of the statutory law.

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

1. Section 16 of P. L. 1954, c. 84 (C. 43:15A–16) is amended to read as follows:

**C. 43:15A-16 Classification of members.**

16. The retirement system shall classify the members in such groups by age as it may determine for actuarial purposes.

The system shall further classify the membership by benefit rates as Class A or Class B members, as follows:

"Class A" shall include those members whose annuity shall be based on a per centum of salary, computed to be sufficient, with regular interest, to procure for the member, on retirement for service, an annuity equal to 1/140 of his final compensation for each year of service as a member.

"Class B" shall include those members who have elected or who shall hereafter elect to contribute to the annuity savings fund at a higher rate per centum, computed to be sufficient, with regular interest, to procure for the member, on retirement for service, an annuity equal to 1/120 of his final compensation for each year of service as a member.

Any new member after the effective date of this section shall be placed in "Class B."

2. Section 19 of P. L. 1954, c. 84 (C. 43:15A–19) is amended to read as follows:

**C. 43:15A-19 Actuarial valuation of funds; actions of board.**

19. The actuary shall recommend, and the Division of Pensions shall keep in convenient form, such data as shall be necessary for actuarial valuation of the various funds created by this act. At least once in every 3-year period, the actuary shall make an actuarial investigation into the mortality, service, and compensation or salary experience of the members and beneficiaries as defined in this chapter and shall make a valuation of the assets and liabilities of the various funds created by this act. Upon the basis of such investigation and valuation, with the advice of the actuary, the board shall:

a. Adopt for the retirement system such mortality, service and other tables as shall be deemed necessary; and,

b. Certify the rates of contribution, expressed as a proportion of the compensation of members which shall be made by the State and other employers to the contingent reserve fund.

3. Section 25 of P. L. 1954, c. 84 (C. 43:15A–25) is amended to read as follows:

**C. 43:15A-25 Annuity savings fund.**

25. The annuity savings fund shall be the fund in which shall be credited accumulated deductions and contributions by members or on their behalf to provide for their allowances. A single account shall be established in this fund for each person who is or shall

become a member and all contributions deducted from each such member's compensation shall be credited to his account regardless of the number of positions a member might hold or the number of employers as he might have.

Any member who was contributing to the former "State Employees' Retirement System" shall continue to pay the proportion of compensation applicable to the age at enrollment, which proportion shall not be increased during the continuation of membership other than as provided in this section or section 58, and shall make any special payments either as lump sums or as installment payments required as a result of election by the member to obtain additional service credit. Members enrolling on and after January 2, 1955 shall contribute at the proportions applicable to group two members of the former "State Employees' Retirement System" as of June 30, 1949. No member shall be required during the continuation of his membership to increase the proportion of compensation certified at the time of becoming a member as payable by him other than as provided in this section or section 58.

As of the effective date of this amendatory and supplementary act, all members shall contribute, as shall be determined by the actuary, exclusive of the rate for any additional death benefit provided under section 57 (C. 43:15A–57), at proportions of compensation intermediate between the rates previously applicable to male and to female members, provided that in order to attain such intermediate point, the adjustment of such proportions shall be the minimum necessary increase or decrease in the contributions of members of the retirement system as such membership is constituted on the effective date of this act.

The retirement system shall certify to each State department or subdivision thereof, and to each branch of the State service not included in a State department, and to every other employer, the proportion of each member's compensation to be deducted and to facilitate the making of deductions the retirement system may modify the deduction required by a member by such an amount as shall not exceed 1/10 of 1% of the compensation upon the basis of which the deduction is to be made.

If payment in full, representing the monthly or biweekly transmittal and report of salary deductions, is not made within 15 days of the due date established by the retirement system, interest at the rate of 6% per annum shall commence to run against the total transmittal of salary deductions for the period on the first day after such fifteenth day.

Every employee to whom this act applies shall be deemed to consent and agree to any deduction from his compensation required by this act and to all other provisions of this act. Notwithstanding any other law, rule or regulation affecting the salary, pay, compensation, other perquisites, or tenure of a person to whom this act applies, or shall apply, and notwithstanding that the minimum salary, pay, or compensation or other perquisites provided by law for him shall be reduced thereby, payment, less such deductions, shall be a full and complete discharge and acquittance of all claims and demands for service rendered by him during the period covered by such payment.

4. Section 60 of P. L. 1954, c. 84 (C. 43:15A–60) is amended to read as follows:

**C. 43:15A-60 Contributions and credits of veteran members.**

60. a. Each public employee veteran member shall have returned to him his accumulated deductions as of January 2, 1955. All service rendered in office, position, or employment of this State or of a county, municipality, school district, board of education, or other public employer, or service rendered for the State University of New Jersey, an instrumentality of this State, after April 16, 1945, and the New Jersey State Agricultural Experiment Station established by an act approved March 10, 1880 (P. L. 1880, c. 106 and continued pursuant to chapter 16 of Title 4 of the Revised Statutes), an instrumentality of this State, excluding service rendered as county extension service farm and home demonstration agents, by such veteran member previous to January 2, 1955, for which evidence satisfactory to the retirement system is presented, shall be credited to him as a "Class B" member and the obligation of the employer on account of such credit shall be known as the accrued liability on behalf of such veteran member; provided, however, that no credit shall be allowed for such service rendered prior to January 2, 1955 unless the member purchases credit for all eligible service rendered on or after such date.

b. The accrued liability on behalf of State employee veteran members including veteran members employed by the State University of New Jersey or by the New Jersey Agricultural Experiment Station shall be paid by the State as provided in section 24. The accrued liability on behalf of other public employee veteran members shall be paid by their employers, as of January 2, 1955, or the date of the next annual valuation of the retirement system following his enrollment, whichever is later, in the same manner as provided in the case of State employee veteran members in section 24.

The retirement system shall certify to the chief fiscal officer of the employer the accrued liability contribution payable by such employer on behalf of veteran members.

c. Each public employee veteran members shall make contributions to the retirement system at the rates of contribution applicable to Class B members of group two of the former "State Employees' Retirement System" as of June 30, 1949, as provided in section 25. Each public employee veteran member shall pay the proportion of compensation applicable to his age at the commencement of employment, position or office with the State, any county, municipality or school district, board of education, or other public employer except that where such service has not been continuous, the public employee veteran member shall pay the proportion of compensation applicable to the age resulting from the subtraction of his years of service from his age as of January 2, 1955. No public employee veteran member shall be required during the continuation of his membership to increase the proportion of compensation certified at the time of becoming a member as payable by him, except as provided in section 25 (C. 43:15A–25) or section 58 (C. 43:15A–58).

d. In the event that a public employee veteran who prior to January 2, 1955 rendered service in office, position or employment of this State, including such service rendered for any instrumentality enumerated in paragraph a. of this section, or of a county, municipality, or school district, board of education, or other public employer, but who is not in such office, position or employment on January 2, 1955, shall later become a member of the retirement system, such public employee veteran member shall receive prior service credit for service rendered prior to January 2, 1955, for which evidence satisfactory to the retirement system is presented, and shall pay the proportion of compensation, applicable to the age resulting from the subtraction of his years of such prior service from his age on the date of his becoming a member of the retirement system as provided in section 25 (C. 43:15A–25). The employer of such public employee veteran on the date of his becoming a member shall pay the accrued liability on behalf of such prior service, and such liability shall be paid in such a manner that the total obligation will be met within the period of time fixed for the liquidation of such accrued liability of the employer.

5. N. J. S. 18A:66–5 is amended to read as follows:

**Classification of members.**

18A:66–5. The retirement system shall classify the members in such groups by age as it may determine for actuarial purposes.

The system shall further classify the membership by benefit rates as class A or class B members, as follows:

"Class A" shall include those members who contribute to the annuity savings fund at a per centum salary, computed to be sufficient, with regular interest, to procure for the member, one retirement for service, an annuity equal to $\frac{1}{140}$ of his final compensation for each year of service as a member.

"Class B" shall include those members who have elected or who shall hereafter contribute to the annuity savings fund at a higher rate per centum, computed to be sufficient, with regular interest, to procure for the member, on retirement for service, an annuity equal to $\frac{1}{120}$ of his final compensation for each year of service as a member.

Any member on December 31, 1955, may by his election contribute to the retirement system at the rate of contribution applicable to class B members of the public employees' retirement system as of January 2, 1955, based upon the member's age when he last became a member. He shall thereafter be classified as a class B member. Any such member may elect to increase his accumulated deductions by the amount deemed necessary by the board of trustees on the advice of the actuary in order to receive credit as a class B member for all or part of his service prior to the date of such election. The board of trustees shall establish the necessary rules governing the election by members of class B credit for all service.

Any member on December 31, 1955, who is not a veteran and who does not elect to receive class B credit for all or any portion of his service shall receive credit as a class A member for all service not credited as class B service. Any such member who does not elect class B membership shall contribute at the rate of contribution initially certified to him upon his last becoming a member; provided, however, that any such person who became a member after June 30, 1946, shall have his contributions on and after January 1, 1955, based on the rates of contribution applicable on June 30, 1946, for his age at the time he last became a member.

6. N. J. S. 18A:66–29 is amended to read as follows:

**Payment of proportion of compensation by members.**

18A:66–29. Any member of the retirement system as of January 1, 1956, shall pay the proportion of compensation as provided by

section 18A:66–5 applicable to the age at enrollment, which proportion shall not be increased during the continuation of membership other than as provided in this section or section 18A:66–67, and shall make any special payments either as lump sums or as installment payments as required by the board of trustees as a result of election by the member to obtain additional service credit. Members enrolling on and after January 1, 1956 shall contribute at the proportions applicable to class B members of the "public employees' retirement system" as of January 2, 1955. No member shall be required during the continuation of his membership to increase the proportion of compensation certified at the time of becoming a member as payable by him other than as provided in this section or section 18A:66–67.

As of the effective date of this 1979 amendatory and supplementary act, all members shall contribute, as shall be determined by the actuary, exclusive of the rate for any additional death benefit provided under section 18A:66–53, at proportions of compensation intermediate between the rates previously applicable to male and to female members, provided that in order to attain such intermediate point, the adjustment of such proportions shall be the minimum necessary increase or decrease in the contributions of members of the fund as such membership is constituted on the effective date of this act.

7. N. J. S. 18A:66–58 is amended to read as follows:

**Actuarial valuation of funds.**

18A:66–58. The actuary shall recommend, and the Division of Pensions shall keep in convenient form, such data as shall be necessary for actuarial valuation of the various funds created by this article. At least once in every 3-year period the actuary shall make an actuarial investigation into the mortality, service and compensation or salary experience of the members and beneficiaries as defined in this article and shall make a valuation of the assets and liabilities of the various funds created by this article. Upon the basis of such investigation and valuation, with the advice of the actuary, the board shall:

(a) Adopt for the retirement system such mortality, service and other tables as shall be deemed necessary; and

(b) Certify the rates of contribution, expressed as a proportion of the compensation of members, which shall be made by the State to the contingent reserve fund.

**C. 43:15A-19.1 Annuity values; determination.**

8. (New section) Annuity values, including actuarial equivalents under optional selections, for all members of the Public Employees Retirement System shall be determined without reference to sex; provided, however, that this amendatory and supplementary act shall not limit the actuary from using sex as a factor in the actuarial valuation required pursuant to section 19 of P. L. 1954, c. 84 (C. 43:15A–19).

**C. 18A:66-58.1 Annuity values; determination.**

9. (New section) Annuity values, including actuarial equivalents under optional selections, for all members of the Teachers' Pension and Annuity Fund shall be determined without reference to sex; provided, however, that this amendatory and supplementary act shall not limit the actuary from using sex as a factor in the actuarial valuation required pursuant to N. J. S. 18A:66–58.

10. (New section) This amendatory and supplementary act (a) shall not alter any purchase arrangement or compulsory contribution requirement appropriate to members of the retiement systems as such may have been established prior to the effective date; and (b) shall not have retroactive effect and as such shall not increase, decrease or in any way change the benefits paid or payable prior to the effective date.

11. Sections 1 through 7 and section 10 of this act shall take effect July 1, 1979. Sections 8 and 9 shall take effect January 1, 1980.

Approved June 10, 1979.

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## CHAPTER 107

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1979 and regulating the disbursement thereof", approved June 30, 1978 (P. L. 1978, c. 60).

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

1. Notwithstanding the provisions of P. L. 1976, c. 67 (C. 52:9H–5 et seq.) the following sums are hereby appropriated

out of the General State Fund for the respective public officers and for the purposes herein specified:

GENERAL STATE FUND

GENERAL STATE OPERATIONS

THE JUDICIARY

73100. Court Operations

| | | |
|---|---|---|
| 73120-970. | Superior Court | $600,000 |
| | Salaries: | |
| | Judges (116) ($600,000) | |
| | Total Appropriation | $600,000 |

2. This act shall take effect immediately.

Approved June 10, 1979.

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## CHAPTER 108

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

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

**Validating act.**

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election are hereby ratified, validated and confirmed, notwithstanding that the notices published relating to such election failed to contain the language required by the "Absentee Voting Law (1953)" (P. L. 1953, c. 211; C. 19:57–1 et seq.) as amended and supplemented, which language calls attention to the requirement that a military service voter claiming a military station as a home address shall be registered to vote at such home address and in order to use the military service ballot;

provided, however, that no action, suit or proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved June 10, 1979.

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## CHAPTER 109

AN ACT to amend and supplement "An act for the establishment of a police and firemen's retirement system for police, firemen and certain other law enforcement officers," approved May 23, 1944 (P. L. 1944, c. 255) as said title was amended by P. L. 1976, c. 139.

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

1. Section 15 of P. L. 1944, c. 255 (C. 43:16A–15) is amended to read as follows:

**C. 43:16A-15 Contributions by members and their employers.**

15. (1) The contributions required for the support of the retirement system shall be made by members and their employers.

(2) Upon the basis of such tables recommended by the actuary as the board shall adopt and regular interest, the actuary of the retirement system shall determine for each age at entrance into the system the percentage of compensation of the member entering at such age, exclusive of the additional contribution prescribed by subsections (3) (c) and (3) (d) of this section, which, if deducted from each payment of his prospective earnable compensation throughout active service, is computed to be sufficient to provide for all benefits on account of his membership.

(3) (a) The percentage contribution rate of each member, exclusive of the additional contribution prescribed by subsections (3) (c) and (3) (d) of this section, shall be fixed according to his age at entrance into membership and shall be one-half of the total percentage contribution rate calculated for such age to be required

to provide all benefits except the pensions upon accidental disability and the benefits payable upon death.

(b) Notwithstanding the provisions of subsection (3) (a) of this section, the percentage contribution rates for members of the retirement system exclusive of the additional contribution prescribed by subsections (3) (c) and (3) (d) of this section, shall be fixed at the contribution rates in effect as of July 1, 1967.

(c) Effective July 1, 1968, all proportions of compensation are increased by an additional 1% of compensation which is subject to deductions from the compensation of members or contributions made on their behalf by their employers in lieu of such deductions.

(d) Upon the effective date of this 1979 amendatory and supplementary act, all proportions of compensation are increased by an additional 1% of compensation which is subject to deductions from the compensation of members or contributions made on their behalf by their employers in lieu of such deductions.

(4) Each employer shall make a contribution equal to that made by each member in its employ and in addition shall make a contribution equal to the percentage of the compensation of each such member certified by the retirement system to be required to provide the cost of accidental disability pensions and any death benefits on his account. Notwithstanding this provision, the retirement system shall certify an average and uniform rate for payments by all employers, which shall be set on the basis of the annual actuarial valuations to be sufficient to provide with previous contributions of employers all benefits for which employers are responsible. This shall be known as the "normal contribution."

(5) In addition each employer shall make such contributions, if any, as is certified by the retirement system to be required to provide for accrued liability arising out of all prior service granted to members chargeable to such employer.

(6) The percentage rates of contribution payable by future members and all employers shall be subject to adjustment from time to time by the board of trustees with the advice of the actuary on the basis of annual actuarial valuations and experience investigations as provided under section 13, so that the value of future contributions of members and employers, when taken with present assets, shall be equal to the value of prospective benefit payments.

(7) The retirement system shall certify to the chief fiscal officer of each employer the percentage of salary payable by each member and by the employer in behalf of his employee members. The em-

ployer shall cause to be deducted from the salary of each member the percentage of earnable compensation of each member. The retirement system shall certify to each employer the proportion of each member's compensation to be deducted, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed $\frac{1}{10}$ of 1% of the compensation upon the basis of which such deduction is to be made.

(8) The deductions provided for herein shall be made notwithstanding that the minimum salary provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein, and payment of salary or compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except as to the benefits provided under this act. The chief fiscal officer of each employer shall certify to the retirement system in such manner as the retirement system may prescribe, the amounts deducted; and when deducted shall be paid into said annuity savings fund, and shall be credited to the individual account of the member from whose salary said deduction was made.

(9) Upon the basis of such tables recommended by the actuary as the board adopts and regular interest, the actuary shall compute the amount of the unfunded liability as of June 30, 1971 which has accrued on the basis of service rendered prior to July 1, 1971 by all members, including the amount of the liability arising out of prior service as certified by the retirement system, and including the accrued liabilities established by P. L. 1964, c. 241 and P. L. 1967, c. 250. Using the total amount of this unfunded accrued liability, he shall compute the amount of the flat annual payment, which, if paid in each succeeding fiscal year commencing with July 1, 1972, for a period of 40 years, will provide for this liability. This shall be known as the "accrued liability contribution."

The normal and accrued liability contributions as certified by the retirement system shall be included in the budget of the employer and levied and collected in the same manner as any other taxes are levied and collected for the payment of the salaries of members.

(10) The treasurer or corresponding officer of the employer shall pay on or before March 31 in each year to the State Treasurer the amount so certified as payable by the employer, and shall pay monthly to the State Treasurer the amount of the deductions from

the salary of the members in the employ of the employer, and the State Treasurer shall credit such amount to the appropriate fund or funds, of the retirement system.

If payment of the full amount of the employer's obligation is not made within 30 days of the due date established by this act, interest at the rate of 6% per annum shall commence to run against the unpaid balance thereof on the first day after such thirtieth day.

If payment in full, representing the monthly transmittal and report of salary deductions, is not made within 15 days of the due date established by the retirement system, interest at the rate of 6% per annum shall commence to run against the total transmittal of salary deductions for the period on the first day after such fifteenth day.

(11) The expenses of administration of the retirement system shall be paid by the State of New Jersey. Each employer shall reimburse the State for a proportionate share of the amount paid by the State for administrative expense. This proportion shall be computed as the number of members under the jurisdiction of such employer bears to the total number of members in the system. The pro rata share of the cost of administrative expense shall be included with the certification by the retirement system of the employer's contribution to the system.

(12) Notwithstanding anything to the contrary, the retirement system shall not be liable for the payment of any pension or other benefits on account of the employees or beneficiaries of any employer participating in the retirement system, for which reserves have not been previously created from funds, contributed by such employer or its employees for such benefits.

(13) Notwithstanding any other provision of this act, the Legislature shall annually appropriate and the State Treasurer shall pay into the contingent reserve fund of the retirement system an amount calculated as an increase in the normal contribution which will provide for the additional liability required to fund the benefits provided by this amendatory and supplementary act. Any saving realized by the retirement system as a result of any future increase in "regular interest" as determined annually by the State Treasurer shall be applied by the actuary towards meeting the cost of this additional liability.

2. Section 16 of P. L. 1964, c. 241 (C. 43:16A–11.1) is amended to read as follows:

**C. 43:16A-11.1 Resignation of member with 25 years of creditable service; retirement allowance; death benefit.**

16. Should a member resign after having established 25 years of creditable service, he may elect "special retirement," provided, that such election is communicated by such member to the retirement system by filing a written application, duly attested, stating at what time subsequent to the execution and filing thereof he desires to be retired. He shall receive, in lieu of the payment provided in section 11, a retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his aggregate contributions, and

(2) A pension in the amount which, when added to the member's annuity will provide a total retirement allowance of 60% of his average final compensation, plus 1% of his average final compensation multiplied by the number of years of creditable service over 25 but not over 30; provided, however, that any member who has earned, prior to the effective date of this 1979 amendatory act, more than 30 years of creditable service, shall receive an additional 1% of his average final compensation for each year of his creditable service over 30.

The board of trustees shall retire him at the time specified or at such other time within 1 month after the date so specified as the board finds advisable.

Upon the receipt of proper proofs of the death of such a retired member, there shall be paid to his beneficiary an amount equal to one-half of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

**C. 43:16A-15.5 Annual report; contents.**

3. (New section) In the annual report required by section 13 (9) of P. L. 1944, c. 255 (C. 43:16A–13 (9)), the State Treasurer shall report to the legislature on the cost of funding the benefits provided by this amendatory and supplementary act. He shall stipulate the annual State liability, if any, as computed by the actuary under section 15 (13) of P. L. 1944, c. 255 (C. 43:16A–15(13)), and the extent that liability will be offset by the employee contribution increase provided in section 15 (3) (d) of P. L. 1944, c. 255 (C. 43:16A–15(3)(d)) and by the application of interest earnings as provided in section 15 (13) of P. L. 1944, c. 255 (C. 43:16A–15(13)). If in any year, the State's liability to fund the benefits provided herein exceeds the value of the employee contribution increase and

the application of interest earnings, the State Treasurer shall recommend an appropriate further increase in the employee contribution or such other action as he considers appropriate to offset any State liability. Also, if in any year, the State's liability is exceeded by the value of the employee contribution increase and the application of interest earnings, the State Treasurer shall recommend an appropriate decrease in the employee contribution rate.

4. This act shall take effect on July 1, 1979.

Approved June 18, 1979.

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## CHAPTER 110

AN ACT concerning State aid for county colleges and amending N. J. S. 18A:64A–22.

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

1. N. J. S. 18A:64A–22 is amended to read as follows:

**Annual budget requests for State support of colleges.**

18A:64A–22. Annual budget requests for State support of colleges. The Board of Higher Education shall formulate annual budget requests for State support of county colleges. Within the limits of funds appropriated to the Board of Higher Education for such purposes and in accordance with rules and regulations prescribed by the Board of Higher Education, the board of trustees of a county college may apply to the Board of Higher Education and receive State support:

a. For capital projects approved by the Board of Higher Education in amounts not to exceed one-half of the cost of said capital projects, and

b. For operational costs to the extent of one-half thereof or $725 per equated full-time student, including such students resident in other counties, whichever is the lesser amount. For the purposes of determining State aid, only those students enrolled in credit courses and noncredit remedial, developmental, general education development and adult basic education courses, shall be included in calculating the number of equated full-time students.

State support for the operational costs of county colleges shall be made within limits of State appropriation and only after an annual

review and approval by the Board of Higher Education of the financial program for operation of the county college, including the charges to be made for student tuition and fees and the establishment of the county share of said costs.

2. This act shall take effect immediately.

Approved June 20, 1979.

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## CHAPTER 111

AN ACT concerning the development and use of land in the pinelands area, providing for the planning and management thereof, creating a Pinelands Commission, prescribing the jurisdiction, powers and duties thereof, supplementing Title 13 of the Revised Statutes, and repealing P. L. 1971, c. 417.

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

**C. 13:18A-1 Short title.**

1. This act shall be known and may be cited as the "Pinelands Protection Act."

**C. 13:18A-2 Legislature's findings and declarations.**

2. The Legislature hereby finds and declares that the pinelands area comprises pine-oak forests, cedar swamps, and extensive surface and ground water resources of high quality which provide a unique habitat for a wide diversity of rare, threatened and endangered plant and animal species and contains many other significant and unique natural, ecological, agricultural, scenic, cultural and recreational resources; that the continued viability of such area and resources is threatened by pressures for residential, commercial and industrial development; that the protection of such area and resources is in the interests of the people of this State and of the Nation; that such protection will require the coordinated efforts of all relevant municipal, county, State and Federal agencies; that the Congress and President of the United States have demonstrated a recognition of these facts through the enactment of section 502 of the "National Parks and Recreation Act of 1978" (PL 95–625); and, that it is now necessary to implement the aforecited Federal Act and insure the realization of pinelands protec-

tion through the establishment of a regional planning and management commission empowered to prepare and oversee the implementation of a comprehensive management plan for the pinelands area.

The Legislature further finds and declares that a certain portion of the pinelands area is especially vulnerable to the environmental degradation of surface and ground waters which would be occasioned by the improper development or use thereof; that the degradation of such waters would result in a severe adverse impact upon the entire pinelands area; that it is necessary to designate this portion as a preservation area, wherein more stringent restrictions on the development and use of land should be utilized and public acquisition of land or interests therein should be concentrated; and, that in order to facilitate such acquisition, and otherwise to effectuate the provisions of this act and the Federal Act, it is further necessary to establish certain notice requirements and procedures for the purchase of land or interests therein in such area.

The Legislature further finds and declares that the current pace of random and uncoordinated development and construction in the pinelands area poses an immediate threat to the resources thereof, especially to the survival of rare, threatened and endangered plant and animal species and the habitat thereof, and to the maintenance of the existing high quality of surface and ground waters; that such development and construction increase the risk and extent of destruction of life and property which could be caused by the natural cycle of forest fires in this unique area; and, that, in order to effectuate the purposes and provisions of this act and the Federal Act, it is necessary to impose certain interim limitations upon the local approval of applications for development in the preservation area, and upon certain State and local approvals in the pinelands area, all as hereinafter provided.

**C. 13:18A-3 Definitions.**

3. As used in this act:

a. "Agricultural or horticultural purposes" or "agricultural or horticultural use" means any production of plants or animals useful to man, including but not limited to: forages or 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, and including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including

grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or any land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agency of the Federal Government;

b. "Application for development" means the application form and all accompanying documents required by municipal ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or other permit as provided in the "Municipal Land Use Law," P. L. 1975, c. 291 (C. 40:55D–1 et seq.), for any use, development or construction other than the improvement, expansion or reconstruction of any single-family dwelling unit or appurtenance thereto, or the improvement, expansion, construction or reconstruction of any structure used exclusively for agricultural or horticultural purposes;

c. "Commission" means the Pinelands Commission created by section 4 of this act;

d. "Comprehensive management plan" means the plan prepared and adopted by the commission pursuant to section 7 of this act;

e. "Council" means the Pinelands Municipal Council created by section 6.1 of this act;

f. "Federal Act" means section 502 of the "National Parks and Recreation Act of 1978" (PL 95–625);

g. "Major development" means any division or subdivision of land into five or more parcels; any construction or expansion of any housing development of five or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than 3 acres; or any grading, clearing or disturbance of any area in excess of 5,000 square feet for other than agricultural or horticultural purposes;

h. "Pinelands area" means that area so designated by subsection a. of section 10 of this act;

i. "Pinelands National Reserve" means the approximately 1,000,000 acre area so designated by the Federal Act and generally depicted on the map entitled "Pinelands National Reserve Boundary Map" numbered NPS/80,011A and dated September, 1978;

j. "Preservation area" means that portion of the pinelands area so designated by subsection b. of section 10 of this act;

k. "Protection area" means that portion of the pinelands area not included within the preservation area.

**C. 13:18A-4 Pinelands commission; establishment; powers and duties.**

4. a. There is hereby established a public body corporate and politic, with corporate succession, to be known as the "Pinelands Commission." The commission shall constitute a political subdivision of the State established as an instrumentality exercising public and essential governmental functions, and the exercise by the commission of the powers and duties conferred by this act and by the Federal Act shall be deemed and held to be an essential governmental function of the State. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the commission is hereby allocated within the Department of Environmental Protection, but, notwithstanding said allocation, the commission shall be independent of any supervision or control by such department or by the commissioner or any officer or employee thereof.

b. In addition to the powers and duties herein provided, the Pinelands Commission shall constitute the planning entity authorized in the Federal Act and shall exercise all the powers and duties as may be necessary in order to effectuate the purposes and provisions thereof.

c. Any action taken prior to the effective date of this act by the planning entity established pursuant to the Federal Act shall continue with full force and effect as an action of the commission established hereunder.

**C. 13:18A-5 Membership; appointment and qualifications; terms; removal; oath; compensation; officers; minutes of meetings; veto by Governor.**

5. a. The commission shall consist of 15 members to be appointed and qualified as follows:

(1) Seven residents of the State, appointed by the Governor, with the advice and consent of the Senate, except as otherwise provided herein;

(2) Seven residents of the State, one resident each of the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Ocean, appointed by the board of chosen freeholders of each such county; provided, however, that in any county operating under the county executive plan or county supervisor plan pursuant to the provisions of the "Optional County Charter Law" P. L. 1972, c. 154 (C. 40:41A–1 et seq.), such appointment shall be made by the county executive or the county supervisor, as the case may be;

(3) One member to be appointed by the Secretary of the United States Department of the Interior.

Any appointments made prior to the effective date of this act by the Governor or by any of the respective counties to the planning entity established pursuant to the Federal Act shall be considered appointments made to the commission, an no such gubernatorial appointment shall be subject to the advice and consent of the Senate.

b. Commission members shall serve for terms of 3 years; provided, however, that of the first members appointed by the Governor, two shall serve 3 year terms, two shall serve 2 year terms and three shall serve 1 year terms; and provided further, however, that of the first members appointed by the respective counties, such members appointed from Atlantic and Burlington counties shall serve 1 year terms, such members appointed from Camden and Cape May counties shall serve 2 year terms, and such members appointed from Cumberland, Gloucester and Ocean counties shall serve 3 year terms. Each member shall serve for the term of his appointment and until his successor shall have been appointed and qualified. Any vacancy shall be filled in the same manner as the original appointment for the unexpired term only. The membership of the entire commission shall include residents of the pinelands area who represent economic activities, such as agriculture, in the area, as well as residents of the State who represent conservation interests.

c. Any member of the commission may be removed by the appointing authority, for cause, after a public hearing.

d. Each member of the commission, before entering upon his duties, shall take and subscribe an oath to perform the duties of his office faithfully, impartially, and justly to the best of his ability. A record of such oaths shall be filed in the Office of the Secretary of State.

e. The members of the commission shall serve without compensation, but the commission may, within the limits of funds appropriated or otherwise made available for such purposes, reimburse its members for necessary expenses incurred in the discharge of their official duties.

f. The powers of the commission shall be vested in the members thereof in office, and a majority of the total authorized membership of the commission shall be required to exercise its powers at any meeting thereof. No alternate or designee of any commission member shall exercise any power to vote on any matter pending before the commission.

g. The Governor shall designate one of the members of the commission as chairman. The commission shall appoint an executive director, who shall be the chief administrative officer thereof. The executive director shall serve at the pleasure of the commission, and shall be a person qualified by training and experience to perform the duties of his office.

h. A true copy of the minutes of every meeting of the commission shall be prepared and forthwith delivered to the Governor. No action taken at such meeting by the commission shall have force or effect until 10 days, exclusive of Saturdays, Sundays and public holidays, after such copy of the minutes shall have been so delivered. If, in said 10-day period, the Governor returns such copy of the minutes with a veto of any action taken by the commission at such meeting, such action shall be null and void and of no force and effect.

**C. 13:18A-6 Powers of commission.**

6. The Pinelands Commission shall have the following powers:

a. To adopt and from time to time amend and repeal suitable by-laws for the management of its affairs;

b. To adopt and use an official seal and alter the same at its pleasure;

c. To maintain an office at such place or places in the pinelands area as it may designate;

d. To sue and be sued in its own name;

e. To appoint, retain and employ, without regard to the provisions of Title 11 of the Revised Statutes but within the limits of funds appropriated or otherwise made available for such purposes, such officers, agents, employees and experts as it may require, and to determine the qualifications, terms of office, duties, services and compensation therefor;

f. To apply for, receive, and accept, from any Federal, State, or other public or private source, grants or loans for, or in aid of, the commission's authorized purposes;

g. To enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient, or desirable for the purposes of the commission or to carry out any power expressly given in this act;

h. To conduct examinations and investigations, to hear testimony, taken under oath at public or private hearings, on any material matter, and to require attendance of witnesses and the production of books and papers;

i. To prepare and transmit to the Commissioner of Environmental Protection such recommendations for water quality standards for surface and ground waters in the pinelands area, or in tributaries and watersheds thereof, as the commission deems appropriate;

j. To prepare, promulgate, adopt, amend or repeal, pursuant to the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.), such rules and regulations as are necessary in order to implement the provisions of this act;

k. To appoint advisory boards, commissions, or panels to assist in its activities;

l. To identify any lands in which the public acquisition of a fee simple or lesser interest therein is necessary or desirable in order to insure the preservation thereof, or to provide sites for public recreation, as well as any lands the beneficial use of which are so adversely affected by the restrictions imposed pursuant to this act as to require a guarantee of just compensation therefor, and to transmit such identifications to the affected local governments, the Commissioner of Environmental Protection and to the Secretary of the United States Department of Interior;

m. To call to its assistance and avail itself of the services of such employees of any State, county or municipal department, board, commission or agency as may be required and made available for such purposes.

**C. 13:18A-7 Pinelands municipal council; establishment; membership; quorum; officers; compensation; comprehensive management plan; review and recommendations to commission.**

6.1. a. There is hereby established a Pinelands Municipal Council, the membership of which shall consist of the mayor, or his designee, of each municipality located, in whole or in part, within the pinelands area.

b. A majority of the membership of the council shall constitute a quorum for the transaction of council business. Action may be taken and motions and resolutions adopted by the council at any meeting thereof by the affirmative vote of a majority of the full membership of the council.

c. The council shall meet regularly as it may determine, and shall also meet at the call of the chairman of the commission.

d. The council shall appoint a chairman from among its members and such other officers as may be necessary. The council may, within the limits of any funds appropriated or otherwise made available

to it for this purpose, appoint such staff or hire such experts as it may require.

e. Members of the council shall serve without compensation, and each member shall serve only as long as he is the mayor or the designee of the mayor of the municipality he represents. The council may, within the limits of funds appropriated or otherwise made available for such purposes, reimburse its members for necessary expenses incurred in the discharge of their official duties.

f. The commission shall submit to the council, for review, prior to final commission action thereon, the comprehensive management plan, and any revisions thereto, including the minimum standards for the adoption of municipal and county plans and ordinances concerning the development and use of land in the pinelands area. The commission may also submit to the council any other matter which the commission deems advisable.

g. The council shall review all matters submitted to it by the commission and shall state its position to the commission within 60 days of the submission thereof.

h. The council may make recommendations to the commission on any matters it deems advisable whether or not such matter was submitted to the council by the commission.

**C. 13:18A-8 Comprehensive management plan for pinelands area; contents.**

7. The commission shall on or before August 8, 1980, and after public hearings held in the pinelands area and in other areas of the State at places of its choosing, prepare and adopt a comprehensive management plan for the pinelands area. Such plan shall be periodically revised and updated, after public hearings, and shall include, but need not necessarily be limited to:

a. A resource assessment which:

(1) Determines the amount and type of human development and activity which the ecosystem of the pinelands area can sustain while still maintaining the overall ecological values thereof, with special reference to ground and surface water supply and quality; natural hazards, including fire; endangered, unique, and unusual plants and animals and biotic communities; ecological factors relating to the protection and enhancement of blueberry, cranberry and other agricultural production or activity; air quality; and other appropriate considerations affecting the ecological integrity of the pinelands area;

(2) Includes an assessment of scenic, aesthetic, cultural, open space, and outdoor recreation resources of the area, together with a

determination of overall policies required to maintain and enhance such resources; and

(3) Utilizes soil resources information from the National Cooperative Soil Survey and the soil conservation districts in the pinelands area.

b. A map showing the detailed boundary of the Pinelands National Reserve, such map to delineate:

(1) Major areas within the boundary which are of critical ecological importance;

(2) Major areas and resources adjacent to the boundary that have significance to the ecological integrity of the Pinelands National Reserve; and

(3) Areas of scenic, open space, cultural, and recreational significance.

c. The map prepared pursuant to subsection c. of section 10 of this act.

d. A land use capability map and a comprehensive statement of policies for planning and managing the development and use of land in the pinelands area, which policies shall:

(1) Consider and detail the application of a variety of land and water protection and management techniques, including but not limited to, zoning and regulation derived from State and local police powers, development and use standards, permit systems, acquisition of conservation easements and other interests in land, public access agreements with private landowners, purchase of land for resale or lease-back, fee acquisition of public recreation sites and ecologically sensitive areas, transfer of development rights, dedication of private lands for recreation or conservation purposes and any other appropriate method of land and water protection and management which will help meet the goals and carry out the policies of the management plan;

(2) Include a policy for the use of State and local police power responsibilities to the greatest extent practicable to regulate the use of land and water resources in a manner consistent with the purposes and provisions of this act and the Federal Act; and

(3) Recognize existing economic activities within the area and provide for the protection and enhancement of such activities as farming, forestry, proprietary recreational facilities, and those indigenous industries and commercial and residential developments which are consistent with such purposes and provisions.

e. A coordination and consistency component which details the ways in which local, State, and Federal programs and policies

may best be coordinated to promote the goals and policies of the management plan, and which details how land, water, and structures managed by governmental or nongovernmental entities in the public interest within the pinelands area may be integrated into the management plan.

f. A public use component including, but not limited to, a detailed program to inform the public of appropriate uses of the pinelands area.

g. A financial component, together with a cash flow timetable which:

(1) Details the cost of implementing the management plan, including, but not limited to, payments in lieu-of-taxes, acquisition, within 5 years of the effective date of this act, of fee simple or other interests in lands for preservation or recreation purposes, compensation guarantees, general administrative costs, and any anticipated extraordinary or continuing costs; and

(2) Details the sources of revenue for covering such costs, including, but not limited to, grants, donations, and loans from local, State, and Federal departments and agencies, and from the private sector.

h. A program to provide for the maximum feasible local government and public participation in the management of the pinelands area.

i. A program for State and local governmental implementation of the comprehensive management plan and the various elements thereof in a manner that will insure the continued, uniform, and consistent protection of the pinelands area in accord with the purposes and provisions of this act and the Federal Act, including:

(1) Minimum standards for the adoption, as required in section 11 of this act, of municipal and county plans and ordinances concerning the development and use of land in the pinelands area, including, but not limited to, standards for minimum lot sizes and stream setbacks, maximum appropriate population densities, and regulated or prohibited uses for specific portions of the pinelands area; and

(2) Such guidelines for any State or local agencies as may be prepared by the commission pursuant to section 12 hereof.

j. In conjunction with existing State programs and planning processes, a plan to implement the provisions of the "Clean Water Act" (PL 95–217) and the "Safe Drinking Water Act" (PL 93–523) which pertain to the surface and ground water of the Pinelands National Reserve;

k. The report transmitted to the commission by the Department of Environmental Protection pursuant to section 22 of this act.

**C. 13:18A-9 Goals of comprehensive management plan.**

8. a. The goal of the comprehensive management plan with respect to the entire pinelands area shall be to protect, preserve and enhance the significant values of the resources thereof in a manner which is consistent with the purposes and provisions of this act and the Federal Act.

b. The goals of the comprehensive management plan with respect to the protection area shall be to:

(1) Preserve and maintain the essential character of the existing pinelands environment, including the plant and animal species indigenous thereto and the habitat therefor;

(2) Protect and maintain the quality of surface and ground waters;

(3) Promote the continuation and expansion of agricultural and horticultural uses;

(4) Discourage piecemeal and scattered development; and

(5) Encourage appropriate patterns of compatible residential, commercial and industrial development, in or adjacent to areas already utilized for such purposes, in order to accommodate regional growth influences in an orderly way while protecting the pinelands environment from the individual and cumulative adverse impacts thereof.

c. The goals of the comprehensive management plan with respect to the preservation area shall be to:

(1) Preserve an extensive and contiguous area of land in its natural state, thereby insuring the continuation of a pinelands environment which contains the unique and significant ecological and other resources representative of the pinelands area;

(2) Promote compatible agricultural, horticultural and recreational uses, including hunting, fishing and trapping, within the framework of maintaining a pinelands environment;

(3) Prohibit any construction or development which is incompatible with the preservation of this unique area;

(4) Provide a sufficient amount of undeveloped land to accommodate specific wilderness management practices, such as selective burning, which are necessary to maintain the special ecology of the preservation area; and

(5) Protect and preserve the quantity and quality of existing surface and ground waters.

**C. 13:18A-10 Consultations with local, State, federal agencies and interested groups; submission of plan to Governor, Legislature and Secretary of Interior; approval for development subsequent to adoption of plan.**

9. a. During the development of the comprehensive management plan, the commission shall consult with appropriate officials of local governments, including the council, and State or Federal agencies with jurisdiction over lands, waters and natural resources within the pinelands area, with interested professional, scientific, and citizen organizations, and with any citizens advisory committee which may be established by the Governor. The commission shall review all relevant existing information and studies on the pinelands area including, but not limited to, the report of the committee created pursuant to Executive Order 56, issued May 28, 1977.

b. Upon the adoption thereof, the comprehensive management plan shall be submitted to the Governor and to the Legislature. The commission shall further submit such plan to the Secretary of the United States Department of Interior, as provided in the Federal Act.

c. Subsequent to the adoption of the comprehensive management plan, the provisions of any other law, ordinance, rule or regulation to the contrary notwithstanding, no application for development within the pinelands area shall be approved by any municipality, county or agency thereof, and no State approval, certificate, license, consent, permit, or financial assistance for the construction of any structure or the disturbance of any land within such area shall be granted, unless such approval or grant conforms to the provisions of such comprehensive management plan; provided, however, that the commission is hereby authorized to waive strict compliance with such plan or with any element or standard contained therein, upon finding that such waiver is necessary to alleviate extraordinary hardship or to satisfy a compelling public need, is consistent with the purposes and provisions of this act and the Federal Act, and would not result in substantial impairment of the resources of the pinelands area; and provided further, however, that the commission shall, within 90 days of the effective date of this act, and after public hearing thereon, adopt rules and regulations which specify the standards for determining such extraordinary hardship, compelling public need, consistency and substantial impairment.

**C. 13:18A-11 Boundaries of pinelands area; boundaries of preservation area; detailed map.**

10. a. The pinelands area shall consist of all that area within the boundaries described herein:

Beginning at the intersection of the abandoned-right-of-way of the Pennsylvania Railroad and the Garden State Parkway near south Toms River; thence southerly along the Garden State Parkway to its intersection with the boundary of the Bass River State Forest; thence southerly, and then westerly, along the Bass River State Forest boundary to its intersection with the Garden State Parkway; thence southerly along the Garden State Parkway to its intersection with Atlantic County Alternate Route 559; thence northwesterly along Atlantic County Alternate Route 559 to its intersection with Atlantic County Route 559 at Gravelly Run; thence northwesterly along Atlantic County Route 559 to its intersection with U. S. 40 and N. J. Route 50 at Mays Landing; thence westerly along U. S. 40 and N. J. Route 50 to their intersection with N. J. Route 50; thence southerly on N. J. Route 50 to its intersection with Buck Hill Road near Buck Hill; thence westerly along Buck Hill Road (River Road) to its intersection with N. J. Route 49; thence southeasterly along N. J. Route 49 to its intersection with N. J. Route 50; thence southeasterly along N. J. Route 50 to its intersection with Cape May County Route 610; thence southwesterly along Cape May County Route 610 to its intersection with N. J. Route 47 at Dennisville; thence northwesterly along N. J. Route 47 to its intersection with the east bank of the Manamuskin River; thence northerly along the east bank of the Manamuskin River to N. J. Route 49; thence northwesterly along N. J. Route 49 to its intersection with Cumberland County Route 671; thence northerly along Cumberland County Route 671 and then Atlantic County Route 671 (both known as Union Road) to Atlantic County Route 557; thence northwesterly along Atlantic County Route 557 to its intersection with U. S. Route 40; thence northwesterly along U. S. Route 40 to its intersection with Gloucester County Route 555; thence northerly along Gloucester County Route 555 to its intersection with U. S. Route 322 and Gloucester County Route 536; thence easterly along Gloucester County Route 536 (known as New Brooklyn Road) to its intersection with Camden County Route 705 at New Brooklyn Lake; thence northerly along the western shoreline of New Brooklyn Lake to the east bank of the main stem of the Great Egg Harbor River; thence northerly along the east bank of the main stem of the Great Egg Harbor River to its intersection with the east bank of Tinkers Branch; thence northeasterly along the east bank of Tinkers Branch to its intersection with the corporate boundary of Berlin Borough; thence easterly along the Berlin Borough cor-

porate boundary to its intersection with the boundary of that area designated as the critical area for sewerage purposes pursuant to the provisions of P. L. 1954, c. 199 (C. 58:11–23 et seq.), as amended, and as implemented by N. J. A. C. 7:9–10.1 et seq.; thence northerly and then easterly along such critical area boundary to its intersection with the Burlington County-Camden County boundary; thence northerly along the Burlington County-Camden County boundary to its intersection with N. J. Route 73; thence northerly along N. J. Route 73 to its intersection with Braddock Mill Road; thence easterly along Braddock Mill Road to its intersection with Tomlinson Mill Road; thence northeasterly along Tomlinson Mill Road to its intersection with Kettle Run Road; thence northerly along Kettle Run Road, then along Willow Corner-Tomlinson Mill Road, to its intersection with South Elmwood Road; thence easterly, then northerly along South Elmwood Road to its intersection with East Main Street; thence easterly along East Main Street to its intersection with Marlton Pike; thence northeasterly along Marlton Pike to its intersection with N. J. Route 70; thence easterly along N. J. Route 70 to its intersection with U. S. Route 206; thence northerly along U. S. Route 206 to its intersection with Burlington County Route 530; thence easterly along Burlington County Route 530 to the corporate boundary of Pemberton Borough; thence southerly, then easterly, then northerly, and then westerly, along the Pemberton Borough corporate boundary to its intersection with Burlington County Route 616; thence northerly along Burlington County Route 616 to its intersection with Burlington County Route 663; thence northerly along Burlington County Route 663 to its intersection with the corporate boundary of Springfield Township; thence easterly along the Springfield Township corporate boundary to its intersection with the boundary of the Fort Dix Military Reservation/McGuire Air Force Base; thence easterly along the boundary of the Fort Dix Military Reservation/McGuire Air Force Base to its intersection with Ocean County Route 539; thence northwesterly along Ocean County Route 539 to its intersection with Ocean County Route 528; thence northeasterly along Ocean County Route 528 to its intersection with Ocean County Route 547; thence southerly along Ocean County Route 547 to its intersection with Ocean County Route 527; thence southeasterly along Ocean County Route 527 to its intersection with the Central Railroad of New Jersey tracks; thence southwesterly along the tracks of the Central Railroad of New Jersey to the junction with the abandoned right-

of-way of the Pennsylvania Railroad near Whiting; thence easterly along the abandoned Pennsylvania Railroad right-of-way to its intersection with the Garden State Parkway near South Toms River, at the point of origin.

b. The preservation area shall consist of all that area within the boundaries described herein:

Beginning at the crossing of the Mullica River and the Garden State Parkway; thence southerly along the Garden State Parkway to its intersection with Atlantic County Route 624; thence northwesterly along Atlantic County Route 624 to its intersection with Atlantic County Route 563; thence northwesterly along Atlantic County Route 563 to its intersection with Elwood-Weekstown Road at Weekstown; thence westerly along Elwood-Weekstown Road to its intersection with Atlantic County Route 643; thence northwesterly along Atlantic County Route 643 to an unnamed local road south of Nescochague Lake; thence westerly along such unnamed local road to its intersection with Atlantic County Route 542; thence northeasterly along Atlantic County Route 542 to its intersection with the boundary of Wharton State Forest; thence northwesterly along the Wharton State Forest boundary to its intersection with the Mullica River; thence westerly along the Mullica River to its intersection with the corporate boundary of Medford Township; thence northerly along the Medford Township corporate boundary to its intersection with the boundary of that area designated as the critical area for sewerage purposes pursuant to the provisions of P. L. 1954, c. 199 (C. 58:11–23 et seq.), as amended, and as implemented by N. J. A. C. 7:9–10.1 et seq.; thence northeasterly along such critical area boundary to its intersection with the boundary of Wharton State Forest; thence easterly along the Wharton State Forest boundary to its intersection with Medford-Atsion Road, south of Dellette; thence northerly along Medford-Atsion Road to its intersection with Willow Grove Road; thence northeasterly along Willow Grove Road to its intersection with Stokes Road; thence southerly along Stokes Road to its intersection with Burnt House Road; thence northeasterly along Burnt House Road to its intersection with Fork Neck Road; thence southerly, then easterly along Fork Neck Road to its intersection with Dingletown Road; thence northeasterly along Dingletown Road to its intersection with Hampton Gate-Caranza Road; thence northwesterly along Hampton Gate-Caranza Road to its intersection with Burlington County Route 532; thence easterly on Burlington County Route 532 to its intersection with Patty Bowker Road

and Irick's Causeway Road; thence northeasterly along Irick's Causeway Road to its intersection with Vincentown-South Park Road; thence southeasterly along Vincentown-South Park Road to its intersection with Sooy Place Road; thence easterly along Sooy Place Road to its intersection with the corporate boundary of Woodland Township; thence northwesterly, then northeasterly, along the Woodland Township corporate boundary to its intersection with the boundary of Lebanon State Forest and Burlington County Route 644 at Four Mile Circle; thence northwesterly, then northeasterly, then southeasterly, along the Lebanon State Forest boundary to its intersection with N. J. Route 70; thence northeasterly along N. J. Route 70 to its intersection with the Lebanon State Forest boundary at a point approximately one-half mile west of the intersection of N. J. Route 70 and Burlington County Route 530; thence westerly, and then northerly, along the Lebanon State Forest boundary to its intersection with the boundary of the Fort Dix Military Reservation near South Boundary Road; thence northwesterly along the Fort Dix Military Reservation boundary to its intersection with Burlington County Route 667; thence northerly along Burlington County Route 667 to its intersection with the northern boundary of the Fort Dix Military Reservation; thence easterly along the Fort Dix Military Reservation boundary to its intersection with the boundary of the Colliers Mills Fish and Wildlife Management Area; thence northerly along the Colliers Mills Fish and Wildlife Management Area boundary to its intersection with Ocean County Route 528; thence northeasterly along Ocean County Route 528 to its easternmost intersection with the Colliers Mills Fish and Wildlife Management Area boundary; thence southerly along the Colliers Mills Fish and Wildlife Management Area boundary to its intersection with the boundary of the Lakehurst Naval Air Station; thence easterly, then southerly, and then westerly along the Lakehurst Naval Air Station boundary to its intersection with an unnamed local road at the northeastern corner of the boundary of the Manchester Fish and Wildlife Management Area; thence southerly along such unnamed local road, then along Beckerville Road, to its intersection with N. J. Route 70; thence southwesterly along N. J. Route 70 to its intersection with the boundary of the Fort Dix Military Reservation; thence southerly, and then northwesterly, along the Fort Dix Military Reservation boundary to its intersection with the boundary of the Lebanon State Forest; thence southerly along the Lebanon State Forest

boundary to its intersection with the boundary of the Pasadena Fish and Wildlife Management Area; thence southeasterly along the Pasadena Fish and Wildlife Management Area boundary to its intersection with the northern ridge line of the Cedar Creek Drainage Basin; thence northeasterly along the northern ridge line of the Cedar Creek Drainage Basin to its intersection with the Garden State Parkway; thence southerly along the Garden State Parkway to its intersection with the southern ridge line of the Cedar Creek Drainage Basin; thence southwesterly along the southern ridge line of the Cedar Creek Drainage Basin to its intersection with the boundary of the Greenwood Forest Fish and Wildlife Management Area; thence southeasterly along the Greenwood Forest Fish and Wildlife Management Area to its intersection with N. J. Route 72; thence northwesterly along N. J. Route 72 to its intersection with the East Branch of the Oswego River; thence southerly along the East Branch of the Oswego River to its intersection with Ocean County Route 539; thence southerly along Ocean County Route 539 to its intersection with the boundary of the Stafford Forge Fish and Wildlife Management Area; thence southeasterly along the Stafford Forge Fish and Wildlife Management Area to its intersection with the north bank of Governors Branch Creek; thence easterly along the north bank of Governors Branch Creek to its intersection with the boundary of the Stafford Forge Fish and Wildlife Management Area; thence easterly along the Stafford Forge Fish and Wildlife Management Area boundary to its intersection with the Garden State Parkway; thence southerly along the Garden State Parkway to its intersection with the boundary of Bass River State Forest; thence southerly, and then westerly, along the Bass River State Forest boundary to its intersection with the Garden State Parkway; thence southerly along the Garden State Parkway to its intersection with the east bank of the Bass River; thence northerly along the east bank of the Bass River to its intersection with the east bank of the East Branch of the Bass River; thence northerly along the east bank of the East Branch of the Bass River to its intersection with the Atlantic City Electric Company transmission line; thence westerly, and then southwesterly, along the Atlantic City Electric Company transmission line to its intersection with Burlington County Route 542; thence easterly along Burlington County Route 524 to its intersection with Burlington County Route 167; thence southerly along Burlington County Route 167 to its intersection with the Garden State Park-

way at exit 50S; thence southerly along the Garden State Parkway to the crossing of the Mullica River, at the point of origin.

c. The commission shall, within 120 days of the effective date of this act, prepare a detailed map of the Pinelands National Reserve, the pinelands area, the protection area and the preservation area. Such map shall include, but need not be limited to, the location of all major waterways, roads, and publicly-owned lands in such areas, as well as a depiction of the boundaries of every county and municipality which is located in whole or in part within such areas. Such map shall be transmitted to the governing body of every such county and municipality, shall be published in the New Jersey Register and in at least two newspapers circulating within the affected areas, within 150 days of said effective date, and shall be submitted to the Governor and the Legislature as the official State planning maps of the Pinelands National Reserve, the pinelands area, the protection area and the preservation area.

**C. 13:18A-12 County and municipal master plans; approval or rejection by commission; rules and regulations; approval of applications for development in violation of act's provisions deemed null and void.**

11. a. The provisions of any other law, ordinance, rule or regulation to the contrary notwithstanding, within 1 year of the date of the adoption of the comprehensive management plan, or any revision thereof, each county located in whole or in part in the pinelands area shall submit to the commission such revisions of the county master plan as may be necessary in order to implement the objectives of the comprehensive management plan and conform with the minimum standards contained therein. After receiving and reviewing such revisions, as applicable to the development and use of land in the pinelands area, the commission shall approve, reject, or approve with conditions said revised plans, as it deems appropriate, after public hearing, within 60 days of the submission thereof.

Upon rejecting or conditionally approving any such revised plan, the commission shall identify such changes therein that it deems necessary for commission approval thereof, and the relevant county shall adopt and enforce such plan, as so changed.

b. Within 1 year of the date of the adoption of the comprehensive management plan, or any revision thereof, each municipality located in whole or in part in the pinelands area shall submit to the commission such revisions of the municipal master plan and local land use ordinances as may be necessary in order to implement the objectives of the comprehensive management plan and conform with the minimum standards contained therein. After

receiving and reviewing such revisions, as applicable to the development and use of land in the pinelands area, the commission shall approve, reject, or approve with conditions said revised plans and ordinances, as it deems appropriate, after public hearing, within 120 days of the date of the submission thereof.

Upon rejecting or conditionally approving any such revised plan or ordinance, the commission shall identify such changes therein that it deems necessary for commission approval thereof, and the relevant municipality shall adopt and enforce such plan or ordinance, as so changed.

The commission may, as herein provided, delegate the review of any municipal master plan or land use ordinance to the planning board of the county wherein such municipality is located. Any such delegation shall be made only: (1) upon a finding by the commission that such delegation is consistent with the purposes and provisions of this act and the Federal Act; (2) if the commission has approved the master plan for such county; and, (3) at the request of the governing body of such county. The results of any such county planning board review shall be transmitted to the commission prior to the commission's review and approval of any such municipal master plan or ordinance.

c. In the event that any county or municipality fails to adopt or enforce an approved revised master plan or implementing land use ordinances, as the case may be, including any condition thereto imposed by the commission, the commission shall adopt and enforce such rules and regulations as may be necessary to implement the minimum standards contained in the comprehensive management plan as applicable to any such county or municipality.

d. Any approval of any application for development granted by any municipality, county, or agency thereof in violation of the provisions of this section shall be null and void and of no force and effect at law or equity.

**C. 13:18A-13 Guidelines for location and construction of capital projects, licenses, permits or financial assistance.**

12. In order to assure that the actions, decisions, determinations and rulings of the State, county and municipal governments shall, to the maximum extent practicable and feasible, conform with the comprehensive management plan adopted by the commission pursuant to section 7 of this act, the commission shall prepare, periodically revise and transmit to all State, county or municipal agencies empowered to finance or construct any capital project within the pinelands area, and to all State agencies empowered to

grant or deny any approval, certificate, license, consent, or permit for the construction of any structure or the disturbance of land therein, such guidelines for the location and construction of such capital projects or for the granting of any such approval, certificate, license, consent, permit, or financial assistance, as the case may be, as the commission deems necessary and appropriate.

**C. 13:18A-14 Granting approvals for construction prior to adoption of plan; violation of act; hearing; review of applications by executive director; construction of single family residential housing.**

13. Subsequent to the effective date of this act, the provisions of any other law, ordinance, rule or regulation to the contrary notwithstanding:

a. No State department, division, commission, authority, council, agency or board shall grant any approval, certificate, license, consent, permit or financial assistance for the construction of any structure or the disturbance of any land within the pinelands area, for other than agricultural or horticultural purposes prior to the adoption of the comprehensive management plan; provided, however, that such grant may be made for such construction or disturbance within the protection area prior to such adoption if the commission finds that such grant is necessary to alleviate extraordinary hardship, or to satisfy a compelling public need, or is consistent with the purposes and provisions of this act and the Federal Act, and would not result in substantial impairment of the resources of the pinelands area; and provided further, however, that such grant may be made for such construction or disturbance within the preservation area if the commission finds that such grant is necessary to alleviate extraordinary hardship or to satisfy a compelling public need, and is consistent with the purposes and provisions of this act and the Federal Act, and would not result in substantial impairment of the resources of the pinelands area.

b. No application for a major development in the protection area shall be approved by any municipality, county or agency thereof, prior to the adoption of the comprehensive management plan; provided, however, that such an application may be approved if the commission finds that such approval is necessary to alleviate extraordinary hardship or to satisfy a compelling public need, or is consistent with the purposes and provisions of this act and the Federal Act, and would not result in substantial impairment of the resources of the pinelands area.

c. No application for development in the preservation area shall be approved by any municipality, county, or agency thereof prior to the adoption of the comprehensive management plan and the

approval, pursuant to section 11 of this act, of the master plan and land use ordinances applicable to any such municipality, county, or agency thereof; provided, however, that such an application may be approved prior to such adoption and approval if the commission finds that such approval is necessary to alleviate extraordinary hardship or to satisfy a compelling public need, and is consistent with the purposes and provisions of this act and the Federal Act, and would not result in substantial impairment of the resources of the pinelands area.

d. Any approval, certificate, license, consent, permit, or financial assistance granted in violation of this section shall be null and void and of no force and effect at law or equity.

e. The commission shall, within 90 days of the effective date of this act, and after public hearing thereon, adopt rules and regulations which specify the standards for determining such extraordinary hardship, compelling public need, consistency and substantial impairment for the purposes of this section.

f. The executive director is hereby authorized and directed to review all requests or applications for a commission finding pursuant to this section and to make such recommendations thereon to the commission as he shall deem appropriate; provided, however, that the commission shall take final action on all such requests or applications.

g. Nothing in this section shall prohibit the granting of any State, county or municipal approval, certificate, license, consent or permit for the construction of any single family residence upon any existing lot in the protection area, provided that (1) the lot upon which such residence would be constructed was owned, as of February 7, 1979, by the person who would occupy such residence; and (2) that sewage treatment facilities, within the capacity of an existing sewage treatment plant, are available to service such residence, or, where no such facilities are available, that such residence would be constructed upon a lot greater than one acre.

**C. 13:18A-15 Review of applications for development; approval or rejection of applications.**

14. Subsequent to the adoption of the comprehensive management plan, the commission is hereby authorized to commence a review, within 15 days after any final municipal or county approval thereof, of any application for development in the pinelands area. Upon determining to exercise such authority, the commission shall transmit, by certified mail, written notice thereof to the person who submitted such application. The commission shall, after public

hearing thereon, approve, reject, or approve with conditions any such application within 45 days of transmitting such notice; provided, however, that such application shall not be rejected or conditionally approved unless the commission determines that such development does not conform with the comprehensive management plan or the minimum standards contained therein, as applicable to the county or municipality wherein such development is located, or that such development could result in substantial impairment of the resources of the pinelands area. Such approval, rejection or conditional approval shall be binding upon the person who submitted such application, shall supersede any municipal or county approval of any such development, and shall be subject only to judicial review as provided in section 19 of this act.

**C. 13:18A-16 Grants for revision of local master plans and ordinances.**

15. The commission is hereby authorized to make grants to municipalities and counties for any revision of local master plans or the implementing ordinances thereto which is designed to bring such plans and ordinances into conformance with the comprehensive management plan prepared by the commission. The commission may make such grants from any State, Federal or other funds which may be appropriated or otherwise made available to it for such purpose.

**C. 13:18A-17 Conflict of interest; violations; penalty.**

16. a. No member, officer, employee, or agent of the commission shall take any official action on any matter in which he has a direct or indirect financial interest; provided, however, that the ownership of, or tenancy in, one's own private residence shall not be considered a financial interest for the purposes of this section; and provided further, however, that nothing in this section shall be construed so as to prohibit any such member from participating in the preparation and approval of the comprehensive management plan;

b. Any commission action taken or approval granted in violation of this section is voidable;

c. Any person who shall willfully violate any provision of this section shall forfeit his office or employment and shall be guilty of a misdemeanor and be punished by a fine of not more than $7,500.00 or by imprisonment for not more than 18 months, or both such fine and imprisonment.

**C. 13:18A-18 Annual audit of commission.**

17. The State Auditor shall conduct an annual audit of the commission's activities pursuant to the provisions of chapter 24 of Title 52 of the Revised Statutes.

**C. 13:18A-19 Annual report.**

18. On or before March 31 in each year the commission shall make an annual report of its activities for the preceding calendar year to the Governor, the Legislature and to the Secretary of the United States Department of Interior. Each such report shall set forth a complete operating and financial statement covering its operations during the year.

**C. 13:18A-20 Judicial review of commission's decisions.**

19. Any person aggrieved by any decision rendered by the commission pursuant to subsection c. of section 9 and sections 13 and 14 of this act may obtain judicial review thereof by the filing of a petition in the Appellate Division of the Superior Court of New Jersey within 45 days after the issuance of such decision. The court shall have the power to grant such relief as it deems just and proper, and to make and enter an order enforcing, modifying and enforcing as so modified, remanding for further specific evidence or findings, or setting aside in whole or in part, such decision of the commission. The findings of fact on which such decision is based shall be conclusive if supported by substantial evidence on the record considered as a whole.

**C. 13:18A-21 Report by commission in connection with State payments in lieu of taxes to municipalities.**

20. The commission shall, within 1 year of the effective date of this act, prepare and submit to the Governor and Legislature a report concerning State payments in lieu of taxes to municipalities in the pinelands area wherein the State owns any land or interests therein. Such report shall include an evaluation of the manner of calculation and amount of such payments made or to be made pursuant to the provisions of the "New Jersey Green Acres and Recreation Opportunities Bond Act of 1974," P. L. 1974, c. 102; P. L. 1977, c. 272 (C. 54:4–2.2a et seq.); and the "New Jersey Green Acres Bond Act of 1978," P. L. 1978, c. 118, as well as the recommendations of the commission for executive and legislative action on additional or alternative proposals for such payments, including the fiscal implications of any such proposal and potential sources of funding therefor.

**C. 13:18A-22 Sale of lands within preservation area.**

21. a. No person shall contract to sell any land within the preservation area, or any interest therein or option therefor, until such person has transmitted to the Commissioner of Environmental Protection, by certified mail, a written notice of intention to sell such land, interest, or option at least 60 days prior to entering into any such contract; provided, however, that the provisions of this subsection shall not be applicable to any contract of sale for any structure which is located on any lot less than 10 acres, nor to any contract of sale between or among husband and wife, parent and child, brother and sister, or grandparent and grandchild.

b. The Commissioner of Environmental Protection shall, within 30 days of the effective date of this act, transmit, by certified mail, written notice of the provisions of this section to the governing body of every county and municipality located in whole or in part in the preservation area, and publish such notice in the New Jersey Register and in at least two newspapers circulating within the affected areas.

c. Any contract made in violation of subsection a. of this section is voidable.

d. Any corporation which owns any land, or interest therein, within the preservation area shall transmit, by certified mail, within 10 days of the occurrence thereof, a written notice to the Commissioner of Environmental Protection of any change or series of changes in the ownership of more than 10% of the stockholdings in such corporation.

e. Nothing in this section shall be construed so as to limit any authority granted the commissioner, pursuant to law, to acquire any lands, or interests therein or options therefor, in such manner as may be provided in such law.

**C. 13:18A-23 Review of environmental design for coastal area; revisions; report to commission.**

22. In addition to the functions required pursuant to the "Coastal Area Facility Review Act," P. L. 1973, c. 185 (C. 13:19–1 et seq.), the Department of Environmental Protection shall, in consultation with the commission and within 18 months of the effective date of this act, review the environmental design for the coastal area as it affects the planning and management of the development and use of any land in the coastal area which is also within the boundaries of the Pinelands National Reserve, make any necessary revisions to such environmental design as may be necessary in order to effectuate the purposes of this act and the Federal Act, and pre-

pare and transmit to the commission a report detailing the provisions of the environmental design as so revised and as applicable to such land.

**C. 13:18A-24 Operation of power vessels or motor vehicles on public lands within pinelands; littering; violations; penalty.**

23. a. No person shall operate any power vessel which utilizes any engine in excess of 10 horse power upon any of the waters of this State within the pinelands area, except upon that portion of the Mullica River downstream from Burlington County Route 542 or upon that portion of the Wading River downstream from its confluence with the Oswego River. As used in this subsection, "power vessel" means any vessel temporarily or permanently equipped with machinery for propulsion, not including a vessel propelled wholly by sails or by muscular power.

b. No person shall operate any motor vehicle upon any public land within the pinelands area other than upon public highways, except in such areas designated by the commission for such purposes. As used in this subsection, "motor vehicle" means all vehicles propelled other than by muscular power, but not including those vehicles run only upon rails or tracks, police, fire or emergency vehicles, or those vehicles utilized for the administration or maintenance of any public land.

c. No person shall throw, drop, discard or otherwise place any litter upon any land or water within the pinelands area. As used in this subsection, "litter" means any paper, bottle, can, trash, garbage, refuse or debris of any nature.

d. Any person who violates any provision of this section shall be liable to a penalty of not more than $500.00 for each offense, which penalty shall be imposed in addition to any other penalty otherwise provided by P. L. 1954, c. 38 (C. 23:7–9), R. S. 39:4–64, or by any other law. Such penalty shall be collected by the Department of Environmental Protection pursuant to the provisions of "the penalty enforcement law" (N. J. S. 2A:58–1 et seq.).

**C. 13:18A-25 Act not to be construed to authorize exportation of ground or surface water or regulation of certain recreational activities.**

24. a. Nothing in this act shall be construed to authorize or permit the exportation of any ground or surface waters from the pinelands area.

b. Nothing in this act shall be construed to authorize any regulation of hunting, fishing, trapping or possession of wildlife, or other recreational activities in the pinelands area, except as other-

wise provided in section 23 of this act or by Title 13 or Title 23 of the Revised Statutes.

**C. 13:18A-26 Imposition of surcharge; pinelands fund; disposition.**

25. The commission is hereby authorized to adopt rules and regulations which impose a surcharge of up to $1.00 upon any fee currently levied and collected, pursuant to law, for the use of State-owned lands within the pinelands area. All of the sums collected as a result of any such surcharge shall be deposited in a fund to be known as the "Pinelands Fund," which fund shall be kept separate from all other State receipts. There shall be appropriated annually from such fund, in accordance with a formula adopted by the commission, such revenue as may be available to defray the costs of payments in lieu-of-taxes, as herein provided, to municipalities located in whole or in part in the pinelands area.

**C. 13:18A-27 Inconsistent acts superseded.**

26. It is the intent of the Legislature that, except as otherwise specifically provided in this act, in the event of any conflict or inconsistency in the provisions of this act and any other acts pertaining to matters herein established or provided for or in any rules and regulations adopted under this act or said other acts, to the extent of such conflict or inconsistency, the provisions of this act and the rules and regulations adopted hereunder shall be enforced and the provisions of such other acts and rules and regulations adopted thereunder shall be of no force and effect.

**C. 13:18A-28 Partial invalidity.**

27. If any section, part, phrase, or provision of this act or the application thereof to any person be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, phrase, provision, or application directly involved in the controversy in which such judgment shall have been rendered and it shall not affect or impair the validity of the remainder of this act or the application thereof to other persons.

**C. 13:18A-29 Construction of act.**

28. The object, design and purpose of this act being the protection of the pinelands area and the resources thereof, this act shall be liberally construed.

**Repealer.**

29. P. L. 1971, c. 417 (C. 13:18–1 et seq.) is repealed.

30. There is hereby appropriated to the Department of Environmental Protection, in order to effectuate the purposes and pro-

visions of this act and the Federal Act, such sums as may be appropriated and provided to this State pursuant to the Federal Act.

31. This act shall take effect immediately.

Approved June 28, 1979.

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## CHAPTER 112

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

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

**Validating act.**

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the supplemental debt statement required by N. J. S. 18A:24–16 of Title 18A, Education, was not prepared, sworn to and filed as required by said N. J. S. 18A:24–16 and 18A:24–17 of Title 18A, Education; provided, however, that a supplemental debt statement has heretofore been prepared, sworn to and filed in the places required by said 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 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 June 28, 1979.

# CHAPTER 113

AN ACT to provide for the direct appeal of certain assessments to the tax court, and amending R. S. 54:3–21.

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

1. R. S. 54:3–21 is amended to read as follows:

**Appeal by taxpayer or taxing district; petition of appeal; filing; transfer of appeal to tax court.**

54:3–21. A taxpayer feeling aggrieved by the assessed valuation of his property, or feeling that he is discriminated against by the assessed valuation of other property in the county, or a taxing district which may feel discriminated against by the assessed valuation of property in the taxing district, or by the assessed valuation of property in another taxing district in the county, may on or before August 15 appeal to the county board of taxation by filing with it a petition of appeal; provided, however, that any such taxpayer or taxing district may on or before August 15 file a petition of appeal directly with the tax court, if the assessed valuation of the property subject to the appeal exceeds $750,000.00, and any party to an appeal pending on July 1, 1979 before a county board of taxation in which the assessed valuation of the property involved exceeds $750,000.00 shall be entitled, upon application to the county board, to have the appeal transferred to the tax court by the county board. A copy thereof shall also be filed with the clerk of the taxing district who shall forthwith notify the assessor, collector and such other municipal officials as the governing body shall direct of the content thereof. The petition shall set forth the cause of complaint, the nature and location of the assessed property and the relief sought. The petition shall be signed and sworn to by the petitioner or his agent, and shall be in such form and contain such further information as may be from time to time prescribed by rule of the board, for the better understanding and determination of the appeal. The tax court may, on or after April 1 next following the filing of the petition of appeal proceed to hear and determine all issues raised therein.

2. This act shall take effect July 1, 1979.

Approved June 28, 1979.

## CHAPTER 114

AN ACT concerning tax appeals and the Tax Court, amending sections 54:2–33, 54:2–34, 54:2–35, 54:2–37, 54:2–38, 54:2–39, 54:2–40 and 54:2–41 of the Revised Statutes, amending N. J. S. 2A:83–1, amending P. L. 1946, c. 161, amending and supplementing P. L. 1978, c. 33 and repealing certain statutes pertaining thereto.

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

1. R. S. 54:2–33 is amended to read as follows:

**Review and determination of proceedings.**

54:2–33. The tax court shall succeed to and exercise exclusively all the powers and perform all the duties concerning the review, hearing and determination of proceedings concerning the assessment, collection, apportionment or equalization of taxes, formerly exercised or performed by, or conferred and charged upon, the State Board of Taxes and Assessment, and the Division of Tax Appeals in the Department of the Treasury and shall have such other and further powers and perform such other and further duties in connection with the hearing and determination of tax proceedings, as may be conferred or imposed upon it, from time to time.

2. R. S. 54:2–34 is amended to read as follows:

**Review and determination of proceedings.**

54:2–34. The tax court shall review, hear and determine all proceedings by any person, taxing district, municipality or county aggrieved by any act, proceeding, ruling, decision or determination of the Director, Division of Taxation in the Department of the Treasury.

3. R. S. 54:2–35 is amended to read as follows:

**Actions or determinations of county boards.**

54:2–35. Any action or determination of a county board of taxation may be reviewed by the tax court pursuant to rules of court and it may review such action and proceedings and give such judgment therein as it may think proper, except that an action brought pursuant to sections 54:2–37 or 54:2–39 shall be governed by provisions therein.

4. R. S. 54:2–37 is amended to read as follows:

**Review and revision of county equalization table.**

54:2–37. A county equalization table may be reviewed by the tax court on complaint of any taxing district or taxpayer in the county, or on its own motion, but such review shall not suspend the apportionment of moneys or collection of taxes. No change shall be made in the table except after a hearing in the county, of which 5 days' notice shall be given by mail to the governing body of each taxing district. If, after the hearing, the tax court shall determine that the aggregate valuation of any district or districts as fixed by the county board was erroneous, it shall revise and correct the equalization table, and ascertain the difference between the amount of State and county taxes actually charged against each district in the county or distributed to it and the amount which should have been charged or distributed according to the corrected table and enter judgment accordingly. The difference shall be debited or credited, as the case may be, to each taxing district on account of its share of State and county taxes next due or distributable, as the case may be. The tax court may make all orders necessary to carry out the provisions of this section, but such review shall be completed before September tenth, annually. A certified copy of the revised and corrected table shall be transmitted to each official or board to whom the original table was required to be transmitted and also to the Director of the Division of Taxation in the Department of the Treasury.

5. R. S. 54:2–38 is amended to read as follows:

**Review and revision of State equalization table.**

54:2–38. The State equalization table may be reviewed by the tax court on complaint of any county, filed with it within 45 days after the table has been filed with it, or on its own motion, but such review shall not suspend the apportionment of moneys or collection of taxes. No change shall be made in such table except after a hearing, of which 5 days' notice shall be given by mail to the county board of taxation and the governing body of each county. If after such hearing the tax court shall determine that the aggregate valuation of any county as fixed by the Director of the Division of Taxation was erroneous, the tax court shall revise and correct the State equalization table, and shall ascertain the difference between the amount of State taxes actually charged against each district in the county, and the State moneys paid such county, or district, and the amount which should have been charged or

paid according to the corrected table. The difference shall be debited or credited, as the case may be, to each county or district on account of its share of State taxes or State moneys next due, and the tax court shall have power to make all orders necessary to carry out the provisions of this section, but such review shall be completed before November 1, annually. A certified copy of the revised and corrected table shall be transmitted to each official or board to whom the original table was required to be transmitted and also to the director.

6. R. S. 54:2–39 is amended to read as follows:

**Review of judgment of county board.**

54:2–39. Any party who is dissatisfied with the judgment of the county board of taxation upon his appeal may seek review of that judgment in the tax court by filing a complaint with the tax court pursuant to rules of court, within 45 days of the service of the judgment of the county board, and the tax court shall hear and determine all such matters and render its judgment thereon.

At the time that a complaint has been filed with the tax court, all taxes or any installments thereof then due and payable for the year for which review is sought, must have been paid. No interest shall be due and payable by the appellant for the period from November 1 of the current tax year to the date of filing the complaint.

If the Tax Court shall determine that the appeal to the county board of taxation has been (a) withdrawn at the hearing, or previously thereto in writing by the appellant or his agent; (b) dismissed because of appellant's failure to prosecute the appeal at a hearing called by the county tax board; (c) settled by mutual consent of the taxpayer and assessor of the taxing district, there shall be no review. This provision shall not preclude review by the tax court in the event that the appeal was "dismissed without prejudice" by the county board of taxation.

7. R. S. 54:2–40 is amended to read as follows:

**Copies of complaint to be served; forwarding of copies of judgments; notice of withdrawal and dismissal of complaints.**

54:2–40. A copy of the complaint shall be served by the plaintiff upon the county board of taxation whose judgment is the subject of such review, or its secretary, and upon the clerk of the taxing district who shall forthwith notify the assessor, collector, and such other municipal officials as the governing body shall direct of the content thereof. Service of such copies shall be evidenced by affi-

davit upon the original complaint filed with the tax court or service thereon acknowledged. A copy of each judgment of the tax court whether of affirmance, reversal, modification or otherwise shall be sent to the taxpayer and, at the same time, to the clerk of the taxing district who shall forthwith notify the collector and the assessor or board of assessors of the taxing district and the secretary of the county board of taxation in which said taxing district is situated. The tax court shall also give prompt notice to the taxpayer and, at the same time, to the clerk of the taxing district who shall forthwith notify the collector and the assessor or board of assessors of the taxing district and to the secretary of the county board of taxation, in whose county the taxing district is situated, of the withdrawal or dismissal of complaints filed with the tax court.

8. R. S. 54:2–41 is amended to read as follows:

**Correction of errors.**

54:2–41. The tax court may, upon the filing of a complaint at any time during the tax year or within the next 3 tax years thereafter, by a property owner, a municipality or a county board of taxation, enter judgment to correct typographical errors, errors in transposing, and mistakes in tax assessments; provided, that such complaint shall set forth the facts causing and constituting the error or errors and mistake or mistakes, or either thereof sought to be corrected, and that such facts be verified by affidavits submitted by the plaintiff; provided, however, that the tax court shall not consider under this section any complaint relating to matters of valuation involving an assessor's opinion or judgment. Any complaint so submitted shall contain a certification that a copy of such complaint and all exhibits thereto have been filed with the county board, and served upon the property owner or the municipality, or both, as may be appropriate in the case of each plaintiff. Any party required to receive a copy of the complaint pursuant to this section may file an answer to such complaint with the tax court pursuant to rules of court. The tax court may require such further proof and grant or deny such complaint as it may deem necessary or proper.

9. Section 14 of P. L. 1946, c. 161 (C. 54:2–43) is amended to read as follows:

**C. 54:2-43 Judgment conclusive and binding; changes in property value; effect of revaluation program.**

14. Where a judgment final has been rendered by the tax court involving real property such judgment shall be conclusive and

binding upon the municipal assessor and the taxing district, parties to such proceeding, for the assessment year and for the 2 assessment years succeeding the assessment year covered by the final judgment, except as to changes in the value of the property occurring after the assessment date. Where such changes are alleged, the complaint shall specifically set forth the nature of the changes relied upon as the basis for such appeal. However, the conclusive and binding effect of such judgment shall terminate with the tax year immediately preceding the year in which a program for a complete revaluation of all real property within the district has been put into effect.

10. Section 15 of P. L. 1946, c. 161 (C. 54:2–40.4) is amended to read as follows:

**C. 54:2-40.4 Judgment revising taxable value of property; reduction of taxable value; applicability of act's provisions.**

15. a. Whenever the tax court is satisfied by the proofs that the ratio of the assessed valuation of the subject property to its true value exceeds the upper limit or falls below the lower limit of the common level range, it shall enter judgment revising the taxable value of the property by applying the average ratio to the true value of the property except as hereinafter provided.

b. If the average ratio is below the county percentage level and the ratio of the assessed value of the subject property to its true value exceeds the county percentage level, the tax court shall enter judgment reducing the taxable value of the property by applying the average ratio to the true value of the property.

c. If both the average ratio and the ratio of the assessed value of the subject property to its true value exceed the county percentage level, the tax court shall enter judgment revising the taxable value of the property by applying the county percentage level to the true value of the property.

d. The provisions of this act shall not apply to any proceeding to review an assessment of real property taken with respect to the tax year in which the taxing district shall have completed and put into operation a district-wide revaluation program approved by the Director of Taxation pursuant to chapter 424, laws of 1971 (C. 54:1–35.35 et seq.), or a reassessment program approved by the county board of taxation.

11. Section 23 of P. L. 1978, c. 33 (C. 2A:3A–23) is amended to read as follows:

**C. 2A:3A-23 Clerk and deputy clerk of tax court; appointment.**

23. The clerk and a deputy clerk of the Tax Court shall be appointed by the Supreme Court to serve at its pleasure, and shall not be subject to the provisions of Title 11, Civil Service, of the Revised Statutes.

**C. 2A:3A-4.1 Review of actions; complaints, when filed; appeals.**

12. (New section) Any provision of law to the contrary notwithstanding:

a. Review of actions including any act, action, proceeding, ruling, decision, order or judgment of the county board of taxation or the Director of the Division of Taxation taken on or after the effective date of this act shall be by filing a complaint in the Tax Court pursuant to the rules of court.

b. The time periods within which a complaint may be filed in the Tax Court are as follows:

(1) From actions of County Board of Taxation, within 45 days of the action so reviewed, pursuant to rules of court;

(2) From actions of Director, Division of Taxation, within 90 days of the action so reviewed, pursuant to rules of court;

(3) Review of Equalization Tables, within 45 days of the adoption or promulgation of the Equalization Table to be reviewed, pursuant to rules of court.

c. The determination or judgment of the Tax Court may be appealed as of right to the Appellate Division of the Superior Court pursuant to rules of court.

**C. 2A:3A-4.2 Fees.**

13. (New section) Upon the filing or entering of the first paper or proceeding in any action or proceeding in the Tax Court, the plaintiff or any person filing a counterclaim shall pay to the clerk of the court, for use of the State, $60.00 for the first paper filed by him, which shall cover all fees payable therein, except a lesser fee may be provided by rule of court. Other or additional fees may be established by rules of court. Except where a lesser fee is provided by law or rule of court that fee shall be paid. The foregoing fees shall not be applicable to any proceeding in the small claims division. The fees in the small claims division shall be established pursuant to rules of court.

14. N. J. S. 2A:83–1 is amended to read as follows:

**Value of real estate; admissibility of evidence; applicability of section.**

2A:83–1. In any action or proceeding for the acquisition or sale of land, or any interest or interests therein, or on review of the

assessment for taxes of any real property, or in any action or proceeding in the Tax Court, any person offered as a witness in any such action or proceeding shall be competent to testify as to sales of comparable land, including any improvements thereon, contiguous or adjacent to the land in question, or in the vicinity or locality thereof, or otherwise comparable, from information or knowledge of such sales, obtained from the owner, seller, purchaser, lessee or occupant of such comparable land, or from information obtained from the broker or brokers or attorney or attorneys who negotiated or who are familiar with or cognizant of such sales, which testimony when so offered, shall be competent and admissible evidence in any such action or proceeding.

In any action or proceeding in the Tax Court, the realty transfer fee, if any, paid upon the recording of any deed or other instrument of conveyance as well as the consideration or sales price stated therein or in the affidavit of consideration attached to and filed with any such deed or instrument shall be admitted as prima facie evidence of the true consideration or sales price of the said property.

This section shall not be construed to apply to any action or proceeding instituted by any individual or private corporation authorized to take property for public use where compensation must first be made to the owner thereof.

15. The following are repealed.

**Repealer.**

Revised Statutes sections:

54:2–1 to 54:2–17 inclusive;
54:2–19 to 54:2–21 inclusive.

Pamphlet Laws:

P. L. 1946, c. 161, ss. 11–13, 16 (C. 54:2–40.1 to 54:2–40.3 inclusive, and 54:2–42);
P. L. 1947, c. 98, ss. 1, 3, 4 (C. 54:2–44, 54:2–46, and 54:2–47);
P. L. 1959, c. 28, ss. 5–8 (C. 54:2–41.1 to 54:2–41.4 inclusive);
P. L. 1977, c. 234, ss. 3–6 (C. 54:2–48 to 54:2–51 inclusive).

16. This act shall take effect July 1, 1979; provided, however, that any amendment or repeal effected by this act, which by its terms, effect, or implication render inoperable the provisions of section 27, P. L. 1978, c. 33, shall be without force and effect, but only for such purpose and to such extent.

Approved June 28, 1979.

# CHAPTER 115

AN ACT concerning tenants displaced by fire, flood, condemnation or evacuation and amending "An act concerning security deposits and to amend and supplement 'An act concerning leasehold estates in relation to deposits to secure performance of leases, and supplementing chapter 8 of Title 46 of the Revised Statutes,' approved January 8, 1968 (P. L. 1967, c. 265)," approved June 21, 1971 (P. L. 1971, c. 223).

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

1. Section 3 of P. L. 1971, c. 223 (C. 46:8–21.1) is amended to read as follows:

**C. 46:8-21.1 Return of deposit to tenant.**

3. Within 30 days after the expiration of the term of the tenant's lease or licensee's agreement, the owner or lessee shall return by personal delivery, registered or certified mail the sum so deposited plus the tenant's portion of the interest earned thereon, less any charges expended in accordance with the terms of a contract, lease, or agreement. The interest and any such deductions shall be itemized and the tenant or licensee notified thereof by personal delivery, registered or certified mail.

Within 5 business days after a. the tenant is caused to be displaced by fire, flood, condemnation, or evacuation, and b. an authorized public official posts the premises with a notice prohibiting occupancy, or c. any building inspector, in consultation with a relocation officer where applicable, has certified within 48 hours that displacement is expected to continue longer than 7 days and has so notified the owner or lessee in writing, the owner or lessee shall have available and return to the tenant or the tenant's designated agent upon his demand the sum so deposited plus the tenant's portion of the interest earned thereon, less any charges expended in accordance with the terms of the contract, lease or agreement and less any rent due and owing at the time of displacement.

Such net sum shall continue to be available to be returned upon demand during normal business hours for a period of 30 days at a location in the same municipality in which the subject leased

property is located and shall be accompanied by an itemized statement of the interest and any deductions. The owner or lessee may, by mutual agreement with the municipal clerk, have the municipal clerk of the municipality in which the subject leased property is located return said net sum in the same manner. Within 3 business days after receiving notification of the displacement, the owner or lessee shall provide written notice to a displaced tenant by personal delivery or mail to the tenant's last known address. Such notice shall include, but not be limited to, the location at which and the hours and days during which said net sum shall be available to him. The owner or lessee shall provide a duplicate notice in the same manner to the relocation officer. Where a relocation officer has not been designated, the duplicate notice shall be provided to the municipal clerk. When the last known address of the tenant is that from which he was displaced and the mailbox of that address is not accessible during normal business hours, the owner or lessee shall also post such notice at each exterior public entrance of the property from which the tenant was displaced. Any such net sum not demanded by and returned to the tenant or the tenant's designated agent within the period of 30 days shall be redeposited by the owner or lessee in an appropriate interest bearing account in the same banking institution or savings and loan association from which it was withdrawn.

In the event that said displaced tenant resumes occupancy of the premises, said tenant shall redeliver to the owner or lessee one-third of the security deposit immediately, one-third in 30 days and one-third 60 days from the date of reoccupancy. Upon the failure of said tenant to make such payments of the security deposit, the owner or lessee may institute legal action for possession of the premises in the same manner that is authorized for nonpayment of rent.

In any action by a tenant or licensee for the return of moneys due under this section, the court upon finding for the tenant or licensee shall award recovery of double the amount of said moneys, together with full costs of any action and, in the court's discretion, reasonable attorneys' fees.

2. This act shall take effect immediately.

Approved June 28, 1979.

## CHAPTER 116

AN ACT to amend "An act concerning emergency medical services, supplementing Title 26 of the Revised Statutes, and making an appropriation therefor," approved October 16, 1973 (P. L. 1973, c. 229).

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

1. Section 2 of P. L. 1973, c. 229 (C. 26:2K–2) is amended to read as follows:

**C. 26:2K-2 Approval to conduct program.**

2. Any hospital having an accredited coronary care unit may apply to the State Department of Health for approval to conduct a program in emergency mobile intensive care procedures and emergency rescue acts in cooperation with voluntary health agencies including, but not limited to, the American Heart Association (New Jersey affiliate) and first aid, rescue or emergency squads under regulations promulgated by the commissioner. Whenever a program is approved by the department, it shall utilize mobile intensive care paramedics under the direction of a physician specializing in cardiology or internal medicine who is associated with a hospital certified to participate in this program by the commissioner. The commissioner shall report to the Legislature on or before January 15 of each year evaluating the effectiveness of every project herein authorized.

2. This act shall take effect immediately.

Approved June 28, 1979.

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## CHAPTER 117

AN ACT appropriating certain funds from the State Facilities for Handicapped Fund for the construction of buildings to serve as schools for severely handicapped children.

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

1. There is appropriated to the Department of Education, from the State Facilities for Handicapped Fund, the sum of $12,147,000.00 for the following construction projects:

| | |
|---|---|
| The completion of construction of an addition to the gymnasium at the Marie H. Katzenbach School for the Deaf | $147,000 |
| The completion of the regional day school in Bergen county which will serve pupils from Hudson, Bergen, and Passaic counties | $600,000 |
| The acquisition, planning, design and construction of ten regional day schools for severely handicapped students in the following counties: | $11,400,000 |
| Salem—to serve pupils from the region encompassing Salem, Gloucester and Cumberland counties. | |
| Camden—to serve pupils from the region encompassing Camden, Burlington and Gloucester counties. | |
| Atlantic—to serve pupils from the region encompassing Atlantic, Cape May, Cumberland, and Ocean counties. | |
| Mercer—to serve pupils from the region encompassing Mercer, Monmouth, Ocean and Burlington counties. | |
| Ocean—to serve pupils from the region encompassing Monmouth, Middlesex, and Ocean counties. | |
| Middlesex—to serve pupils from the region encompassing Middlesex, Somerset, Union, and Monmouth counties. | |
| Hudson—to serve pupils in Hudson and Bergen counties. | |
| Essex—to serve pupils from the region encompassing part of Essex, Union and Passaic counties. | |
| Essex—to serve any pupil classified as deaf or deaf and blind from the region encompassing Essex, Union, Hudson, Bergen, Passaic, Morris, Somerset and Middlesex counties. | |
| Morris—to serve pupils from the region encompassing Morris, Sussex, Somerset, Hunterdon and Warren counties. | |
| TOTAL—Department of Education | $12,147,000 |

2. There is also appropriated from the proceeds of the sale of the bonds authorized under P. L. 1973, c. 149, such items as may be

necessary to meet any expense incurred by the issuing officials under said act, for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them.

3. The appropriations authorized by this act shall be funded from proceeds of the sale of and interest earned on State Facilities for Handicapped Bonds. The issuance and sale of such State Facilities for Handicapped Bonds has been provided for by P. L. 1973, c. 149 and approved by the people at the general election held on November 6, 1973.

4. The State Treasurer is authorized and directed to establish and maintain accounts in the State Facilities for Handicapped Fund for funds appropriated by this act.

5. The Department of Education may requisition funds from the State Facilities for Handicapped Fund for the purposes enumerated in section 1 of this act subject to the same restrictions and control as are exercised over all appropriated State funds but not inconsistent with the provisions of P. L. 1973, c. 149.

6. The Director of the Division of Budget and Accounting in the Department of the Treasury is authorized and directed to correct the title or text or both of any appropriation item enumerated in section 1 of this act if such correction is necessary to make the appropriation available for the purpose for which it was intended. Such correction shall be made by a written ruling which shall set forth an explanation of the reason for the correction and which shall bear the signature of the Director of the Division of Budget and Accounting and shall be filed by the Director in his office as an official record. Such ruling and any action thereunder including disbursement of funds and their audit shall be legally binding and effective.

7. The Director of the Division of Budget and Accounting is authorized to approve expenditures for pre-design program planning and other related costs for capital projects authorized under this act.

8. In order to provide flexibility in administering the provisions of this act, the Commissioner of Education may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item to any other item within the respective department accounts in the State Facilities for Handicapped Fund.

Upon the approval of such application by the director and by the Legislative Budget Officer in the Office of Legislative Services, in writing, the director shall make such transfer as provided by law.

9. This act shall take effect immediately.

Approved June 28, 1979.

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## CHAPTER 118

AN ACT to provide State aid to certain municipalities for the purpose of upgrading and augmenting certain municipal services and programs relating to safe and clean neighborhoods and repealing P. L. 1973, c. 46.

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

**C. 52:27D-118.1 Definitions.**

1. As used in this act:

a. "Director" means the Director of the Division of Local Government Services in the Department of Community Affairs;

b. "Qualifying municipality" means each municipality in the State which received State aid pursuant to P. L. 1978, c. 14;

c. "Approved program" means a program, project, or municipal services approved by the director pursuant to the Safe and Clean Neighborhoods Program established by this act.

**C. 52:27D-118.2 Short title.**

2. This act shall be known and may be cited as the "Safe and Clean Neighborhoods Act of 1979."

**C. 52:27D-118.3 Appropriation of funds; disposition.**

3. The funds appropriated pursuant to this act shall be apportioned among the qualifying municipalities for the purpose of enabling such municipalities to upgrade and augment certain municipal services and programs relating to safe and clean neighborhoods, by providing for additional walking policemen, their related expenses, supervisors and other neighborhood improvements, in the following manner:

a. In order to receive aid under this act, each qualifying municipality shall apply to the director for matching funds equal in

value to $1.00 for each dollar appropriated for an approved municipal program designed to upgrade and augment certain municipal services and programs relating to safe and clean neighborhoods;

b. Each qualifying municipality shall be limited in applying for matching funds equal in value to such amount as the qualifying municipality was entitled to receive pursuant to the provisions of P. L. 1978, c. 56. as certified by the Director of the Division of Local Government Services;

c. A qualifying municipality that did not receive State aid pursuant to P. L. 1978, c. 56, and that is eligible for such aid is entitled to participate in this act in an amount not to exceed an amount equal to that which the qualifying municipality would have received pursuant to P. L. 1973, c. 46, as supplemented if it had been eligible at that time, as certified by the Director of the Division of Local Government Services;

d. If additional funds are appropriated, a qualifying municipality may apply to the director for an increase in matching funds equal in value to a sum in proportion to that received pursuant to the provisions of subsection b. of this section;

e. If funds remain unapportioned as certified by the director after a qualifying municipality has had an opportunity to apply, there shall be established a discretionary fund, and participating municipalities may make application for such funds as still remain unapportioned as determined by the director.

**C. 52:27D-118.4 Apportionment of annual sums.**

4. There shall be annually appropriated a sum which shall be apportioned among municipalities which qualify for State aid under the provisions of this act.

**C. 52:27D-118.5 Additional aid.**

5. In addition to any amount so apportioned there shall be added to the amount to be paid and distributed to a qualifying municipality which is entitled to State aid pursuant to this act such amount as may be necessary so that the amount to which the municipality is entitled to receive in any year shall not be less than the amount which municipality received in the preceding year pursuant to this act.

**C. 52:27D-118.6 Distribution of moneys appropriated.**

6. Moneys appropriated to fund this act shall be distributed as follows:

a. Payments shall first be apportioned so that a municipality which received payments in 1978 pursuant to P. L. 1978, c. 56, receives the same amount which it received in 1978 pursuant to P. L. 1978, c. 56, even if after these payments are made, insufficient funds remain for increased distributions to municipalities which already are qualifying municipalities or for new distribution to municipalities which become qualifying municipalities;

b. Any municipality in the first year it qualifies for said State aid payments shall receive payments pursuant to this act before municipalities which had received such State aid in the preceding year;

c. Any provisions herein to the contrary notwithstanding, a municipality which has received State aid pursuant to P. L. 1978, c. 14, but which is no longer a qualifying municipality pursuant to that act shall receive, in any year in which it has qualified bonds outstanding pursuant to P. L. 1976, c. 38 (C. 40A:3–1 et seq.) and which were issued prior to the effective date of this act, the amount which it received in 1978 pursuant to P. L. 1978, c. 56.

**C. 52:27D-118.7 Compliance with local budget law.**

7. Such funds as a qualifying municipality shall acquire pursuant to this act shall be appropriated by said municipality in compliance with the "Local Budget Law," P. L. 1960, c. 169 (N. J. S. 40A:4–1 et seq.). Notwithstanding any provisions of the Local Budget Law, any municipality qualifying for 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 year 1979.

**C. 52:27D-118.8 Rules and regulations.**

8. The director is authorized to make and issue such rules and regulations in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.) and to require such facts and information from the municipalities and any agencies thereof as he may deem necessary. An application approved by the director shall provide for the accountability of a municipality for the expenditure of funds as allocated in its approved application and performance evaluations of programs to be provided by the Department of Community Affairs in carrying out the provisions of this act.

**C. 52:27D-118.9 Authorization to hire personnel.**

9. The director is authorized to hire, employ or assign such secretarial, clerical and other technical or professional personnel

as shall be required for the purposes of providing technical assistance, conducting performance evaluations and otherwise securing the accountability of the municipalities for complying with the provisions of this act.

**C. 52:27D-118.10 Director's determination.**

10. Any determination of the director pursuant to this act as to the amount of matching funds allocable to each qualifying municipality shall be final and conclusive, and no appeal shall be taken therefrom or any review therefor, except in the case of an arithmetical or typographical error in the calculation of any distribution of funds.

**Repealer.**

11. P. L. 1973, c. 46 (C. 52:27D–108 et seq.) is repealed.

12. This act shall take effect immediately.

Approved June 28, 1979.

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## CHAPTER 119

Note: In approving the following act certain items, designated by *, were deleted or reduced by the Governor. See Statement appended following the text of the act.

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1980 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR THE FISCAL YEAR 1979-80

*Surplus*

Estimated balance, July 1, 1979:

| | |
|---|---|
| General Fund | $200,828,188 |
| Property Tax Relief Fund | 4,285,834 |
| Casino Revenue Fund | 5,513,060 |
| Total | $210,627,082 |

*Major Taxes*

| | |
|---|---|
| Sales | $1,190,000,000 |
| Corporation business | 565,000,000 |
| Motor fuels | 303,000,000 |
| Motor vehicle fees | 267,000,000 |
| Cigarette | 169,000,000 |
| Transfer inheritance | 108,000,000 |
| Business personal property | 73,000,000 |
| Insurance premiums | 84,000,000 |
| Public utility | 65,000,000 |
| Alcoholic beverage | 55,000,000 |
| Pari-mutuel | 18,000,000 |
| Corporation business—Banks and financial institutions | 20,000,000 |
| Realty transfer | 18,000,000 |
| Motor fuel use | 6,500,000 |
| Savings institution | 5,500,000 |
| Total, Major Taxes | $2,947,000,000 |

*Miscellaneous Taxes, Licenses and Other Revenues*

| | |
|---|---|
| Executive Branch— | |
| Department of Agriculture: | |
| Animal, plant disease and pest control fees | $150,000 |
| Fertilizer inspection fees | 170,000 |
| Milk control licenses and fees | 220,000 |
| Department of Banking: | |
| Bank assessments | 1,100,000 |
| Examining and other fees | 2,891,500 |
| New Jersey Cemetery Board fees | 83,002 |
| Department of Community Affairs: | |
| Construction fees | 540,000 |
| Housing inspection fees | 2,300,000 |
| Local government services | 120,000 |
| Department of Education: | |
| Katzenbach School for the Deaf—Tuition | 2,218,875 |
| Licensing fees—Miscellaneous | 61,100 |
| Non-public schools textbook recoveries | 125,000 |
| State Board of Examiners fees | 450,000 |

| | |
|---|---|
| Department of Energy: | |
| Assessments—Cable TV | 463,568 |
| Assessments—Public Utility | 6,266,634 |
| Fees, fines and penalties | 106,000 |
| Department of Environmental Protection: | |
| Air pollution fees and fines | 324,500 |
| Delaware and Raritan Canal, water sales | 1,261,098 |
| Examination licensing program | 140,070 |
| Excess water diversion fees | 330,300 |
| Sale of forest products | 32,943 |
| Hunters' and Anglers' License Fund | 4,059,195 |
| Marinas rentals and fees | 390,200 |
| Marine Lands Management—Delineation and title determination | 450,000 |
| Marine Lands Management—Miscellaneous revenue | 25,000 |
| Morris Canal Fund | 48,000 |
| New Jersey Pilot Commissioners, fees | 40,400 |
| Parks rentals and fees | 2,270,000 |
| Radiation licenses and fees | 308,000 |
| Recreation boating—Licensing | 1,018,432 |
| Recreation boating—Other fees and fines | 31,700 |
| Round Valley and Spruce Run water sales | 298,558 |
| Shell fisheries, licenses | 154,017 |
| Solid waste fees and fines | 562,468 |
| Water pollution permits and fines | 27,000 |
| Well drillers licenses and permits | 61,000 |
| Department of Health: | |
| Licenses, permits and fees | 962,250 |
| Department of Higher Education: | |
| Agricultural Experiment Station—Fees | 10,000 |
| Bond interest recoveries | 360,472 |
| Other student fees | 752,000 |
| School of Conservation charges | 380,000 |
| Tuition increase | 1,670,000 |
| Tuition—Regular | 40,029,368 |
| Miscellaneous | 244,400 |
| Department of Human Services: | |
| Adoption law fees | 175,000 |

| | |
|---|---|
| Patients and residents cost recoveries: | |
| Institutions for the retarded | 48,000,000 |
| Psychiatric hospitals | 64,400,000 |
| Soldiers' homes | 3,406,235 |
| Special residential services | 4,500,000 |
| Department of Insurance: | |
| Actuarial services | 599,275 |
| Fees for services | 22,695 |
| Licensing and enforcement | 2,400,000 |
| Real estate licenses | 1,935,400 |
| Department of Labor and Industry: | |
| Licenses, permits and fees | 800,000 |
| Special Compensation Fund | 696,045 |
| Department of Law and Public Safety: | |
| Amusement games control fees | 122,500 |
| Beverage licenses | 2,923,800 |
| Bus Excise Tax | 244,666 |
| Division of Consumer Affairs: | |
| General revenues | 1,201,800 |
| Professional examining board fees | 3,264,656 |
| State Police licenses and fees | 384,050 |
| Motor Vehicle Security-Responsibility Law Administration | 2,844,835 |
| Department of State: | |
| Commissions | 250,000 |
| General revenues—Fees | 5,337,000 |
| Uniform Commercial Code—Fees | 895,000 |
| Department of Transportation: | |
| Applications and highway permits | 300,000 |
| Aeronautics registration and permits | 80,000 |
| Outdoor advertising permits | 200,000 |
| Department of the Treasury: | |
| Coin operated telephones | 65,000 |
| Escheats, Personal Property (14 year law) | 100,000 |
| Financial business tax—State share | 50,000 |
| Interest on deposits | 1,275,000 |
| Investment earnings | 3,000,000 |
| New Jersey Sports and Exposition Authority | 11,000,000 |
| Public Utility franchise and gross receipts taxes | 8,947,600 |
| Public Utility Tax—Administration | 131,000 |

| | |
|---|---|
| Railroad Tax—Class II: | |
| Current year | 3,000,000 |
| Prior years | 1,872,000 |
| Interest and penalties | 2,110,000 |
| Railroad Tax—Franchise | 25,000 |
| Sale of surplus property | 90,000 |
| Miscellaneous Executive Commissions: | |
| Delaware River Joint Toll Bridge Commission Pennsylvania share | 778,059 |
| Other Sources: | |
| Miscellaneous revenue | 500,000 |
| Inter-Departmental Accounts— | |
| Administration and investment of pension and social security funds | 4,800,000 |
| Health benefits contribution reimbursement from special funds | 10,500,000 |
| Indirect cost recovery—Federal | 6,100,000 |
| Judicial Retirement System reimbursements | 1,100,000 |
| Other fringe benefit reimbursement from special funds | 3,000,000 |
| Pension contribution reimbursement from special funds | 19,000,000 |
| Public employer's contribution reimbursement | 4,500,000 |
| Reimbursement from Rutgers—Employer's share of employees' benefits | 2,835,000 |
| Rent of State building space | 1,100,000 |
| Social security contribution reimbursement from special funds | 13,500,000 |
| Judicial Branch— | |
| Court fees | 8,735,134 |
| Total, Miscellaneous Taxes, Licenses and Other Revenue | $326,603,800 |

*Interfund Transfers*

| | |
|---|---|
| Beaches and Harbor Fund | $240,000 |
| Clean Waters Fund | 575,000 |
| 1837 Surplus Revenue Fund | 45,000 |
| Emergency Flood Control Fund | 250,000 |
| General Revenue Sharing Fund | 76,000,000 |
| Institution Construction Fund | 525,000 |

| | |
|---|---|
| Medical Education Facilities Fund | 1,600,000 |
| Mortgage Assistance Fund | 100,000 |
| Motor Vehicle Security—Responsibility Fund | 55,000 |
| New Jersey Spill Compensation Fund | 760,000 |
| Outstanding Checks Account | 160,000 |
| Public Building Construction Fund | 480,000 |
| School Fund | 1,940,000 |
| Special Railroad Deposits | 1,600 |
| State Disability Benefits Fund | 5,310,796 |
| State Lottery Fund | 135,000,000 |
| State Lottery Fund—Administration | 3,665,276 |
| State Recreation and Conservation Land Acquisition and Development Fund (Act of 1974) | 450,000 |
| State Transportation Fund | 1,200,000 |
| Transportation Fund | 23,000,000 |
| Unclaimed Bank Deposits Escheat Fund | 1,755,000 |
| Unclaimed Domestic Life Insurance Escheat Fund | 250,000 |
| Unclaimed Personal Property Trust Fund | 950,000 |
| Unemployment Compensation Auxiliary Fund | 5,685,167 |
| Unsatisfied Claim and Judgment Fund | 293,045 |
| Water Conservation Fund | 1,100,000 |
| Total Interfund Transfers | $261,390,884 |
| Total, General Fund | $3,534,994,684 |
| *Less:* | |
| *Reserve for Commuter Taxes: Emergency Transportation Tax (N. Y.)* | *23,000,000* |
| Net General Fund | $3,511,994,684 |

*Property Tax Relief Fund*

| | |
|---|---|
| Gross Income Tax | $945,000,000 |

*Gubernatorial General Elections Fund*

| | |
|---|---|
| Taxpayers Designations | $1,000,000 |
| *Less: Balance to Remain in Fund* | *1,000,000* |

*Casino Control Fund*

| | |
|---|---|
| License Fees | $11,000,000 |

| | |
|---|---|
| *Casino Revenue Fund* | |
| Gross Revenue Tax | $18,000,000 |
| Total Anticipated Revenues | $4,485,994,684 |
| Total Resources | $4,696,621,766 |

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

1. The appropriations herein made 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, 1980. Unless otherwise provided, the appropriations herein made shall be available during said fiscal year and for a period of 2 months thereafter for expenditures applicable to said fiscal year. Unless otherwise provided, at the expiration of said 2-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, 1980 with the Director of the Division of Budget and Accounting or held by encumbrance requests covering requisitions on file as of June 30, 1980 with the Director of the Division of Budget and Accounting, provided that contracts covering such requisitions are filed with the Director by August 31, 1980. 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.

DIRECT STATE SERVICES

LEGISLATIVE BRANCH

*Legislative Affairs*

*72100. Legislature*

| | |
|---|---|
| 72110-001. Senate | $2,790,818 |
| Sub-Total Appropriation | $2,790,818 |

| | | |
|---|---|---|
| Personal Services: | | |
| Senators (40) | ( $564,668) | |
| Members' staff services | ( 800,000) | |
| Salaries and wages | ( 607,000) | |
| Materials and Supplies | ( 326,850) | |
| Services Other Than Personal | ( 470,180) | |
| Maintenance of Property: | | |
| Recurring | ( 9,000) | |
| Extraordinary: | | |
| Compensation awards | ( 3,120) | |
| Additions and Improvements | ( 10,000) | |
| The unexpended balance as of June 30, 1979 in this account is hereby appropriated. | | |
| 72120-002. General Assembly | | $4,484,917 |
| Sub-Total Appropriation | | $4,484,917 |
| Personal Services: | | |
| Assemblymen (80) | ( $1,124,667) | |
| Members' staff services | ( 1,600,000) | |
| Salaries and wages | ( 625,950) | |
| Materials and Supplies | ( 412,300) | |
| Services Other Than Personal | ( 692,000) | |
| Maintenance of Property: | | |
| Recurring | ( 10,000) | |
| Additions and Improvements | ( 20,000) | |
| The unexpended balance as of June 30, 1979 in this account is hereby appropriated. | | |
| Total Appropriation, Legislature | | $7,275,735 |
| *72200. Office of Legislative Services* | | |
| 72210-003. Administrative Office of the Executive Director | | $556,587 |
| 72220-003. Division of Legal Services | | 536,312 |
| 72230-003. Division of Information and Research | | 1,448,388* |
| 72240-003. Division of State Auditing | | 1,334,603* |
| 72250-003. Division of Budget and Program Review | | 814,636 |
| Total Appropriation, Office of Legislative Services | | $4,690,526* |

| | |
|---|---|
| Personal Services: | |
| State Auditor | ( $21,250) |
| Salaries and wages | ( 4,170,621) |
| New positions (11) | ( *) |
| Materials and Supplies | ( 97,300) |
| Services Other Than Personal | ( 264,980) |
| Maintenance of Property: | |
| Recurring | ( 18,475) |
| Non-recurring and replacements | ( 5,400) |
| Extraordinary: | |
| Computer statutory research | ( 30,000) |
| Space study of legislative use of State House Annex | ( 60,000) |
| Additions and Improvements | ( 22,500) |

The unexpended balance as of June 30, 1979 in the Office of Legislative Services account is hereby appropriated.

*72400. Legislative Commissions*

| | |
|---|---|
| 72410-010. Intergovernmental Relations Commission | $249,011 |
| Sub-Total Appropriation | $249,011 |

| | |
|---|---|
| Extraordinary: | |
| Expenses of Commission | ( $8,000) |
| The Council of State Governments | ( 63,200) |
| Atlantic States Marine Fisheries Commission | ( 5,300) |
| National Conference of Commissioners on Uniform State Laws | ( 13,200) |
| Education Commission of the States | ( 37,125) |
| National Governors' Association | ( 63,286) |
| Advisory Commission on Intergovernmental Relations | ( 3,000) |
| National Conference of State Legislatures | ( 55,900) |

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

72410-014. Joint Committee on the Public Schools
The unexpended balance as of June 30, 1979 in this account is hereby appropriated.
72410-018. State Commission of Investigation .... $975,000*

Sub-Total Appropriation ..... $975,000*

Extraordinary:
Expenses of Commission .....( $1,075,000)
The unexpended balance as of June 30, 1979 in this account is hereby appropriated.
72410-025. Commission to Study Sex Discrimination in the Statutes ..... $15,000

Sub-Total Appropriation ..... $15,000

Extraordinary:
Expenses of Commission .....( $15,000)
The unexpended balance as of June 30, 1979 in this account is hereby appropriated.
72410-030. Commission to Study Teacher Preparation Programs at New Jersey Colleges
The unexpended balance as of June 30, 1979 in this account is hereby appropriated.
72410-031. Commission on the Incidence of Cancer $25,000

Sub-Total Appropriation ..... $25,000

Extraordinary:
Expenses of Commission .....( $25,000)
72410-039. County and Municipal Government Study Commission ..... $120,000

Sub-Total Appropriation ..... $120,000

Extraordinary:
Expenses of Commission .....( $120,000)
The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

| | |
|---|---|
| Total Appropriation, Legislative Commissions | $1,484,011 |
| Total Appropriation, Legislative Affairs | $13,350,272* |

EXECUTIVE BRANCH

*71100. Chief Executive's Office*

| | | |
|---|---|---|
| 71110-080. | Executive Management | $1,474,288 |
| | Total Appropriation, Chief Executive's Office | $1,474,288 |

| | |
|---|---|
| Personal Services: | |
| Governor | ( $65,000) |
| Secretary to the Governor | ( 28,500) |
| Salaries and wages | ( 939,361) |
| Materials and Supplies | ( 44,350) |
| Services Other Than Personal | ( 227,877) |
| Maintenance of Property: | |
| Recurring | ( 1,700) |
| Non-recurring and replacements | ( 2,500) |
| Extraordinary: | |
| An allowance to the Governor of funds not otherwise appropriated, for official reception on behalf of the State, operation of an official residence and other expenses | ( 35,000) |
| Office of Planning and Policy Development | ( 130,000) |

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

DEPARTMENT OF AGRICULTURE

*Environmental Management*

*41100. Disease Control and Agricultural Development Services*

| | | |
|---|---|---|
| 41110-330. | Animal Disease Control | $484,967 |
| 41120-330. | Plant Pest and Disease Control | 1,157,780 |
| 41130-330. | Resource Development Services | 696,180* |
| | Total Appropriation | $2,338,927* |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $1,665,155*) |
| New position (1) | ( *) |
| Materials and Supplies | ( 117,145) |
| Services Other Than Personal | ( 270,220) |
| Maintenance of Property: | |
| Recurring | ( 3,175) |
| Non-recurring and replacements | ( 860) |
| Extraordinary: | |
| Gypsy moth control | ( 80,000) |
| Soil survey program | ( 71,472) |
| Grants to soil conservation districts | ( 120,000*) |
| Additions and Improvements | ( 10,900) |

The unexpended balances as of June 30, 1979 in the Indemnities (C4:5–93.37) and Soil survey program accounts are hereby appropriated for the same purposes.

*Development and Regulation of Industry*

*51300. Agricultural Trade Regulation and Marketing Services*

| | | |
|---|---|---|
| 51320-330. | Dairy Industry Regulation | $417,441 |
| 51330-330. | Other Commodity Regulation | 641,438 |
| 51340-330. | Marketing Services | 432,172 |
| | Total Appropriation | $1,491,051 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $1,205,266) |
| Materials and Supplies | ( 20,225) |
| Services Other Than Personal | ( 251,425) |
| Maintenance of Property: | |
| Recurring | ( 8,500) |
| Non-recurring and replacements | ( 3,635) |
| Additions and Improvements | ( 2,000) |

Receipts from inspection fees derived from fruit, vegetable and poultry inspections, and the unexpended balance as of June 30, 1979 of such receipts, are hereby appropriated for the cost of operating fruit, vegetable and poultry inspections.

Receipts for the Poultry Products Promotion Council (C54:47A–1), White Potato Industry Promotion Council (C54:47B–1), Asparagus Industry Promotion Council (C54:47C–1), Apple Industry Promotion Council (C54:47D–1), Sweet Potato Commission (C54:47E–1), and New Jersey Horsebreeding and Development (C5:5–22 et seq.), and the unexpended balances as of June 30, 1979 of such receipts, are hereby appropriated.

Receipts derived from the distribution of commodities, sale of containers and salvage of commodities, in accordance with applicable Federal regulations, and the unexpended balance of such receipts as of June 30, 1979, are hereby appropriated for expenses of Commodity Distribution.

*Management and General Support*

*79100. Department Management and Support*

| | | |
|---|---|---|
| 79110-330. Management Services | | $845,812 |
| Total Appropriation | | $845,812 |
| Personal Services: | | |
| Secretary | ( $49,000) | |
| Salaries and wages | ( 588,101) | |
| Positions transferred from another subcategory | ( 27,386) | |
| Materials and Supplies | ( 28,775) | |
| Services Other Than Personal | ( 132,550) | |
| Maintenance of Property: | | |
| Recurring | ( 8,000) | |
| Non-recurring and replacements | ( 3,000) | |
| Extraordinary: | | |
| Expenses of State Board of Agriculture | ( 7,000) | |
| Additions and Improvements | ( 2,000) | |
| Total Appropriation, Department of Agriculture | | $4,675,790* |

DEPARTMENT OF BANKING

*Regulation of Industry*

*14100. Regulation of Financial Institutions*

| | | |
|---|---|---|
| 14110-320. | Regulation of Banking Industry | $2,017,748 |
| 14120-320. | Regulation of Savings and Loan Associations | 865,392 |
| 14190-320. | Management and General Support | 754,531 |
| | Total Appropriation | $3,637,671 |

| | | |
|---|---|---|
| Personal Services: | | |
| Commissioner | ( $49,000) | |
| Salaries and wages | ( 2,683,413) | |
| Positions established in lieu of appropriated revenue | ( 304,183) | |
| Materials and Supplies | ( 40,800) | |
| Services Other Than Personal | ( 458,268) | |
| Maintenance of Property: | | |
| Recurring | ( 3,000) | |
| Non-recurring and replacements | ( 3,000) | |
| Extraordinary: | | |
| New Jersey Cemetery Board | ( 83,002) | |
| Compensation awards | ( 8,005) | |
| Additions and Improvements | ( 5,000) | |

The amount appropriated to the New Jersey Cemetery Board shall be payable out of the receipts of the Board, and any receipts in excess of that amount are hereby appropriated.

The unexpended balance as of June 30, 1979 in the New Jersey Cemetery Board account is hereby appropriated for the same purpose.

Total Appropriation, Department of Banking $3,637,671

Of the amount hereinabove for the Department of Banking, it is estimated that an amount of $65,947 may be made available for transfer to the Office of Administrative Law.

DEPARTMENT OF CIVIL SERVICE

*Personnel Management*

*75500. Merit System Administration*

| | | |
|---|---|---|
| 75510-310. | Personnel Policy Development and General Administration | $2,375,328 |
| 75520-310. | Recruitment and Selection | 2,992,015 |
| 75530-310. | Classification, Compensation and Local Government Services | 2,441,817 |
| 75540-310. | Employee Development and Personnel Services | 641,657 |
| 75550-310. | Equal Employment Opportunity and Affirmative Action | 443,479 |
| | Total Appropriation | $8,894,296 |

| | | |
|---|---|---|
| Personal Services: | | |
| President | ( | $49,000) |
| Commissioners (4 @ $12,500) | ( | 50,000) |
| Salaries and wages | ( | 6,469,932) |
| Positions established from lump sum appropriation | ( | 392,216) |
| Positions converted (6) | ( | 45,000) |
| Materials and Supplies | ( | 350,200) |
| Services Other Than Personal | ( | 1,234,083) |
| Maintenance of Property: | | |
| Recurring | ( | 17,250) |
| Non-recurring and replacements | ( | 11,150) |
| Extraordinary: | | |
| International Personnel Management Association Conference | ( | 10,000) |
| Develop content valid examinations | ( | 224,665) |
| Compensation awards | ( | 8,000) |
| Additions and Improvements | ( | 32,800) |

Receipts derived for training services provided to local governments are hereby appropriated for the same purpose.

| | |
|---|---|
| Total Appropriation, Department of Civil Service | $8,894,296 |

Of the amount hereinabove for the Department of Civil Service, it is estimated that an amount of $200,000 may be made available for transfer to the Office of Administrative Law.

DEPARTMENT OF COMMUNITY AFFAIRS

*Development of Community Programs*

*42100. Community Development Management*

| | | |
|---|---|---|
| 42110-800. | Housing Code Enforcement | $2,349,287 |
| 42120-800. | Housing | 1,006,000 |
| 42130-800. | Local Government Services | 1,151,475 |
| 42140-800. | State and Regional Planning | 1,910,730 |
| 42150-800. | Uniform Construction Code | 859,251 |
| | Total Appropriation | $7,276,743 |

| | |
|---|---|
| Personal Services: | |
| Board members (5 @ $7,000) | ( $35,000) |
| Salaries and wages | ( 3,698,771) |
| Positions converted | ( 79,744) |
| Materials and Supplies | ( 105,250) |
| Services Other Than Personal | ( 641,278) |
| Maintenance of Property: | |
| Recurring | ( 3,500) |
| Non-recurring and replacements | ( 1,870) |
| Extraordinary: | |
| Cooperative housing inspection | ( 1,000,000) |
| Relocation assistance | ( 215,000) |
| Planned real estate development | ( 80,000) |
| Hackensack Meadowlands Development Commission | ( 1,190,000) |
| Delaware Valley Regional Planning Commission | ( 34,000) |
| Tri-State Regional Planning Commission | ( 184,000) |
| Additions and Improvements | ( 8,330) |

The amount hereinabove for Relocation assistance shall be applicable to the fiscal year 1979-80 only; provided, however, that the Commissioner of the

Department of Community Affairs be empowered to continue existing contracts for rent supplements (C52:27D–66).

The unexpended balance as of June 30, 1979 in the Hackensack Meadowlands Development Commission account is hereby appropriated for the same purpose.

Notwithstanding the provisions of prior appropriations acts, the State's loan to the Hackensack Meadowlands Development Commission shall be repaid to the General Fund, with interest at a rate of 8% per annum on any sum appropriated after June 30, 1975, and at a rate of 6% per annum on any loans outstanding prior to July 1, 1975, from proceeds of revenues, moneys or funds due the Commission from the New Jersey Sports and Exposition Authority.

Notwithstanding the provisions of C5:10–6, 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 for the Hackensack Meadowlands Development Commission shall be appropriated; provided, however, that an additional amount (C5:10–6) may be appropriated for capital projects with the approval of the Director of the Division of Budget and Accounting; provided further, however, that if receipts are not adequate, the appropriation hereinabove shall be considered to be a loan from the General Fund and shall be repaid with interest at 8%; provided further, however, that any receipts from the New Jersey Sports and Exposition Authority first be applied to reduce the principal and interest on previous loans made by the State of New Jersey through appropriations to the Hackensack Meadowlands Development Commission.

The amount hereinabove for the Delaware Valley Regional Planning Commission shall be used for land development planning aspects of studies con-

ducted in the Philadelphia-Camden urban area by such Commission, contingent upon Federal participation of no less than 66⅔%; provided, however, that the expenditure of such funds by the Delaware Valley Regional Planning Commission be subject to the approval of the Commissioner of the Department of Community Affairs.

The amount hereinabove for the Tri-State Regional Planning Commission shall be used for land development planning aspects of studies conducted in the Northeastern New Jersey-New York urban area by such Commission, contingent upon Federal participation of no less than 66⅔%; provided, however, that the expenditure of such funds by the Tri-State Regional Planning Commission be subject to the approval of the Commissioner of the Department of Community Affairs.

*Income Security and Human Resource Development*

*52300. Human Resource Development*

| | | |
|---|---|---|
| 52310-800. | Human Resources | $697,720 |
| 52320-800. | Programs for Aging | 1,048,529* |
| | Total Appropriation | $1,746,249* |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $586,449) |
| Materials and Supplies | ( 22,100) |
| Services Other Than Personal | ( 78,700) |
| Maintenance of Property: | |
| Recurring | ( 2,000) |
| Non-recurring and replacements | ( 1,000) |
| Extraordinary: | |
| Expenses of the Division on Women | ( 165,000) |
| Identification of and technical assistance for displaced homemakers programs | ( 25,000) |
| Governor's State Committee on Children and Youth | ( 15,000) |

| | |
|---|---|
| YMCA youth and government program | ( 20,000) |
| Newark Community Center for the Arts | ( 100,000) |
| Senior service and outreach program | ( 100,000) |
| Federal aging programs (State share) | ( 200,000) |
| Expenses of Commission on Aging | ( 1,000) |
| Ombudsman for the institutionalized elderly | ( 430,000*) |

The unexpended balances as of June 30, 1979 in the Ombudsman for the institutionalized elderly account is hereby appropriated for the same purpose.

The funds hereinabove in the Federal aging programs (State share) account only shall be expended in an amount not to exceed 50% of the non-Federal share of Federally approved projects with non-State agencies; provided, however, that 100% of the non-Federal share be provided for Federally approved projects with State agencies.

*Management and General Support*

*79100. Department Management*

| | |
|---|---|
| 79190-800. Department Management | $1,071,402 |
| Total Appropriation | $1,071,402 |

| | |
|---|---|
| Personal Services: | |
| Commissioner | ( $49,000) |
| Salaries and wages | ( 758,496) |
| Position transferred from another subcategory | ( 27,629) |
| Materials and Supplies | ( 7,594) |
| Services Other Than Personal | ( 201,239) |
| Maintenance of Property: | |
| Recurring | ( 9,610) |
| Non-recurring and replacements | ( 3,250) |

| | | |
|---|---|---|
| Extraordinary: | | |
| Compensation awards | ( 13,584) | |
| Additions and Improvements | ( 1,000) | |

The unexpended balance as of June 30, 1979 in the revolving fund for printing literature for sale, and the receipts derived from such sales, are hereby appropriated.

| | |
|---|---|
| Total Appropriation, Department of Community Affairs | $10,094,394* |

Of the amount hereinabove for the Department of Community Affairs, it is estimated that an amount of $16,792 may be made available for transfer to the Office of Administrative Law.

DEPARTMENT OF CORRECTIONS

*Custody, Care and Rehabilitation*

*12100. Institutional Services*

*870. State Prison, Trenton*

| | | |
|---|---|---|
| 12110. | Institutional Control and Supervision | $7,720,851 |
| 12120. | Institutional Care Program | 3,575,372 |
| 12130. | Institutional Treatment Program | 763,351 |
| 12170. | Education Program | 317,286 |
| 12190. | Institutional Administration | 448,504 |
| | Total Appropriation | $12,825,364 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( $9,798,194) | |
| Positions transferred from other subcategories | ( 39,062) | |
| Food in lieu of cash | ( 93,960) | |
| Positions converted | ( 38,787) | |
| Materials and Supplies | ( 1,963,585) | |
| Services Other Than Personal | ( 684,425) | |
| Maintenance of Property: | | |
| Recurring | ( 60,975) | |
| Non-recurring and replacements | ( 24,900) | |

| | | |
|---|---|---|
| Extraordinary: | | |
| Correctional drug program supervision | ( | 29,701) |
| Compensation awards | ( | 85,000) |
| Additions and Improvements | ( | 6,775) |

*871. State Prison, Rahway*

| | | |
|---|---|---|
| 12110. | Institutional Control and Supervision | $5,581,355 |
| 12120. | Institutional Care Program | 3,146,252 |
| 12130. | Institutional Treatment Program | 720,649 |
| 12170. | Education Program | 263,068 |
| 12190. | Institutional Administration | 373,450 |
| | Total Appropriation | $10,084,774 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $6,856,279) |
| Position transferred from another subcategory | ( | 11,365) |
| Food in lieu of cash | ( | 65,004) |
| Positions converted (21) | ( | 158,000) |
| Materials and Supplies | ( | 2,092,947) |
| Services Other Than Personal | ( | 705,841) |
| Maintenance of Property: | | |
| Recurring | ( | 69,040) |
| Non-recurring and replacements | ( | 37,462) |
| Extraordinary: | | |
| Compensation awards | ( | 85,000) |
| Additions and Improvements | ( | 3,836) |

*12190-871-300. Rahway Regional Laundry*

The unexpended balance as of June 30, 1979 in the Rahway Regional Laundry account, and receipts derived from laundry services furnished to the several institutions, are hereby appropriated as a revolving fund for the purpose of defraying costs of operation and maintenance of the Rahway Regional Laundry.

*12190-871-301. Dental Laboratory*

The unexpended balance as of June 30, 1979 in the Dental Laboratory account, and receipts derived from dental services furnished to the several institutions, are hereby appropriated as a revolving fund for the purpose of defraying costs of operation of the Dental Laboratory.

*872. State Prison, Leesburg*

| | | |
|---|---|---|
| 12110. | Institutional Control and Supervision .... | $3,877,918 |
| 12120. | Institutional Care Program ..... | 2,645,526 |
| 12130. | Institutional Treatment Program ..... | 670,213 |
| 12170. | Education Program ..... | 255,744 |
| 12190. | Institutional Administration ..... | 308,502 |
| | Total Appropriation ..... | $7,757,903 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages ..... | ( | $5,248,624) |
| Food in lieu of cash ..... | ( | 55,728) |
| Positions converted (14) ..... | ( | 105,000) |
| Materials and Supplies ..... | ( | 1,612,515) |
| Services Other Than Personal ..... | ( | 534,338) |
| Maintenance of Property: | | |
| Recurring ..... | ( | 61,425) |
| Non-recurring and replacements ... | ( | 56,428) |
| Extraordinary: | | |
| State assumption of institutional treatment teams program ..... | ( | 73,040) |
| Compensation awards ..... | ( | 6,000) |
| Additions and Improvements ..... | ( | 4,805) |

*12190-872-300. Leesburg Regional Bakery*

The unexpended balance as of June 30, 1979 in the Leesburg Regional Bakery account, and receipts derived from the sale of bakery products to the several institutions, are hereby appropriated as a revolving fund for the purpose of defraying costs of operation of the Leesburg Regional Bakery.

*874. Correctional Institution for Women, Clinton*

| | | |
|---|---|---|
| 12110. | Institutional Control and Supervision | $2,256,742 |
| 12120. | Institutional Care Program | 1,806,272 |
| 12130. | Institutional Treatment Program | 383,407 |
| 12170. | Education Program | 215,848 |
| 12190. | Institutional Administration | 331,774 |
| | Total Appropriation | $4,994,043 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( $3,662,004) | |
| Positions established from lump sum appropriation | ( 50,225) | |
| Position transferred from another institution | ( 18,955) | |
| Food in lieu of cash | ( 29,835) | |
| Materials and Supplies | ( 643,745) | |
| Services Other Than Personal | ( 378,695) | |
| Maintenance of Property: | | |
| Recurring | ( 70,760) | |
| Non-recurring and replacements | ( 62,674) | |
| Extraordinary: | | |
| Compensation awards | ( 50,500) | |
| Additions and Improvements | ( 26,650) | |

*875. Adult Diagnostic and Treatment Center, Avenel*

| | | |
|---|---|---|
| 12110. | Institutional Control and Supervision | $1,293,915 |
| 12120. | Institutional Care Program | 1,124,899 |
| 12130. | Institutional Treatment Program | 237,684 |
| 12140. | Outpatient Diagnostic and Treatment Services | 254,597 |
| 12170. | Education Program | 127,847 |
| 12190. | Institutional Administration | 246,264 |
| | Total Appropriation | $3,285,206 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( $2,448,385) | |
| Food in lieu of cash | ( 24,137) | |

| | |
|---|---|
| Materials and Supplies | ( 595,789) |
| Services Other Than Personal | ( 159,963) |
| Maintenance of Property: | |
| Recurring | ( 25,000) |
| Non-recurring and replacements | ( 22,212) |
| Extraordinary: | |
| Compensation awards | ( 5,000) |
| Additions and Improvements | ( 4,720) |

*877. Youth Reception and Correction Center, Yardville*

| | | |
|---|---|---|
| 12110. | Institutional Control and Supervision | $3,931,909 |
| 12120. | Institutional Care Program | 2,433,249 |
| 12130. | Institutional Treatment Program | 1,052,985 |
| 12170. | Education Program | 493,810 |
| 12190. | Institutional Administration | 388,947 |
| | Total Appropriation | $8,300,900 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $6,283,285) |
| Positions transferred from other subcategories | ( 23,594) |
| Food in lieu of cash | ( 62,046) |
| Positions converted (7) | ( 52,000) |
| Materials and Supplies | ( 1,229,753) |
| Services Other Than Personal | ( 454,922) |
| Maintenance of Property: | |
| Recurring | ( 62,600) |
| Non-recurring and replacements | ( 55,700) |
| Extraordinary: | |
| Compensation awards | ( 45,000) |
| Additions and Improvements | ( 32,000) |

*878. Youth Correctional Institution, Bordentown*

| | | |
|---|---|---|
| 12110. | Institutional Control and Supervision | $3,314,219 |
| 12120. | Institutional Care Program | 2,005,805 |
| 12130. | Institutional Treatment Program | 640,811 |
| 12170. | Education Program | 310,058 |
| 12190. | Institutional Administration | 387,242 |
| | Total Appropriation | $6,658,135 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $4,912,363) |
| Position transferred from another subcategory | ( 12,075) |
| Food in lieu of cash | ( 49,896) |
| Positions converted | ( 15,346) |
| Materials and Supplies | ( 1,127,200) |
| Services Other Than Personal | ( 343,150) |
| Maintenance of Property: | |
| Recurring | ( 54,300) |
| Non-recurring and replacements | ( 83,900) |
| Extraordinary: | |
| Compensation awards | ( 40,000) |
| Additions and Improvements | ( 19,905) |

*12190-878-300. Bordentown Regional Laundry*

The unexpended balance as of June 30, 1979 in the Bordentown Regional Laundry account, and receipts derived from laundry services furnished to the several institutions, are hereby appropriated as a revolving fund for the purpose of defraying costs of operation and maintenance of the Bordentown Regional Laundry.

*879. Youth Correctional Institution, Annandale*

| | | |
|---|---|---|
| 12110. | Institutional Control and Supervision | $3,115,551 |
| 12120. | Institutional Care Program | 1,876,193 |
| 12130. | Institutional Treatment Program | 503,009 |
| 12170. | Education Program | 218,507 |
| 12190. | Institutional Administration | 351,676 |
| | Total Appropriation | $6,064,936 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $4,642,476) |
| Position transferred from another subcategory | ( 11,365) |
| Positions transferred from another institution | ( 37,306) |
| Food in lieu of cash | ( 45,306) |
| Positions converted | ( 10,097) |

| | | |
|---|---|---|
| Materials and Supplies | ( | 913,265) |
| Services Other Than Personal | ( | 289,755) |
| Maintenance of Property: | | |
| Recurring | ( | 38,791) |
| Non-recurring and replacements | ( | 24,700) |
| Extraordinary: | | |
| Compensation awards | ( | 30,800) |
| Additions and Improvements | ( | 21,075) |

*881. Training School for Boys, Jamesburg*

| | | |
|---|---|---|
| 12110. | Institutional Control and Supervision | $1,812,477 |
| 12120. | Institutional Care Program | 1,908,378 |
| 12130. | Institutional Treatment Program | 441,653 |
| 12170. | Education Program | 474,422 |
| 12190. | Institutional Administration | 311,216 |
| | Total Appropriation | $4,948,146 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $3,746,742) |
| New position | ( | 10,823) |
| Food in lieu of cash | ( | 10,692) |
| Materials and Supplies | ( | 865,847) |
| Services Other Than Personal | ( | 185,138) |
| Maintenance of Property: | | |
| Recurring | ( | 58,154) |
| Non-recurring and replacements | ( | 61,750) |
| Extraordinary: | | |
| Compensation awards | ( | 9,000) |

*882. Training School for Boys, Skillman*

| | | |
|---|---|---|
| 12110. | Institutional Control and Supervision | $1,085,247 |
| 12120. | Institutional Care Program | 808,121 |
| 12130. | Institutional Treatment Program | 258,888 |
| 12170. | Education Program | 225,274 |
| 12190. | Institutional Administration | 268,213 |
| | Total Appropriation | $2,645,743 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( $2,215,832) | |
| New positions | ( 21,646) | |
| Materials and Supplies | ( 249,975) | |
| Services Other Than Personal | ( 80,965) | |
| Maintenance of Property: | | |
| Recurring | ( 44,325) | |
| Non-recurring and replacements | ( 18,000) | |
| Extraordinary: | | |
| Compensation awards | ( 15,000) | |

*12200. Parole and Community Programs*

*869. State Parole Board*

| | | |
|---|---|---|
| 12230. State Parole Board | | $596,831 |
| Total Appropriation | | $596,831 |
| Personal Services: | | |
| Salaries and wages | ( $505,651) | |
| Positions converted | ( 33,584) | |
| Materials and Supplies | ( 13,850) | |
| Services Other Than Personal | ( 36,846) | |
| Maintenance of Property: | | |
| Recurring | ( 1,400) | |
| Non-recurring and replacements | ( 2,000) | |
| Additions and Improvements | ( 3,500) | |

*12200. Parole and Community Programs*

| | | |
|---|---|---|
| 12210-860. | Parole | $4,395,976 |
| 12220-884. | Highfields | 109,265 |
| 12230-885. | Warren | 122,210 |
| 12240-886. | Ocean | 148,400 |
| 12250-887. | Turrell | 138,752 |
| 12260-860. | Community Programs | 1,125,424* |
| Total Appropriation | | $6,040,027* |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $4,060,992) |
| Position transferred from another subcategory | ( | 9,350) |
| New positions (9) | ( | 123,507) |
| Food in lieu of cash | ( | 1,782) |
| Materials and Supplies | ( | 160,288) |
| Services Other Than Personal | ( | 501,762) |
| Maintenance of Property: | | |
| Recurring | ( | 17,898) |
| Non-recurring and replacements | ( | 39,024) |
| Extraordinary: | | |
| Camden Treatment Center | ( | 156,168) |
| Paterson Treatment Center | ( | 174,565) |
| Plainfield Treatment Center | ( | 178,345) |
| Community Service Center, Newark | ( | 309,768) |
| Community Residence Center, Jersey City | ( | 112,512) |
| Camden Residential Group Home | ( | 194,066) |
| Alternative community based program for troubled youth: | | |
| Newark | ( | *) |
| South Jersey | ( | *) |

Funds received on behalf of parolees by community-based resource facilities are hereby appropriated for the benefit of those parolees.

*12410-867-300. Bureau of State Use Industries*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*12510-868-300. Farm Operations*

The unexpended balance as of June 30, 1979 in the Farm operations revolving fund, and receipts derived from sales, are hereby appropriated.

*12900. Department Management and General Support*

| | | |
|---|---|---|
| 12910-860. | Planning, Program Development and Support Services | $969,974 |
| 12920-860. | Program Operations Support | 1,834,116 |
| 12930-860. | Department Management | 3,246,449 |
| | Total Appropriation | $6,050,539 |

| | | |
|---|---|---|
| Personal Services: | | |
| Commissioner | ( | $49,000) |
| Salaries and wages | ( | 2,242,821) |
| Positions transferred from another subcategory | ( | 80,643) |
| Positions converted | ( | 211,582) |
| Materials and Supplies | ( | 238,333) |
| Services Other Than Personal | ( | 146,407) |
| Maintenance of Property: | | |
| Recurring | ( | 31,720) |
| Non-recurring and replacements | ( | 110,000) |
| Extraordinary: | | |
| Officers training school | ( | 250,000) |
| Transportation assistance for inmates' families visitations | ( | 95,000) |
| State assumption of State Law Enforcement Planning Agency projects: | | |
| Planning and evaluation unit | ( | 54,977) |
| County training programs | ( | 35,000) |
| Correctional information system | ( | 59,697) |
| Federal grants management unit | ( | 51,543) |
| Coordination of offender treatment services | ( | 77,136) |
| Purchase of service for inmates incarcerated in county penal facilities | ( | 750,000) |
| Purchase of community services | ( | 115,000) |
| Title XX programs (State share) | ( | 156,000) |
| Increase inmate wages | ( | 150,000) |
| Compensation awards | ( | 13,000) |

| | |
|---|---|
| Purchase of institutional support services | ( 200,000) |
| State assumption of federal education programs | ( 460,321) |
| Improve medical care at correctional institutions | ( 250,000) |
| Computerized menu planning | ( 135,000) |
| Institutional law libraries | ( 25,200) |
| Behavior modification program | ( 50,000) |
| Additions and Improvements | ( 12,159) |

The unexpended balance as of June 30, 1979 in the Purchase of service for inmates incarcerated in county penal facilities account is hereby appropriated and available for the payment of obligations applicable to the fiscal years ending June 30, 1978 and June 30, 1979.

| | |
|---|---|
| Total Appropriation, Department of Corrections | $80,252,547* |

Balances on hand as of June 30, 1979 of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are hereby appropriated for the use of such inmates.

The unexpended balances as of June 30, 1979 of funds received by the several institutions, representing rental of garages, and such funds as may be received during fiscal year 1979-80, are hereby appropriated for repair and maintenance of existing garages and for construction of additional garages by such institutions.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are hereby appropriated for the purposes provided (C30:4–91.1 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 below first shall be charged to the State Lottery Fund:

| | |
|---|---|
| Education Program | ( $2,901,864) |
| Operation of Correction Institutions | ( 64,663,286) |

DEPARTMENT OF DEFENSE

*Protection Against Natural and Man-made Hazards*

*13100. National Guard*

| | | |
|---|---|---|
| 13110-340. | National Guard Training, Operations and Administration | $1,767,646 |
| 13120-340. | Management of National Guard Installations | 3,404,218 |
| 13140-340. | Management of Joint Training Center | 720,874 |
| | Total Appropriation | $5,892,738 |

| | | |
|---|---|---|
| Personal Services: | | |
| Chief of Staff | ( $46,500) | |
| Salaries and wages | ( 3,499,441) | |
| Materials and Supplies | ( 1,190,840) | |
| Services Other Than Personal | ( 354,279) | |
| Maintenance of Property: | | |
| Recurring | ( 166,250) | |
| Non-recurring and replacements | ( 359,271) | |
| Extraordinary: | | |
| Governor's youth program | ( 40,000) | |
| New Jersey Military Academy | ( 27,000) | |
| Compensation awards | ( 79,500) | |
| Additions and Improvements | ( 129,657) | |

Receipts derived from rental of armories are hereby appropriated for operation and maintenance thereof.

Receipts derived from the sale of meals at the Mess Hall, Sea Girt, and the unexpended balance as of June 30, 1979, are hereby appropriated.

| | |
|---|---|
| Total Appropriation, Department of Defense | $5,892,738 |

DEPARTMENT OF EDUCATION

*Programs for Special Groups and Limited Purposes*

*32100. Field Services Programs*

| | | |
|---|---|---|
| 32120-500. | Facilities Planning | $545,287 |
| 32130-500. | Pupil Transportation | 236,731 |
| 32140-500. | Adult and Continuing Education | 363,965 |
| 32160-500. | Teacher Certification | 472,046 |
| 32170-500. | School Nutrition | 180,947 |
| | Total Appropriation | $1,798,976 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $1,365,132) |
| Position transferred from another subcategory | ( 24,059) |
| Materials and Supplies | ( 27,450) |
| Services Other Than Personal | ( 381,835) |
| Maintenance of Property: | |
| Recurring | ( 500) |

The unexpended balance as of June 30, 1979 in the Inspection of school construction account, and receipts derived therefrom, are hereby appropriated for the same purpose.

The unexpended balances as of June 30, 1979 in the General education development test and other high school equivalency tests and the Adult basic education film revolving funds, and receipts derived therefrom, are hereby appropriated for the same purposes.

The unexpended balance as of June 30, 1979 in the Facilities workshop revolving fund, and receipts derived therefrom, are hereby appropriated for the same purpose.

*32200. Controversies and Disputes*

| | | |
|---|---|---|
| 32220-500. | Resolution of School Controversies and Disputes | $507,457 |
| | Total Appropriation | $507,457 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( $387,747) | |
| Materials and Supplies | ( 7,200) | |
| Services Other Than Personal | ( 112,510) | |

*32300. School Programs*

| | | |
|---|---|---|
| 32320-500. | Special Education | $1,033,857 |
| 32330-500. | Bilingual Education | 345,753 |
| 32340-500. | Compensatory Education | 208,641 |
| 32350-500. | Curriculum Process | 230,370* |
| 32370-510. | Education Program—Garden State School District | 409,272 |
| | Total Appropriation | $2,227,893* |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( $1,399,251) | |
| Positions transferred from other subcategories | ( 94,087) | |
| Materials and Supplies | ( 45,000) | |
| Services Other Than Personal | ( 394,555) | |
| Extraordinary: | | |
| Bilingual education pilot projects | ( 170,000) | |
| Programs for the gifted | ( 100,000) | |
| Feasibility study for New Jersey School of the Arts | ( 25,000) | |
| Office of Parent Information and Involvement | ( *) | |

The unexpended balance as of June 30, 1979 in the Education Program—Garden State School District element is hereby appropriated for the same purpose.

*32500. Vocational Education Programs*

| | | |
|---|---|---|
| 32520-500. | Special Programs | $478,215 |
| 32530-500. | General Vocational Education | 918,498 |
| 32540-500. | Occupational Career Research | 126,748 |
| 32560-500. | Project COED | 1,779,341 |
| | Total Appropriation | $3,302,802 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $2,502,407) |
| Positions converted | ( | 204,918) |
| Materials and Supplies | ( | 260,435) |
| Services Other Than Personal | ( | 173,101) |
| Maintenance of Property: | | |
| Recurring | ( | 27,700) |
| Non-recurring and replacements | ( | 2,500) |
| Extraordinary: | | |
| Career education | ( | 100,000) |
| Compensation awards | ( | 5,616) |
| Additions and Improvements | ( | 26,125) |

The unexpended balance as of June 30, 1979 in the COED cafeteria revolving fund account, and receipts derived therefrom, are hereby appropriated for the same purpose.

*Direct Public Services*

*34100. Services for the Handicapped*

| | |
|---|---|
| 34110-535. Marie H. Katzenbach School for the Deaf | $4,573,943 |
| Total Appropriation | $4,573,943 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $2,332,799) |
| Positions established from appropriated revenue | ( | 1,235,040) |
| Materials and Supplies | ( | 521,000) |
| Services Other Than Personal | ( | 107,944) |
| Maintenance of Property: | | |
| Recurring | ( | 82,000) |
| Non-recurring and replacements | ( | 79,160) |
| Extraordinary: | | |
| Transportation expenses for students | ( | 200,000) |
| Compensation awards | ( | 10,000) |
| Additions and Improvements | ( | 6,000) |

Notwithstanding the provisions of NJS 18A:61–1 and NJS 18A:46–13, or any other statute, $2,218,875 of the amount hereinabove to the Marie H. Katzenbach School for the Deaf for operating expenses shall be reimbursed by tuition paid 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 tuition payments shall 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 shall be paid directly to the State Treasurer.

The unexpended balance as of June 30, 1979 in the Tuition receipt account of the Marie H. Katzenbach School for the Deaf, and receipts derived from tuition charges in excess of those anticipated, are hereby appropriated for operating expenses.

*34120-500. Millburn Avenue School for the Hearing Handicapped*

The unexpended balance as of June 30, 1979 in the Millburn Avenue School for the Hearing Handicapped account, and receipts derived from tuition charges, are hereby appropriated for the costs of such operation.

*34200. Programs for the State Library and Historical Commission*

| | | |
|---|---|---|
| 34210-520. | State Library | $2,130,601 |
| 34220-520. | New Jersey Historical Commission | 360,579* |
| | Total Appropriation | $2,491,180* |

Personal Services:

| | |
|---|---|
| Salaries and wages | ( $1,704,534) |
| New position (1) | ( 17,632) |
| Position converted | ( 19,397) |

| | |
|---|---|
| Materials and Supplies | ( 429,935) |
| Services Other Than Personal | ( 271,132) |
| Maintenance of Property: | |
| Recurring | ( 3,300) |
| Non-recurring and replacements | ( 1,600) |
| Extraordinary: | |
| Senator James F. Murray, Jr. Historian Fund | ( 40,000) |
| School curriculum packets on New Jersey cities and ethnic groups | ( *) |
| Compilation of Edison papers | ( *) |
| Grants-in-aid for historical library and museum collections | ( *) |
| Additions and Improvements | ( 3,650) |

The unexpended balances as of June 30, 1979 in the Microfilm, New Jersey Archives Publication, New Jersey Historical Commission Publication and Library user fees revolving funds, and receipts derived therefrom, are hereby appropriated for the same purposes.

*34300. Programs for the State Museum*

| | |
|---|---|
| 34310-530. State Museum | $1,197,481 |
| Total Appropriation | $1,197,481 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $908,432) |
| Materials and Supplies | ( 76,450) |
| Services Other Than Personal | ( 115,499) |
| Maintenance of Property: | |
| Recurring | ( 12,600) |
| Non-recurring and replacements | ( 20,000) |
| Extraordinary: | |
| Acquisition of art and historical objects | ( 60,000) |
| Additions and Improvements | ( 4,500) |

The unexpended balance as of June 30, 1979 in the Museum Shop revolving fund, and receipts derived therefrom, are hereby appropriated for the purposes of the fund, including the acquisition of art and historical objects.

The unexpended balances as of June 30, 1979 in the Films and Museum Auditorium revolving funds, and receipts derived therefrom, are hereby appropriated for the same purposes.

*Department Planning, Management and General Support*

*39100. Department Planning and Management*

| | | |
|---|---|---|
| 39110-500. | Administration | $1,118,027 |
| 39120-500. | Commissioner's Office | 252,690 |
| 39130-500. | Research, Planning and Evaluation | 1,774,855 |
| 39140-500. | School Finance and Auditing | 475,894 |
| | Total Appropriation | $3,621,466 |

| | |
|---|---|
| Personal Services: | |
| Commissioner | ( $49,000) |
| Salaries and wages | ( 1,879,649) |
| Positions transferred from other subcategories | ( 125,906) |
| Materials and Supplies | ( 203,435) |
| Services Other Than Personal | ( 1,187,676) |
| Maintenance of Property: | |
| Recurring | ( 27,800) |
| Extraordinary: | |
| State Board of Education expenses | ( 18,000) |
| Minimal standards | ( 80,000) |
| Comprehensive needs assessment | ( 50,000) |

The unexpended balance as of June 30, 1979 in the revolving fund for printing and purchasing school law decisions, and other publications and printed materials, and receipts derived therefrom, are hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1979 in the School election revolving fund account, and receipts derived therefrom, are hereby appropriated for the same purpose.

*39500. Management of Field Operations*

| | | |
|---|---|---|
| 39520-500. | Equal Education Opportunity | $134,122 |
| 39530-500. | Office of School Approval | 4,747,593 |
| | Total Appropriation | $4,881,715 |

| | | |
|---|---|---|
| Personal Services: | | |
| County superintendents | ( $836,365) | |
| Salaries and wages | ( 3,697,980) | |
| Positions transferred from another subcategory | ( 36,635) | |
| Materials and Supplies | ( 42,300) | |
| Services Other Than Personal | ( 268,435) | |
| Total Appropriation, Department of Education | | $24,602,913* |

Of the amount hereinabove for the Department of Education, it is estimated that an amount of $387,457 may be made available for transfer to the Office of Administrative Law.

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 below, first shall be charged to the State Lottery Fund:

| | |
|---|---|
| Education Program— | |
| Garden State School District | ( $409,272) |
| Project COED | ( 1,779,341) |

DEPARTMENT OF ENERGY

*Regulation of Industry*

*14300. Regulation of Public Utilities*

| | | |
|---|---|---|
| 14310-350. | Economic Regulation | $983,526 |
| 14320-350. | Service Adequacy and Safety | 1,019,023 |
| 14330-350. | Cable Television | 348,015 |
| 14390-350. | Administration and Support | 2,186,281 |
| | Total Appropriation | $4,536,845 |

| | | |
|---|---|---|
| Personal Services: | | |
| Board Members (3 @ $49,000) | ( | $147,000) |
| Salaries and wages | ( | 3,839,113) |
| Positions converted | ( | 26,357) |
| Materials and Supplies | ( | 75,000) |
| Services Other Than Personal | ( | 395,225) |
| Maintenance of Property: | | |
| Recurring | ( | 4,500) |
| Additions and Improvements | ( | 49,650) |

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

In addition to the sum hereinabove, such other sums as the Director of the Division of Budget and Accounting shall determine, are hereby appropriated on behalf of the Board of Public Utilities (C48:2–59 et seq. and C48:5A–32 et seq., or other applicable statutes), with respect to assessment of public utilities or assessment of the cable television industry.

*Education and Intellectual Development*

*34500. Public Broadcasting*

| | | |
|---|---|---|
| 34510-352. New Jersey Public Broadcasting Authority | | $4,060,209 |
| Total Appropriation | | $4,060,209 |
| Personal Services: | | |
| Salaries and wages | ( | $2,179,631) |
| Materials and Supplies | ( | 316,333) |
| Services Other Than Personal | ( | 411,245) |
| Maintenance of Property: | | |
| Recurring | ( | 119,500) |
| Extraordinary: | | |
| Programming | ( | 810,000) |
| Grant from the State of New Jersey to produce lottery drawing programs | ( | 125,000) |
| Promotional expenses | ( | 32,500) |

| | | |
|---|---|---|
| Establishment of a South Jersey local production unit | ( | 65,000) |
| Additions and Improvements | ( | 1,000) |

The unexpended balance as of June 30, 1979 in the WNET collaborative news program account, and the receipts derived therefrom, are hereby appropriated.

The unexpended balance as of June 30, 1979 in the revolving fund for the purpose of printing and purchasing publications and materials for sale, and the receipts derived from such sales, are hereby appropriated.

The unexpended balance as of June 30, 1979 and 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 are hereby appropriated.

*Department Management and Energy Development*

*41500. Energy Resource Management*

| | | | |
|---|---|---|---|
| 41510-350. | Energy Planning and Conservation | | $664,011 |
| 41590-350. | Management and General Support | | 332,414 |
| | Total Appropriation | | $996,425 |
| Personal Services: | | | |
| | Commissioner | ( $49,000) | |
| | Salaries and wages | ( 515,312) | |
| | Positions converted | ( 78,934) | |
| Materials and Supplies | | ( 12,800) | |
| Services Other Than Personal | | ( 329,702) | |
| Maintenance of Property: | | | |
| | Recurring | ( 400) | |
| Additions and Improvements | | ( 10,277) | |
| | Total Appropriation, Department of Energy | | $9,593,479 |

Of the amount hereinabove for the Department of Energy, it is estimated that an amount of $345,392 may be made available for transfer to the Office of Administrative Law.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Environmental Management*

*41300. Resource Management*

| | | |
|---|---|---|
| 41310-400. | Potable Water and Flood Plain Management | $990,019 |
| 41320-400. | Forest Resource Management | 2,199,459 |
| 41330-400. | Marine Lands Management | 1,466,941 |
| 41340-400. | Solid Waste Management | 1,129,341 |
| 41350-400. | Shellfish Resource and Development | 256,369 |
| 41360-400. | Water Resources—Planning and Management | 1,182,359 |
| 41370-400. | Wildlife and Fisheries Management: | |
| | Hunters' and Anglers' License Fund | 4,014,445 |
| | Endangered Species and Marine Fisheries Program | 198,000 |
| 41380-400. | Water Supply Facilities | 365,446 |
| | Total Appropriation | $11,802,379 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( $6,475,542) | |
| Positions transferred from another subcategory | ( 53,636) | |
| Materials and Supplies | ( 1,108,098) | |
| Services Other Than Personal | ( 1,585,353) | |
| Maintenance of Property: | | |
| Recurring | ( 309,625) | |
| Non-recurring and replacements | ( 630,080) | |
| Extraordinary: | | |
| Fire fighting costs | ( 250,000) | |
| Gypsy moth control | ( 100,000) | |
| Natural resource council | ( 45,000) | |
| Delineation and determination of State riparian land | ( 450,000) | |
| Ground water investigations | ( 25,350) | |
| Solid waste planning and resource recovery implementation | ( 125,000) | |
| Hazardous waste program | ( 110,000) | |
| Engineering review of landfill design | ( 62,500) | |

| | | |
|---|---|---|
| Oyster drill control | ( | 18,600) |
| Storing, loading and planting of oyster shells (C50:3–20.17) | ( | 5,000) |
| Surf clam research and inventory | ( | 40,000) |
| Office of rivermaster (State share) | ( | 31,000) |
| Protection of endangered and non-game wildlife species | ( | 48,000) |
| Marine fisheries program | ( | 50,000) |
| Wildlife and fisheries program development | ( | 100,000) |
| Compensation awards | ( | 47,380) |
| Additions and Improvements | ( | 132,215) |

The unexpended balances as of June 30, 1979 in the Flood plain regulation and delineation, Fire fighting costs and Delineation and determination of State riparian land accounts are hereby appropriated for the same purposes.

Receipts derived from laboratory certification are hereby appropriated for the same purpose.

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 $1,720,000, are hereby appropriated for the same purpose; provided, however, that should the excess receipts be insufficient to finance such authorization, sufficient sums 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.

The unexpended balance as of June 30, 1979 in the revolving fund for the purpose of printing or purchasing literature, material and maps for sale, and receipts derived from such sales, are hereby appropriated.

The unexpended balance as of June 30, 1979 in the revolving fund for the purpose of providing appraisal services for conveyance of riparian properties within the Hackensack Meadowlands District, and receipts derived from the sale of riparian properties which represent reimbursements for appraisal services, are hereby appropriated.

Receipts derived from Sea clam fees and Sea clam licenses (commercial and non-commercial) are hereby appropriated for program costs.

Receipts derived from the sale of materials encouraging the protection of endangered and non-game wildlife species are hereby appropriated for carrying out a program of protection of endangered and non-game wildlife species.

The amount hereinabove for the Hunters' and Anglers' License Fund shall be payable out of said Fund and any amount remaining therein, in addition to the unexpended balances as of June 30, 1979, are hereby appropriated for additional operating costs. If receipts to said Fund are less than anticipated, the appropriation shall be reduced correspondingly.

Receipts in excess of those anticipated from water sales of the Delaware and Raritan Canal are hereby appropriated for operation, maintenance and improvement of the Canal.

There is hereby appropriated for operation and maintenance of Spruce Run and Round Valley Reservoirs a sum not to exceed $1,120,000 out of aggregate revenue collected (C58:22–10).

*41400. Pollution Control*

| | | |
|---|---|---|
| 41410-400. | Air Pollution | $2,008,482 |
| 41420-400. | Radiation Protection | 733,279 |
| 41430-400. | Pesticide Control | 60,000 |
| 41440-400. | Water Pollution | 1,459,068 |
| 41450-400. | Noise Control | 75,000 |

| | | |
|---|---|---|
| 41460-400. | Public Waste Water Facilities | 75,000 |
| 41470-400. | Hazardous Substance Control | 910,000 |
| | Total Appropriation | $5,320,829 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $2,831,108) |
| Position transferred from another subcategory | ( 17,407) |
| Materials and Supplies | ( 215,380) |
| Services Other Than Personal | ( 664,624) |
| Maintenance of Property: | |
| Recurring | ( 93,125) |
| Non-recurring and replacements | ( 149,350) |
| Extraordinary: | |
| X-ray technology certification | ( 50,000) |
| Radiation analyses—Safe Drinking Water Act | ( 60,000) |
| Certification of nuclear medicine technicians | ( 43,800) |
| Pesticide control | ( 60,000) |
| Noise control | ( 75,000) |
| Hazardous substance control | ( 660,000) |
| Hazardous substance control work at Berry Creek | ( 250,000) |
| Compensation awards | ( 7,500) |
| Additions and Improvements | ( 143,535) |

Excess receipts collected on behalf of the Air pollution and Radiation protection programs are hereby appropriated.

The Commissioner of Environmental Protection shall establish fees for the training of pesticide applicators, and receipts derived from such fees, are hereby appropriated to carry out the training program.

The unexpended balance as of June 30, 1979 in the Administration of water pollution control act (C58:10A–1 et seq.) account is hereby appropriated for the same purpose.

There is hereby allocated from funds previously appropriated from the Water Conservation Fund the sum of $2,425,000 for costs attributable to planning, engineering, developing and constructing regional waste water treatment facilities.

The unexpended balance as of June 30, 1979 in the Public waste water facilities program element is hereby appropriated for the same purpose.

The amount hereinabove for the Hazardous substance control program is hereby appropriated from the New Jersey Spill Compensation Fund.

There is hereby appropriated from the New Jersey Spill Compensation Fund, so much as may be required for clean-up costs in conjunction with the discharge of hazardous substances.

A sum not to exceed $300,000 is hereby appropriated from interest earned by the New Jersey Spill Compensation Fund for research on the prevention and the effects of spills of hazardous substances on the marine environment and to develop improved clean-up and removal operation methods, subject to the approval of the Director of the Division of Budget and Accounting.

*Recreation Management*

*46100. Recreation Opportunities*

| | | |
|---|---|---|
| 46110-400. | Parks Management | $9,233,317 |
| 46120-400. | Recreational Boating | 1,503,714 |
| 46120-400. | Boat Regulation | 1,011,432 |
| 46130-400. | Marina Operations | 369,428 |
| | Total Appropriation | $12,117,891 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $6,933,693) |
| New positions | ( 75,000) |
| Materials and Supplies | ( 1,267,900) |
| Services Other Than Personal | ( 734,502) |

| | | |
|---|---|---|
| Maintenance of Property: | | |
| Recurring | ( | 698,900) |
| Non-recurring and replacements | ( | 833,280) |
| Extraordinary: | | |
| Maintenance, Old Barracks, Trenton (State share) | ( | 71,616) |
| Expenses of the Delaware and Raritan Canal Commission | ( | 115,000) |
| Youth conservation and recreation projects | ( | 200,000) |
| Day-trip and camping opportunities for youngsters from lower and moderate income families | ( | 400,000) |
| Construction, maintenance, improvement and dredging of inland waterways; bulkheading and dredging at State marinas and dredging State-controlled lakes | ( | 400,000) |
| Weed control—State controlled lakes | ( | 50,000) |
| Compensation awards | ( | 50,000) |
| Additions and Improvements | ( | 288,000) |

The unexpended balance as of June 30, 1979 in the revolving fund for the purchase of merchandise for sale, and receipts derived from such sales, are hereby appropriated.

The amount hereinabove for the operation, maintenance and administration of 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, 1979 in the Construction, maintenance, improvement and dredging inland waterways; bulkheading and dredging at State marinas and dredging State-controlled lakes account, is hereby appropriated for the same purposes.

The unexpended balance in the Weed control for State-controlled lakes account is hereby appropriated for the same purpose.

The amount hereinabove for the Boat regulation program element, shall be payable out of the New Jersey Boat Numbering Act revolving fund (C. 12:7–34.36 et seq.), and any amount remaining therein, in addition to the unexpended balances as of June 30, 1979, is hereby appropriated.

Receipts in excess of those anticipated from marina operations are hereby appropriated for maintenance of marina facilities.

*Management and General Support*

*49100. Department Management*

| | | |
|---|---|---|
| 49110-400. | Department Management and Administrative Services | $2,364,652 |
| 49130-400. | Scientific Planning and Research | 1,922,270 |
| | Total Appropriation | $4,286,922 |

| | |
|---|---|
| Personal Services: | |
| Commissioner | ( $49,000) |
| Salaries and wages | ( 1,892,831) |
| Positions transferred from other subcategories | ( 77,582) |
| Materials and Supplies | ( 52,825) |
| Services Other Than Personal | ( 855,134) |
| Maintenance of Property: | |
| Recurring | ( 10,350) |
| Non-recurring and replacements | ( 1,800) |
| Extraordinary: | |
| Board of New Jersey Pilot Commissioners | ( 40,400) |
| Monitor the environment for cancer-causing agents and other hazardous or toxic substances | ( 1,300,000) |
| Compensation awards | ( 4,500) |
| Additions and Improvements | ( 2,500) |

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 hereby appropriated.

Receipts derived from examination of X-ray technicians, in excess of those anticipated, are hereby appropriated for enforcement purposes.

The unexpended balance as of June 30, 1979 and fees deposited in the Environmental services fund (C13:1D–29 et seq.) are hereby appropriated for the purposes of the Fund.

The unexpended balance as of June 30, 1979 in the revolving fund for the purpose of printing or purchasing literature, material and maps for sale, and receipts derived from such sales, are hereby appropriated.

The unexpended balance as of June 30, 1979 in the Monitor the environment for cancer causing agents and other hazardous or toxic substances account is hereby appropriated for the same purpose.

| | |
|---|---|
| Total Appropriation, Department of Environmental Protection | $33,528,021 |

Of the amount hereinabove for the Department of Environmental Protection, it is estimated that an amount of $23,300 may be made available for transfer to the Office of Administrative Law.

DEPARTMENT OF HEALTH

*Personal Health*

*22100. Prevention, Treatment and Rehabilitation**

| | | |
|---|---|---|
| 22110-360. | Community Health Services | $8,166,206* |
| 22120-360. | Epidemiology and Communicable Disease Control | 1,188,501 |
| 22130-360. | Narcotics and Drug Abuse Control | 5,758,930 |
| 22140-360. | Alcoholism Control | 1,342,270* |
| | Total Appropriation | $16,455,907* |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $5,988,060) |
| Positions established from lump sum appropriation | ( | 131,355) |
| Positions transferred from other subcategories | ( | 121,905) |
| Positions converted (2) | ( | 15,000) |
| Materials and Supplies | ( | 1,012,847) |
| Services Other Than Personal | ( | 628,741) |
| Maintenance of Property: | | |
| Recurring | ( | 12,600) |
| Extraordinary: | | |
| Laetrile program (C24:6F–1 et seq.) | ( | 165,000) |
| Chronic renal disease | ( | 750,000) |
| Hemophilia | ( | 621,000) |
| Juvenile terminal illness assistance | ( | 30,000) |
| Family planning services and genetic counselling | ( | 150,000) |
| Hospitalization and convalescent care of handicapped children | ( | 2,103,000) |
| Emergency medical services | ( | 177,000) |
| Tuberculosis services | ( | 672,100) |
| Cancer control and occupational health | ( | 100,000) |
| Chronic disease services | ( | 156,000) |
| Testing for specific hereditary diseases | ( | 115,000*) |
| Venereal disease clinics | ( | 40,000) |
| Therapeutic residential school at Long Branch | ( | 245,000) |
| Statewide addiction service, in-patient units | ( | 325,000) |
| Community drug programs (State share) | ( | 1,541,000) |
| Vocational adjustment centers | ( | 95,000) |
| Alcoholism services | ( | 1,253,600) |
| Alcoholism counseling (Ala-call) | ( | *) |
| Alcoholic treatment center (Turning Point) | ( | *) |
| Additions and Improvements | ( | 6,699) |

The appropriation for the Hospitalization and convalescent care of handicapped children shall be available for the payment of obligations applicable to prior fiscal years.

The unexpended balance as of June 30, 1979 in Cancer incidence registry (C26:2–104 et seq.) is hereby appropriated.

The Divisions of Alcoholism and Narcotics and Drug Abuse Control are hereby authorized to bill a patient's estate, or the person chargeable for his support, or the county of residence, for institutional support of patients treated at addiction services inpatient units.

There are hereby appropriated from the Rabies Control fund such sums as may be required for costs of operation of the Rabies control program.

The Therapeutic Residential School at Long Branch is hereby authorized to charge the Division of Youth and Family Services for residential costs of children placed in the School by the Division and receipts derived from such charges are hereby appropriated.

Receipts derived from reimbursements by local school districts for educational costs of children placed in the Therapeutic Residential School at Long Branch are hereby appropriated for expenses of the School.

The unexpended balance as of June 30, 1979 in the revolving fund for the purpose of printing literature, codes and manuals for sale, and receipts derived from such sales, are hereby appropriated.

Receipts derived from third party reimbursements for drug addiction services are hereby appropriated for the cost of implementing such reimbursement system, subject to the approval of the Director of the Division of Budget and Accounting.

The Division of Alcoholism is hereby directed to do joint planning with the Division of Mental Health and Hospitals in the Department of Human Services for the purpose of establishing additional alcoholism treatment programs on the grounds of State psychiatric hospitals.

*Health Care Management*

*23100. Health Care Facilities Administration*

| | | |
|---|---|---|
| 23110-360. | Health Facilities Evaluation | $959,953 |
| 23120-360. | Health Planning and Resource Development | 1,800,590 |
| | Total Appropriation | $2,760,543 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $1,777,817) |
| Positions established from lump sum appropriation | ( | 69,182) |
| Positions transferred from other subcategories | ( | 58,201) |
| Materials and Supplies | ( | 25,600) |
| Services Other Than Personal | ( | 196,075) |
| Maintenance of Property: | | |
| Recurring | ( | 1,450) |
| Extraordinary: | | |
| State support for areawide planning agencies | ( | 60,000) |
| Health services for migrant workers | ( | 53,500) |
| Planning and development of urban health services | ( | 334,000) |
| Training and audit program | ( | 55,000) |
| Economic feasibility program | ( | 127,000) |
| Additions and Improvements | ( | 2,718) |

Receipts derived from fees charged for hospital rate setting are hereby appropriated for the expenses of such rate setting and for expenses of the Hospital Rate Setting Commission.

Receipts derived from fees charged for the review of Uniform construction code plans for health care facilities are hereby appropriated for the cost of such review.

*Laboratory Support and Services*

*24100. Supporting Laboratory Services*

| | | |
|---|---|---|
| 24110-360. | Diagnostic Services | $1,860,988 |
| 24120-360. | Clinical Laboratory Improvement | 331,683 |
| | Total Appropriation | $2,192,671 |
| | Personal Services: | |
| | Salaries and wages | ( $1,552,066) |
| | Positions established from lump sum appropriation | ( 34,329) |
| | Positions transferred from other subcategories | ( 22,241) |
| | Materials and Supplies | ( 496,190) |
| | Services Other Than Personal | ( 77,345) |
| | Maintenance of Property: | |
| | Recurring | ( 10,500) |

The unexpended balance as of June 30, 1979 in the fees from the Licensing of clinical laboratories account, and receipts from fees established by the Commissioner of Health for licensing of clinical laboratories, are hereby appropriated.

The unexpended balance as of June 30, 1979 in the Laboratory revolving fund, and receipts from charges for such services, are hereby appropriated.

*Department Management, General Support, Special Programs*

*29100. Management, Support and Special Programs*

| | | |
|---|---|---|
| 29110-360. | Management Services and General Support | $2,960,816 |
| 29120-360. | Vital Statistics and Registration | 357,040 |
| | Total Appropriation | $3,317,856 |

| | | |
|---|---|---|
| Personal Services: | | |
| Commissioner | ( | $49,000) |
| Salaries and wages | ( | 1,782,444) |
| Positions established from lump sum appropriation | ( | 75,870) |
| Positions transferred from other subcategories | ( | 118,377) |
| Materials and Supplies | ( | 65,000) |
| Services Other Than Personal | ( | 991,365) |
| Maintenance of Property: | | |
| Recurring | ( | 28,000) |
| Non-recurring and replacements | ( | 12,800) |
| Extraordinary: | | |
| Expansion of research and evaluation | ( | 60,000) |
| Review of regional health services | ( | 50,000) |
| Compensation awards | ( | 85,000) |

Receipts in excess of $135,000 attributable to the Vital statistics and registration program element are hereby appropriated for the cost of implementing a new system for the search and issuance of vital records.

The unexpended balance as of June 30, 1979 in the revolving fund for the purpose of providing management information, printing and word processing services to health agencies, and the receipts from these services are hereby appropriated for the same purpose.

Total Appropriation, Department of Health $24,726,977*

Of the amount hereinabove for the Department of Health, it is estimated that an amount of $70,370 may be made available for transfer to the Office of Administrative Law.

DEPARTMENT OF HIGHER EDUCATION

*39000. Department Management and General Support**

| | | |
|---|---|---|
| 39110-540. | Administration | $3,194,139 |
| 39230-540. | Support of Independent Higher Education Institutions | 14,596,000 |
| 39910-540. | New Jersey Educational Opportunity Fund | 12,753,669 |
| 39920-540. | Scholarships, Grants and Loans | 28,540,000 |
| 39930-540. | Student Assistance Administration | 1,356,830 |
| | Total Appropriation, Department Management and General Support | $60,440,638 |

| | | |
|---|---|---|
| Personal Services: | | |
| Chancellor | ( | $49,000) |
| Salaries and wages | ( | 2,244,722) |
| New position | ( | 13,925) |
| Position converted | ( | 17,309) |
| Materials and Supplies | ( | 156,973) |
| Services Other Than Personal | ( | 685,931) |
| Maintenance of Property: | | |
| Recurring | ( | 12,100) |
| Non-recurring and replacements | ( | 4,902) |
| Extraordinary: | | |
| Board of Higher Education expenses | ( | 6,000) |
| Graduate medical school education program | ( | 200,000) |
| Program development | ( | 200,000) |
| College information system and higher education management system | ( | 143,500) |
| State and county college councils | ( | 2,000) |
| Basic skills assessment program | ( | 575,000) |
| Marine sciences consortium | ( | 200,000) |
| Veterinary medicine education program | ( | 986,000) |
| Aid to independent colleges and universities | ( | 8,870,000) |
| Schools of professional nursing | ( | 1,500,000) |
| Dental school aid (PL 1975, c. 345) | ( | 2,975,000) |

| | |
|---|---|
| Optometric education (PL 1977, c. 420) | ( 200,000) |
| Einstein chair for scholarly studies at the Institute for Advanced Study, Princeton, New Jersey | ( 65,000) |
| New Jersey Educational Opportunity Fund— | |
| Supplementary education program grants | ( 3,998,153) |
| Opportunity program grants | ( 8,755,516) |
| Scholarships, Grants and Loans— | |
| Basic scholarships | ( 2,548,000) |
| Incentive grants | ( 918,000) |
| Tuition aid grants (NJS 18A:71–41 et seq.) | ( 870,000) |
| County college graduate scholarships | ( 45,000) |
| Public tuition aid grants | ( 305,000) |
| Tuition aid grants (NJS 18A:71–42 et seq.) | ( 21,054,000) |
| Garden State scholarships | ( 2,600,000) |
| Graduate fellowships | ( 200,000) |
| Educational opportunity fund board expenses | ( 2,500) |
| Additions and Improvements | ( 37,107) |

The unexpended balances as of June 30, 1979 in the extraordinary accounts, excluding the New Jersey Educational Opportunity Fund and Scholarships, Grants and Loans accounts are hereby appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $50,000 in the Aid to Independent Colleges and Universities account is hereby available for administrative expenses.

The unexpended balances as of June 30, 1979 in the New Jersey Educational Opportunity Fund and Scholarships, Grants and Loans accounts, not to exceed $2,000,000, are hereby appropriated to the Tuition aid grants (NJS 18A:71–42 et seq.) account.

The unexpended balances as of June 30, 1979 and other income from the Federal loan collection reimbursement program, are hereby appropriated.

Of the amount provided hereinabove for Tuition aid grants (NJS 18A:71–42 et seq.), an amount of $1,000,000 shall be used to increase grants for and extend eligibility to moderate and middle income students.

Of the amount provided hereinabove for Tuition aid grants (NJS 18A:71–42 et seq.), an amount of $1,000,000 shall be used for veterans' education benefits (NJS 18A:71–64 et seq.).

Of the amount provided hereinabove for tuition aid grants (NJS 18A:71–42 et seq.) and the amount which the Department of Higher Education receives from the Federal government for State student incentive grants, an amount not to exceed $1,000,000 may be used for the purpose of increasing grants available to eligible students in New Jersey independent colleges; provided further, however, that notwithstanding NJS 18A:71–47b the maximum grant level shall be $1,200.

*33000. Higher Education*

*State Colleges Programs*

*545. Thomas A. Edison College of New Jersey*

| | | |
|---|---|---|
| 33970. Institutional Support | | $1,278,039 |
| Total Appropriation | | $1,278,039 |
| Personal Services: | | |
| Salaries and wages | ($570,033) | |
| New positions | (44,000) | |
| Positions established from appropriated revenue | (396,567) | |
| Materials and Supplies | (63,500) | |
| Services Other Than Personal | (128,939) | |
| Maintenance of Property: | | |
| Recurring | (3,000) | |

Extraordinary:
Statewide information network ....( 60,000)
Additions and Improvements .....( 12,000)

The receipts from special services income, are hereby appropriated.

*550. Glassboro State College*

| | | |
|---|---|---|
| 33110. | Instruction | $10,284,814 |
| 33120. | Sponsored Research and Other Sponsored Programs | 75,000 |
| 33130. | Extension and Public Service | 395,000 |
| 33950. | Academic Support | 966,417 |
| 33960. | Student Services | 1,743,815 |
| 33970. | Institutional Support | 2,262,131 |
| 33980. | Physical Plant | 3,073,739 |
| | Total Appropriation | $18,800,916 |

Personal Services:
Salaries and wages .....($14,012,660)
Student aides .....( 200,000)
Materials and Supplies .....( 1,706,227)
Services Other Than Personal .....( 1,223,250)

Maintenance of Property:
Recurring .....( 206,739)
Non-recurring and replacements ...( 226,384)

Extraordinary:
Academic development .....( 231,000)
Separately budgeted research .....( 75,000)
Camden urban center .....( 395,000)
National direct student loan program (State share) .....( 60,111)
College work-study program (State share) .....( 175,292)
Compensation awards .....( 20,000)
Additions and Improvements .....( 269,253)

*551. Jersey City State College*

| | | |
|---|---|---|
| 33110. | Instruction | $9,673,763 |
| 33120. | Sponsored Research and Other Sponsored Programs | 75,000 |
| 33950. | Academic Support | 780,477 |
| 33960. | Student Services | 1,322,577 |
| 33970. | Institutional Support | 1,954,584 |
| 33980. | Physical Plant | 2,614,591 |
| | Total Appropriation | $16,420,992 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ($11,681,761) |
| Student aides | ( 190,000) |
| Materials and Supplies | ( 1,583,938) |
| Services Other Than Personal | ( 783,143) |
| Maintenance of Property: | |
| Recurring | ( 262,000) |
| Non-recurring and replacements | ( 246,000) |
| Extraordinary: | |
| Academic development | ( 218,000) |
| A. Harry Moore Laboratory School | ( 845,000) |
| Separately budgeted research | ( 75,000) |
| National direct student loan program (State share) | ( 35,000) |
| College work-study program (State share) | ( 140,000) |
| Compensation awards | ( 30,000) |
| Additions and Improvements | ( 331,150) |

The unexpended balances, as of June 30, 1979 and all tuition and other receipts from the operation of the A. Harry Moore Laboratory School of Jersey City State College, are hereby appropriated for operating expenses of the School.

*552. Kean College of New Jersey*

| | | |
|---|---|---|
| 33110. | Instruction | $10,663,956 |
| 33120. | Sponsored Research and Other Sponsored Programs | 75,000 |

| | | |
|---|---|---|
| 33950. | Academic Support | 1,402,417 |
| 33960. | Student Services | 1,835,669 |
| 33970. | Institutional Support | 2,735,963 |
| 33980. | Physical Plant | 3,215,771 |
| | Total Appropriation | $19,928,776 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ($14,858,360) | |
| Student aides | ( 200,000) | |
| Materials and Supplies | ( 2,135,832) | |
| Services Other Than Personal | ( 1,058,546) | |
| Maintenance of Property: | | |
| Recurring | ( 252,800) | |
| Non-recurring and replacements | ( 277,429) | |
| Extraordinary: | | |
| Academic development | ( 321,000) | |
| Separately budgeted research | ( 75,000) | |
| National direct student loan program (State share) | ( 24,000) | |
| College work-study program (State share) | ( 71,000) | |
| Compensation awards | ( 40,000) | |
| Additions and Improvements | ( 614,809) | |

*553. The William Paterson College of New Jersey*

| | | |
|---|---|---|
| 33110. | Instruction | $11,850,824 |
| 33120. | Sponsored Research and Other Sponsored Programs | 75,000 |
| 33950. | Academic Support | 1,042,212 |
| 33960. | Student Services | 1,717,262 |
| 33970. | Institutional Support | 2,333,595 |
| 33980. | Physical Plant | 4,359,107 |
| | Total Appropriation | $21,378,000 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ($15,862,456) | |
| Student aides | ( 300,000) | |
| Materials and Supplies | ( 2,223,235) | |
| Services Other Than Personal | ( 994,452) | |

| | | |
|---|---|---|
| Maintenance of Property: | | |
| Recurring | ( | 517,000) |
| Non-recurring and replacements | ( | 235,145) |
| Extraordinary: | | |
| Academic development | ( | 347,000) |
| Separately budgeted research | ( | 75,000) |
| National direct student loan program (State share) | ( | 3,600) |
| College work-study program (State share) | ( | 71,500) |
| Compensation awards | ( | 5,017) |
| Additions and Improvements | ( | 743,595) |

*554. Montclair State College*

| | | |
|---|---|---|
| 33110. | Instruction | $13,366,031 |
| 33120. | Sponsored Research and Other Sponsored Programs | 75,000 |
| 33130. | Extension and Public Service | 380,000 |
| 33950. | Academic Support | 1,428,599 |
| 33960. | Student Services | 2,219,866 |
| 33970. | Institutional Support | 2,748,083 |
| 33980. | Physical Plant | 4,212,350 |
| | Total Appropriation | $24,429,929 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ($18,017,932) | |
| Student aides | ( | 374,500) |
| New positions | ( | 58,022) |
| Materials and Supplies | ( | 2,254,990) |
| Services Other Than Personal | ( | 1,215,817) |
| Maintenance of Property: | | |
| Recurring | ( | 303,800) |
| Non-recurring and replacements | ( | 602,933) |
| Extraordinary: | | |
| Academic development | ( | 379,000) |
| Separately budgeted research | ( | 75,000) |
| New Jersey School of Conservation | ( | 380,000) |
| National direct student loan program (State share) | ( | 27,166) |

| | |
|---|---|
| College work-study program (State share) | ( 76,235) |
| Compensation awards | ( 40,000) |
| Additions and Improvements | ( 624,534) |

Of the amount hereinabove in the New Jersey State School of Conservation account, the sum of $380,000 shall be payable out of receipts derived from the operation of the School, and receipts in excess of the amount hereinabove, and the unexpended balance of such receipts as of June 30, 1979 are hereby appropriated.

*555. Trenton State College*

| | | |
|---|---|---|
| 33110. | Instruction | $10,864,493 |
| 33120. | Sponsored Research and Other Sponsored Programs | 75,000 |
| 33950. | Academic Support | 1,107,482 |
| 33960. | Student Services | 1,875,962 |
| 33970. | Institutional Support | 2,044,874 |
| 33980. | Physical Plant | 3,913,744 |
| | Total Appropriation | $19,881,555 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ($14,811,113) |
| Student aides | ( 250,000) |
| Materials and Supplies | ( 1,903,150) |
| Services Other Than Personal | ( 978,380) |
| Maintenance of Property: | |
| Recurring | ( 454,292) |
| Non-recurring and replacements | ( 238,411) |
| Extraordinary: | |
| Academic development | ( 250,000) |
| Demonstration school services | ( 144,000) |
| Separately budgeted research | ( 75,000) |
| National direct student loan program (State share) | ( 65,500) |
| College work-study program (State share) | ( 31,000) |

| | | |
|---|---|---|
| Nursing loan and scholarship program | ( | 7,200) |
| Compensation awards | ( | 50,000) |
| Additions and Improvements | ( | 623,509) |

*556. Ramapo State College of New Jersey*

| | | |
|---|---|---|
| 33110. | Instruction | $3,995,305 |
| 33120. | Sponsored Research and Other Sponsored Programs | 75,000 |
| 33950. | Academic Support | 646,641 |
| 33960. | Student Services | 867,014 |
| 33970. | Institutional Support | 1,556,014 |
| 33980. | Physical Plant | 2,246,026 |
| | Total Appropriation | $9,386,000 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $6,947,313) |
| Student aides | ( | 150,000) |
| New positions | ( | 29,011) |
| Materials and Supplies | ( | 1,055,614) |
| Services Other Than Personal | ( | 498,117) |
| Maintenance of Property: | | |
| Recurring | ( | 323,020) |
| Non-recurring and replacements | ( | 53,725) |
| Extraordinary: | | |
| Academic development | ( | 124,000) |
| Separately budgeted research | ( | 75,000) |
| National direct student loan program (State share) | ( | 18,000) |
| College work-study program (State share) | ( | 50,000) |
| Compensation awards | ( | 3,000) |
| Additions and Improvements | ( | 59,200) |

*557. Richard Stockton State College*

| | | |
|---|---|---|
| 33110. | Instruction | $4,581,722 |
| 33120. | Sponsored Research and Other Sponsored Programs | 75,000 |
| 33950. | Academic Support | 1,034,828 |

| | | |
|---|---|---|
| 33960. | Student Services | 786,737 |
| 33970. | Institutional Support | 1,471,618 |
| 33980. | Physical Plant | 2,141,460 |
| | Total Appropriation | $10,091,365 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $7,144,458) |
| Student aides | ( 155,000) |
| New positions | ( 53,571) |
| Materials and Supplies | ( 1,285,602) |
| Services Other Than Personal | ( 558,897) |
| Maintenance of Property: | |
| Recurring | ( 153,400) |
| Non-recurring and replacements | ( 153,038) |
| Extraordinary: | |
| Academic development | ( 155,000) |
| Separately budgeted research | ( 75,000) |
| National direct student loan program (State share) | ( 14,500) |
| College work-study program (State share) | ( 39,400) |
| Compensation awards | ( 19,000) |
| Additions and Improvements | ( 284,499) |

*State Colleges Programs**

Receipts in excess of those anticipated from regular tuition are hereby appropriated, subject to approval by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Expenditure plans for the amounts hereinabove to each State college for Academic development shall be subject to prior approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

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, 1979, of such receipts, are hereby appropriated.

Receipts from the operation of Auxiliary services in excess of those pledged for the payment of principal and interest on bonds of this State, and the unexpended balances as of June 30, 1979 of such receipts, are hereby appropriated (NJS 18A:64–18).

The amounts hereinabove to the various State colleges for Student aides shall constitute the appropriation to carry out the provisions of NJS 18A:64–17; provided, however, that payment for the value of work performed by students be in cash in lieu of being credited toward the payment of student charges for tuition, room and board.

The unexpended balances as of June 30, 1979 in the Student service charges and Parking fees accounts, and receipts derived therefrom, are hereby appropriated.

Notwithstanding the provisions of NJS 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.

From the unexpended balances as of June 30, 1979 in the academic development accounts at all State colleges, an amount of $400,000 shall be used to establish pilot projects in the cities of Trenton, Jersey City, Newark, Camden and New Brunswick for the purpose of aiding secondary school staff in the development of students' academic skills.

The unexpended balances as of June 30, 1979, not to exceed $350,000, in the academic development accounts at all State colleges are hereby appropriated to the Department's administration program element for reallocation to the State colleges, in accordance with a plan developed by the Chancellor of Higher Education and approved by the Director of the Division of Budget and Accounting.

The appropriation to the New Jersey State colleges shall be reduced by the difference between the amount anticipated and the amount actually received as revenue from a tuition increase.

Any transfer of appropriation from the Physical plant program element to any other purpose shall be subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

With respect to the transfer of funds between items of appropriation, as provided by law, the program element accounts shall be deemed to be the primary expenditure accounts (NJS 18A:64–6f).

*Rutgers, The State University*

*570. General University*

| | | | |
|---|---|---|---|
| 33110. | Instruction | | $72,822,771 |
| 33120. | Sponsored Research and Other Sponsored Programs | | 3,407,211 |
| 33130. | Extension and Public Service | | 1,410,786 |
| 33140. | Self Sustaining | | 3,433,883 |
| 33950. | Academic Support | | 7,580,488 |
| 33960. | Student Support | | 13,436,810 |
| 33970. | Institutional Support | | 19,689,911 |
| 33980. | Physical Plant | | 26,615,343 |
| | Sub-Total, General Operations | | $148,397,203 |
| | Special Funds expense | | 30,700,000 |
| | Auxiliary Services | | 31,915,229 |
| | Total All Operations | | $211,012,432 |
| *Less:* | | | |
| | *General services income* | *$43,799,407* | |
| | *Receipts from tuition increase* | *2,969,335* | |
| | *Special funds income* | *30,700,000* | |
| | *Auxiliary services income* | *31,915,229* | |
| | *Total Income Deductions* | | *109,383,971* |
| | Appropriation, Exclusive of Land Grant Interest | ($101,622,661) | |
| | Land Grant Interest | ( 5,800) | |
| | Sub-Total Appropriation | | $101,628,461 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ($111,410,605) |
| Student aides | ( 800,000) |
| Materials and Supplies | ( 13,760,072) |
| Services Other Than Personal | ( 11,751,361) |
| Maintenance of Property: | |
| Recurring | ( 1,948,532) |
| Non-recurring and replacements | ( 1,485,000) |
| Extraordinary: | |
| Research grants | ( 300,000) |
| Guidance of public employees in employee-management relationships (C34:13A) | ( 50,000) |
| Graduate and law school fellowships | ( 70,000) |
| Student aid | ( 3,125,601) |
| College work-study program (State share) | ( 350,000) |
| Board of Trustees | ( 8,391) |
| Retirement allowances | ( 650,000) |
| Major renovations | ( 100,000) |
| Bad debt expense | ( 130,000) |
| Special projects | ( 1,500,000) |
| Additions and Improvements | ( 957,641) |
| Special Funds expense | ( 30,700,000) |
| Auxiliary Services | ( 31,915,229) |
| *Less:* | |
| *General services income* | *( 43,799,407)* |
| *Receipts from tuition increase* | *( 2,969,335)* |
| *Special funds income* | *( 30,700,000)* |
| *Auxiliary services income* | *( 31,915,229)* |

Actual full-time and part-time enrollment, exclusive of enrollment in extension and public service program, shall not exceed 38,500 full-time equivalent (FTE) students at Rutgers University. In the event that actual enrollments should exceed this level, the amount hereinabove for Rutgers, The State University, shall be reduced by a sum equal to the tuition and fee receipts collected by the University in excess of 2% above the

tuition and fee receipts collected from 38,500 FTE students; any such adjustment to occur in the last quarter of this fiscal year.

Of the amount hereinabove for Rutgers, The State University, a sum be used for the adequate operation after 6:00 p.m. of Evening Law schools at the Newark and Camden campuses, subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Of the amount hereinabove for Rutgers, The State University, an adequate sum shall be used to continue and develop the Graduate social work program at the Camden campus in fiscal year 1979-80.

Of the amount hereinabove for Rutgers, The State University, an amount not less than $100,000, shall be allocated for the Office of Newark/ Metropolitan studies.

Of the amount provided hereinabove for Rutgers, The State University, an amount of $50,000 shall be used to establish a Forum on policy research and public service at the Rutgers Camden Campus.

Not more than $150,000 may be expended for legal fees without the prior approval of the Attorney General.

Any transfer from Physical plant 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.

*572. Agricultural Experiment Station*

| | |
|---|---|
| 33120. Research | $5,530,371* |
| 33130. Extension and Public Service | 3,307,629* |
| Sub-Total, General Operations | $9,138,000 |
| Federal research and extension funds expense | 3,038,615 |
| Special Funds expense | 2,300,000 |
| Total All Operations | $14,476,615 |

| | | |
|---|---|---|
| *Less:* | | |
| *General services income* | *$35,000* | |
| *Federal research and extension funds income* | *3,038,615* | |
| *Special funds income* | *2,300,000* | |
| *Total Income Deductions* | | *5,373,615* |
| Sub-Total Appropriation | | $8,803,000* |
| Personal Services: | | |
| Salaries and wages | ( $8,332,601) | |
| Student aides | ( 63,400) | |
| Materials and Supplies | ( 260,271) | |
| Services Other Than Personal | ( 304,928) | |
| Maintenance of Property: | | |
| Recurring | ( 52,880) | |
| Non-recurring and replacements | ( 40,600) | |
| Additions and Improvements | ( 83,320) | |
| Federal research and extension funds | ( 3,038,615) | |
| Special funds expense | ( 2,300,000) | |
| *Less:* | | |
| *General services income* | *( 35,000)* | |
| *Federal research and extension funds income* | *( 3,038,615)* | |
| *Special funds income* | *( 2,300,000)* | |
| Total Appropriation, Rutgers, The State University | | $110,731,461 |

*573. College of Medicine and Dentistry of New Jersey*

*573-100. Central Administration*

| | | |
|---|---|---|
| 33120. Organized Research | | $150,000 |
| 33970. Institutional Support | | 2,062,162 |
| Total, All Operations | | $2,212,162 |
| *Less:* | | |
| *Special services income* | *$150,000* | |
| *Total Income Deductions* | | *150,000* |
| Sub-Total Appropriation | | $2,062,162 |

*573-101. New Jersey Medical School, Newark*

| | | | |
|---|---|---|---|
| 33110. | Instruction | | $10,727,010 |
| 33120. | Organized Research | | 7,986,560 |
| 33240. | Auxiliary Services | | 445,873 |
| 33950. | Academic Support | | 499,003 |
| 33960. | Student Services | | 89,376 |
| 33970. | Institutional Support | | 2,272,033 |
| | Total, All Operations | | $22,019,855 |
| *Less:* | | | |
| | *General services income* | *$3,719,735* | |
| | *Special services income* | *7,986,560* | |
| | *Auxiliary services income* | *445,873* | |
| | *Total Income Deductions* | | *12,152,168* |
| | Sub-Total Appropriation | | $9,867,687 |

*573-102. Rutgers Medical School, Piscataway*

| | | | |
|---|---|---|---|
| 33110. | Instruction | | $10,838,785 |
| 33120. | Organized Research | | 4,924,761 |
| 33240. | Auxiliary Services | | 133,953 |
| 33950. | Academic Support | | 155,593 |
| 33960. | Student Services | | 259,716 |
| 33970. | Institutional Support | | 1,971,185 |
| | Total, All Operations | | $18,283,993 |
| *Less:* | | | |
| | *General services income* | *$2,666,614* | |
| | *Special services income* | *4,924,761* | |
| | *Auxiliary services income* | *133,953* | |
| | *Total Income Deductions* | | *7,725,328* |
| | Sub-Total Appropriation | | $10,558,665 |

*573-103. Collegewide Programs*

| | | | |
|---|---|---|---|
| 33110. | Instruction | | $1,156,863 |
| 33960. | Student Services | | 356,444 |
| 33970. | Institutional Support | | 3,005,716 |
| | Total, All Operations | | $4,519,023 |
| *Less:* | | | |
| | *General services income* | *$339,683* | |
| | *Total Income Deductions* | | *339,683* |
| | Sub-Total Appropriation | | $4,179,340 |

*573-104. New Jersey Dental School, Newark*

| | | | |
|---|---|---|---|
| 33110. | Instruction | | $5,631,024 |
| 33120. | Organized Research | | 264,871 |
| 33950. | Academic Support | | 116,470 |
| 33960. | Student Services | | 21,400 |
| | Total, All Operations | | $6,033,765 |
| *Less:* | | | |
| | *General services income* | *$1,640,714* | |
| | *Special services income* | *264,871* | |
| | *Total Income Deductions* | | *1,905,585* |
| | Sub-Total Appropriation | | $4,128,180 |

*573-105. College Hospital*

| | | | |
|---|---|---|---|
| 33130. | Extension and Public Service | | |
| | Nursing Service | $15,319,854 | |
| | Outpatient Service | 3,847,420 | |
| | Other Professional Service | 18,639,354 | |
| | General Service | 3,002,499 | |
| | Research | 1,060,000 | |
| | Administration | 6,515,816 | |
| | Total, All Operations | | $48,384,937 |

| | | |
|---|---|---|
| *Less:* | | |
| *Hospital services income* | *$37,239,701* | |
| *Special services income* | *1,060,000* | |
| *Total Income Deductions* | | *38,299,701* |
| Sub-Total Appropriation | | $10,085,236 |

*573-106. Raritan Valley Hospital*

| | | | |
|---|---|---|---|
| 33130. | Extension and Public Service | | |
| | Nursing Service | $2,065,675 | |
| | Outpatient Service | 896,471 | |
| | Other Professional Service | 3,659,765 | |
| | General Service | 1,302,828 | |
| | Administration | 1,406,981 | |
| | Total, All Operations | | $9,331,720 |
| *Less:* | | | |
| *Hospital services income* | | *$9,331,720* | |
| *Total Income Deductions* | | | *9,331,720* |
| Sub-Total Appropriation | | | 0 |

*573-107. Graduate School of Bio-Medical Sciences*

| | | | |
|---|---|---|---|
| 33110. | Instruction | | $542,931 |
| 33120. | Organized Research | | 20,000 |
| 33960. | Student Services | | 43,410 |
| | Total, All Operations | | $606,341 |
| *Less:* | | | |
| *General services income* | | *$138,880* | |
| *Special services income* | | *20,000* | |
| *Total Income Deductions* | | | *158,880* |
| Sub-Total Appropriation | | | $447,461 |

*573-108. Rutgers Medical School, South Jersey*

| | | | |
|---|---|---|---|
| 33110. | Instruction | | $990,151 |
| 33970. | Institutional Support | | 171,813 |
| | Total, All Operations | | $1,161,964 |
| *Less:* | | | |
| | *General services income* | *$116,856* | |
| | *Total Income Deductions* | | *116,856* |
| | Sub-Total Appropriation | | $1,045,108 |

*573-109. School of Allied Health Professions*

| | | | |
|---|---|---|---|
| 33110. | Instruction | | $1,143,848 |
| 33970. | Institutional Support | | 97,232 |
| | Total, All Operations | | $1,241,080 |
| *Less:* | | | |
| | *General services income* | *$140,191* | |
| | *Special services income* | *97,232* | |
| | *Total Income Deductions* | | *237,423* |
| | Sub-Total Appropriation | | $1,003,657 |

*573-110. New Jersey School of Osteopathic Medicine*

| | | | |
|---|---|---|---|
| 33110. | Instruction | | $2,404,044 |
| 33120. | Organized Research | | 315,000 |
| 33950. | Academic Support | | 17,728 |
| 33960. | Student Services | | 78,690 |
| 33970. | Institutional Support | | 519,831 |
| | Total, All Operations | | $3,335,293 |
| *Less:* | | | |
| | *General services income* | *$690,936* | |
| | *Special services income* | *315,000* | |
| | *Total Income Deductions* | | *1,005,936* |
| | Sub-Total Appropriation | | $2,329,357 |

*573-111. Newark Community Mental Health Center*

| | | | |
|---|---|---|---|
| 33130. | Extension and Public Service | | |
| | Inpatient Service | $574,066 | |
| | Outpatient Service | 1,108,452 | |
| | General Service | 20,137 | |
| | Administration | 883,065 | |
| | Total, All Operations | | $2,585,720 |
| *Less:* | | | |
| | *Patient service income* | *$402,358* | |
| | *Department of Human Services* | *2,183,362* | |
| | *Total Income Deductions* | | *2,585,720* |
| | Sub-Total Appropriation | | 0 |

*573-112. Rutgers Community Mental Health Center*

| | | | |
|---|---|---|---|
| 33130. | Extension and Public Service | | |
| | Inpatient Service | $1,603,030 | |
| | Outpatient Service | 2,439,577 | |
| | General Service | 264,861 | |
| | Administration | 1,120,762 | |
| | Total, All Operations | | $5,428,230 |
| *Less:* | | | |
| | *Patient service income* | *$1,206,000* | |
| | *Federal staffing grant* | *353,914* | |
| | *Department of Human Services* | *3,868,316* | |
| | *Total Income Deductions* | | *5,428,230* |
| | Sub-Total Appropriation | | 0 |

*573-113. Physical Plant*

| | | |
|---|---|---|
| 33970. | Institutional Support | |
| | New Jersey Medical School | $5,513,029 |
| | Rutgers Medical School | 1,548,194 |
| | New Jersey Dental School | 1,149,181 |
| | School of Allied Health Professions | 125,807 |

| | |
|---|---|
| College Hospital | 7,734,887 |
| Raritan Valley Hospital | 946,660 |
| Sub-Total Appropriation | $17,017,758 |
| Total Appropriation, College of Medicine and Dentistry of New Jersey | $62,724,611 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ($81,803,180) |
| New positions | ( 3,174,734) |
| Materials and Supplies | ( 19,073,678) |
| Services Other Than Personal | ( 10,529,083) |
| Maintenance of Property: | |
| Recurring | ( 1,389,789) |
| Extraordinary: | |
| Board of Trustees planning fund | ( 8,560) |
| Student aid | ( 403,882) |
| Research under contract with the Institute of Medical Research, Camden | ( 390,000) |
| Capitation replacement fund | ( 750,000) |
| Pension and Workers' Compensation | ( 750,647) |
| Additions and Improvements | ( 476,088) |
| Special funds expense | ( 14,818,424) |
| Auxiliary fund expense | ( 579,826) |
| Rutgers Community Mental Health Center | ( 5,428,230) |
| Newark Community Mental Health Center | ( 2,585,720) |
| *Less:* | |
| *General services income* | *( 9,453,609)* |
| *Special services income* | *( 14,818,424)* |
| *Auxiliary services income* | *( 579,826)* |
| *Hospital services income* | *( 46,571,421)* |
| *Rutgers Community Mental Health Center* | *( 5,428,230)* |
| *Newark Community Mental Health Center* | *( 2,585,720)* |

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 hereby appropriated therefrom for service improvements during fiscal year 1979-80 and the subsequent fiscal year in the several component units of the College 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.

With respect to the portion of such excess income arising from participation in the Demonstration Project approved under the provisions of Section 115 of Title XIX of the Federal Social Security Act for the City of Newark, all such income in excess of the additional costs resulting from the increased services required to be provided under the terms of the College's provider contract with the New Jersey Health Services Corporation shall be deposited in the General Fund as unappropriated revenue.

The College of Medicine and Dentistry of New Jersey is hereby authorized to operate its continuing medical-dental education program as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, shall be retained for such fund.

The amount provided hereinabove as replacement capitation fund shall be reduced, as the Director of the Division of Budget and Accounting shall determine, by the amount of Federal funds made available for such program.

*574. New Jersey Institute of Technology*

| | | |
|---|---|---|
| 33110. | Instruction | $9,951,427 |
| 33120. | Sponsored Research and Other Sponsored Programs | 400,000 |
| 33130. | Extension and Public Service | 220,000 |

| | | |
|---|---|---|
| 33240. | Auxiliary Services | 1,250,000 |
| 33950. | Academic Support | 1,886,118 |
| 33960. | Student Services | 1,294,029 |
| 33970. | Institutional Support | 3,379,806 |
| 33980. | Physical Plant | 2,572,408 |
| | Total, All Operations | $20,953,788 |
| *Less:* | | |
| | *General services income* | *$4,400,000* |
| | *Receipts from tuition increase* | *313,398* |
| | *Auxiliary services income* | *1,250,000* |
| | *Total Income Deductions* | *5,963,398* |
| | Total Appropriation | $14,990,390 |
| Personal Services: | | |
| | Salaries and wages | ($12,473,954) |
| | Student aides | ( 200,000) |
| | New positions | ( 29,622) |
| Materials and Supplies | | ( 1,645,023) |
| Services Other Than Personal | | ( 1,724,603) |
| Maintenance of Property: | | |
| | Recurring | ( 212,792) |
| | Non-recurring and replacements | ( 219,494) |
| Extraordinary: | | |
| | Academic development | ( 433,300) |
| | Research | ( 300,000) |
| | Computers | ( 200,000) |
| | Scholarships, grants, fellowships | ( 130,000) |
| | Board of Governors | ( 20,000) |
| | Fringe benefits | ( 925,425) |
| | Retirement allowances | ( 424,575) |
| Additions and Improvements | | ( 765,000) |
| Auxiliary Fund expenses | | ( 1,250,000) |
| *Less:* | | |
| | *General services income* | *( 4,400,000)* |
| | *Receipts from tuition increase* | *( 313,398)* |
| | *Auxiliary services income* | *( 1,250,000)* |

Actual full-time and part-time enrollments, exclusive of enrollment in extension and public service programs, shall not exceed 4,206 full-time equivalent (FTE) students at the New Jersey Institute of Technology. In the event that actual enrollments should exceed this level, the amount hereinabove for New Jersey Institute of Technology shall be reduced by a sum equal to the tuition and fees collected by the Institute in excess of 2% above the tuition and fees collected from 4,206 FTE students; any such adjustment to occur in the last quarter of the fiscal year.

The appropriation 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 (NJS 18A:3–14q).

Any transfer from physical plant 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.

| | |
|---|---|
| Total Appropriation, Department of Higher Education | $390,182,672* |

Notwithstanding the provision of NJSA 52:34–6, the amounts hereinabove for the Department of Higher Education may be expended for the purchase of contract services from the New Jersey Education Computing Network (NJECN), as if it were a State government agency (NJSA 52:34–10a).

All expenditures for data processing services, equipment and software from sources other than the New Jersey Education Computing Network (NJECN) 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 below first shall be charged to the State Lottery Fund:

| | |
|---|---|
| Aid to independent colleges and universities | ( $8,870,000) |
| Schools of professional nursing | ( 1,500,000) |
| Dental school aid | ( 2,975,000) |

DEPARTMENT OF HUMAN SERVICES

*Mental Retardation*

*25100. Residential Functional Services*

*762. Vineland State School*

| | | |
|---|---|---|
| 25110. | Resident Care and Habilitation | $8,795,177 |
| 25130. | Health Services | 2,703,463 |
| 25140. | Education and Training | 720,683 |
| 25190. | Institutional Administration and Support Services | 5,963,538 |
| | Total Appropriation | $18,182,861 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ($14,562,092) | |
| Food in lieu of cash | ( 22,479) | |
| Materials and Supplies | ( 2,724,247) | |
| Services Other Than Personal | ( 361,694) | |
| Maintenance of Property: | | |
| Recurring | ( 80,529) | |
| Non-recurring and replacements | ( 100,500) | |
| Extraordinary: | | |
| Supplemental educational and/or training activities | ( 304,320) | |
| Computerized menu planning | ( 27,000) | |

*763. North Jersey Training School at Totowa*

| | | | |
|---|---|---|---|
| 25110. | Resident Care and Habilitation | | $3,972,219 |
| 25130. | Health Services | | 1,536,253 |
| 25140. | Education and Training | | 654,110 |
| 25190. | Institutional Administration and Support Services | | 3,220,280 |
| | Total Appropriation | | $9,382,862 |
| | Personal Services: | | |
| | Salaries and wages | ( $7,341,630) | |
| | Food in lieu of cash | ( 14,092) | |
| | Materials and Supplies | ( 1,276,605) | |
| | Services Other Than Personal | ( 227,008) | |
| | Maintenance of Property: | | |
| | Recurring | ( 63,185) | |
| | Non-recurring and replacements | ( 57,910) | |
| | Extraordinary: | | |
| | Supplemental educational and/or training activities | ( 363,932) | |
| | Additions and Improvements | ( 38,500) | |

*764. Woodbine State School*

| | | | |
|---|---|---|---|
| 25110. | Resident Care and Habilitation | | $5,541,966 |
| 25130. | Health Services | | 1,285,113 |
| 25140. | Education and Training | | 457,863 |
| 25190. | Institutional Administration and Support Services | | 3,265,456 |
| | Total Appropriation | | $10,550,398 |
| | Personal Services: | | |
| | Salaries and wages | ( $8,716,776) | |
| | Food in lieu of cash | ( 24,965) | |
| | Materials and Supplies | ( 1,405,407) | |
| | Services Other Than Personal | ( 79,056) | |
| | Maintenance of Property: | | |
| | Recurring | ( 67,195) | |
| | Extraordinary: | | |
| | Supplemental educational and/or training activities | ( 256,999) | |

*765. New Lisbon State School*

| | | |
|---|---|---|
| 25110. | Resident Care and Habilitation | $4,451,051 |
| 25130. | Health Services | 932,232 |
| 25140. | Education and Training | 647,934 |
| 25190. | Institutional Administration and Support Services | 3,300,836 |
| | Total Appropriation | $9,332,053 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $7,293,981) |
| Food in lieu of cash | ( | 11,370) |
| Materials and Supplies | ( | 1,618,981) |
| Services Other Than Personal | ( | 206,275) |
| Maintenance of Property: | | |
| Recurring | ( | 62,300) |
| Extraordinary: | | |
| Supplemental educational and/or training activities | ( | 124,146) |
| Computerized menu planning | ( | 15,000) |

*766. Woodbridge State School*

| | | |
|---|---|---|
| 25110. | Resident Care and Habilitation | $5,496,439 |
| 25130. | Health Services | 2,083,357 |
| 25140. | Education and Training | 775,488 |
| 25190. | Institutional Administration and Support Services | 3,141,000 |
| | Total Appropriation | $11,496,284 |

| | | |
|---|---|---|
| Materials and Supplies | ( | 1,586,564) |
| Personal Services: | | |
| Salaries and wages | ( | $9,070,737) |
| Food in lieu of cash | ( | 8,100) |
| Services Other Than Personal | ( | 258,746) |
| Maintenance of Property: | | |
| Recurring | ( | 62,784) |
| Extraordinary: | | |
| Supplemental educational and/or training activities | ( | 509,353) |

*767. Hunterdon State School*

| | | |
|---|---|---|
| 25110. | Resident Care and Habilitation | $5,604,931 |
| 25130. | Health Services | 2,197,572 |
| 25140. | Education and Training | 905,597 |
| 25190. | Institutional Administration and Support Services | 3,957,410 |
| | Total Appropriation | $12,665,510 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( $9,673,717) | |
| Food in lieu of cash | ( 810) | |
| Materials and Supplies | ( 1,782,781) | |
| Services Other Than Personal | ( 418,003) | |
| Maintenance of Property: | | |
| Recurring | ( 78,173) | |
| Extraordinary: | | |
| Supplemental educational and/or training activities | ( 712,026) | |

*768. Edward R. Johnstone Training and Research Center*

| | | |
|---|---|---|
| 25110. | Resident Care and Habilitation | $1,788,276 |
| 25130. | Health Services | 370,199 |
| 25140. | Education and Training | 809,214 |
| 25150. | Research | 178,710 |
| 25190. | Institutional Administration and Support Services | 1,826,483 |
| | Total Appropriation | $4,972,882 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( $4,182,350) | |
| Food in lieu of cash | ( 11,336) | |
| Materials and Supplies | ( 550,482) | |
| Services Other Than Personal | ( 85,587) | |
| Maintenance of Property: | | |
| Recurring | ( 57,027) | |
| Non-recurring and replacements | ( 33,400) | |
| Extraordinary: | | |
| Computerized menu planning | ( 27,000) | |
| Additions and improvements | ( 25,700) | |

*769. New Jersey Neuropsychiatric Institute*

| | | |
|---|---|---|
| 25110. | Resident Care and Habilitation | $4,045,654 |
| 25130. | Health Services | 1,618,028 |
| 25140. | Education and Training | 301,682 |
| 25190. | Institutional Administration and Support Services | 3,184,558 |
| | Total Appropriation | $9,149,922 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $7,248,010) |
| Food in lieu of cash | ( | 12,777) |
| Materials and Supplies | ( | 1,291,869) |
| Services Other Than Personal | ( | 281,589) |
| Maintenance of Property: | | |
| Recurring | ( | 85,944) |
| Non-recurring and replacements | ( | 112,181) |
| Extraordinary: | | |
| Supplemental educational and/or training activities | ( | 90,552) |
| Computerized menu planning | ( | 27,000) |

*25200. Other Agency Services*

*760. Division of Mental Retardation*

| | | |
|---|---|---|
| 25210. | Purchased Residential Care | $6,881,794 |
| 25220. | Social Supervision and Consultation | 1,351,985 |
| 25230. | Adult Activities | 1,757,413 |
| 25240. | Education and Day Training | 6,891,985 |
| 25290. | Management and General Support | 2,530,994 |
| | Total Appropriation | $19,414,171 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $4,547,070) |
| Materials and Supplies | ( | 564,795) |
| Services Other Than Personal | ( | 1,147,585) |
| Maintenance of Property: | | |
| Recurring | ( | 72,680) |

| | |
|---|---|
| Extraordinary: | |
| Family care | ( 210,105) |
| Purchase of residential care | ( 5,960,333) |
| Skill development homes | ( 529,999) |
| Homemaker services (State share) | ( 134,619) |
| Adult activities | ( 242,739) |
| Supplemental educational and/or training services for those mentally retarded eligible for day training and/or residents of State institutions | ( 1,978,941) |
| Purchase of day training services | ( 913,719) |
| Foster grandparents program | ( 249,099) |
| Developmental disabilities services | ( 228,959) |
| Social services (State share) | ( 1,245,462) |
| Patient employees | ( 317,999) |
| Dental program for non-institutionalized mentally retarded and handicapped children | ( 102,999) |
| Child study teams | ( 320,800) |
| Compensation awards | ( 640,440) |
| Additions and Improvements | ( 5,828) |

The sum hereinabove for Purchase of residential care shall be available for the payment of obligations applicable to prior fiscal years.

None of the funds for Developmental disability services shall be expended without non-State matching funds.

The unexpended balance as of June 30, 1979 in the Reserve for State's liability for education of children in out-of-State placements account is hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1979 in the Foster grandparents program account is hereby appropriated for the same purpose.

The Division of Mental Retardation is hereby authorized to transfer funds from the Dental program for non-institutionalized mentally retarded and handicapped children account to the Division of Medical Assistance, in proportion to the number

of program participants who are Medicaid eligible.

Excess State funds realized by Federal involvement through Medicaid in the Dental program for non-institutionalized mentally retarded and handicapped children may be committed for the program's support during the subsequent fiscal year, rather than for expansion.

Receipts representing reimbursements to the institutions for the mentally retarded and the Purchased residential care program for eligible expenses under the Intermediate care facility—Mental retardation (ICF-MR) program are hereby appropriated, as the Director of the Division of Budget and Accounting shall determine, to the Division of Mental Retardation for allocation to the several institutions included within that Division and for other related program and administrative costs required to meet compliance plan commitments so as to enable the continuance of the reimbursements and to qualify additional institutional and purchased residential care facilities for the ICF-MR program.

*Mental Health*

*26100. Institutional Services*

*777. Greystone Park Psychiatric Hospital*

| | | |
|---|---|---|
| 26110. | Outpatient and Community Services | $143,231 |
| 26120. | Inpatient Care and Health Services | 16,024,319 |
| 26190. | Administration and Support | 8,557,339 |
| | Total Appropriation | $24,724,889 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ($20,012,132) |
| Food in lieu of cash | ( 89,919) |
| Materials and Supplies | ( 3,126,440) |
| Services Other Than Personal | ( 439,665) |

| | |
|---|---|
| Maintenance of Property: | |
| Recurring | ( 295,670) |
| Non-recurring and replacements | ( 132,225) |
| Extraordinary: | |
| Family care | ( 61,938) |
| Implementation of Greystone settlement (Doe vs. Klein) | ( 379,500) |
| Computerized menu planning | ( 27,000) |
| Compensation awards | ( 160,400) |

The amount hereinabove for implementation of Greystone settlement (Doe vs. Klein) shall not be expended until a plan for allocation of the funds is approved by the Commissioner of Human Services and the Director of the Division of Budget and Accounting.

*779. Trenton Psychiatric Hospital*

| | | |
|---|---|---|
| 26110. | Outpatient and Community Services | $215,011 |
| 26120. | Inpatient Care and Health Services | 16,139,050 |
| 26190. | Administration and Support | 7,287,346 |
| | Total Appropriation | $23,641,407 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ($18,628,306) |
| Food in lieu of cash | ( 33,183) |
| Materials and Supplies | ( 3,077,403) |
| Services Other Than Personal | ( 549,276) |
| Maintenance of Property: | |
| Recurring | ( 177,675) |
| Non-recurring and replacements | ( 600,700) |
| Extraordinary: | |
| Family care | ( 122,364) |
| Computerized menu planning | ( 27,000) |
| Compensation awards | ( 355,000) |
| Additions and Improvements | ( 70,500) |

There are hereby appropriated as a revolving fund receipts derived from laundry services furnished to the several institutions for the purpose of defraying the costs of operation and maintenance of the Trenton Regional Laundry.

*781. Marlboro Psychiatric Hospital*

| | | |
|---|---|---|
| 26110. | Outpatient and Community Services | $303,261 |
| 26120. | Inpatient Care and Health Services | 11,738,909 |
| 26190. | Administration and Support | 6,026,732 |
| | Total Appropriation | $18,068,902 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ($14,133,248) | |
| Food in lieu of cash | ( 29,706) | |
| Materials and Supplies | ( 2,218,726) | |
| Services Other Than Personal | ( 473,604) | |
| Maintenance of Property: | | |
| Recurring | ( 189,050) | |
| Non-recurring and replacements | ( 467,000) | |
| Extraordinary: | | |
| Family care | ( 134,568) | |
| Vocational rehabilitation training program | ( 88,000) | |
| Computerized menu planning | ( 27,000) | |
| Compensation awards | ( 308,000) | |

*783. Ancora Psychiatric Hospital*

| | | |
|---|---|---|
| 26110. | Outpatient and Community Services | $347,476 |
| 26120. | Inpatient Care and Health Services | 12,154,805 |
| 26190. | Administration and Support | 5,771,001 |
| | Total Appropriation | $18,273,282 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ($14,241,354) | |
| New positions (65) | ( 500,000) | |
| Food in lieu of cash | ( 41,926) | |
| Materials and Supplies | ( 2,259,343) | |
| Services Other Than Personal | ( 562,510) | |
| Maintenance of Property: | | |
| Recurring | ( 171,765) | |
| Non-recurring and replacements | ( 165,977) | |

| | |
|---|---|
| Extraordinary: | |
| Family care | ( 122,342) |
| Computerized menu planning | ( 27,000) |
| Compensation awards | ( 170,970) |
| Additions and Improvements | ( 10,095) |

There are hereby appropriated as a revolving fund receipts derived from laundry services furnished to the several institutions for the purpose of defraying the costs of operation and maintenance of the Ancora Regional Laundry.

*790. Arthur Brisbane Child Treatment Center*

| | | |
|---|---|---|
| 26120. | Inpatient Care and Health Services | $1,008,885 |
| 26190. | Administration and Support | 392,742 |
| | Total Appropriation | $1,401,627 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $1,143,392) |
| Food in lieu of cash | ( 2,430) |
| Materials and Supplies | ( 154,470) |
| Services Other Than Personal | ( 34,185) |
| Maintenance of Property: | |
| Recurring | ( 22,000) |
| Non-recurring and replacements | ( 42,400) |
| Extraordinary: | |
| Compensation awards | ( 2,750) |

*794. Glen Gardner Center for Geriatrics*

| | | |
|---|---|---|
| 26120. | Inpatient Care and Health Services | $1,710,252 |
| 26190. | Administration and Support | 1,259,394 |
| | Total Appropriation | $2,969,646 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $2,257,577) |
| Food in lieu of cash | ( 9,558) |
| Materials and Supplies | ( 481,317) |
| Services Other Than Personal | ( 110,264) |

| | |
|---|---|
| Maintenance of Property: | |
| Recurring | ( 45,200) |
| Non-recurring and replacements | ( 60,700) |
| Extraordinary: | |
| Compensation awards | ( 5,030) |

*26900. Management and General Support*

*770. Division of Mental Health and Hospitals*

| | | |
|---|---|---|
| 26910. | Community Services | $15,982,364 |
| 26920. | Management and General Support | 1,266,784 |
| | Total Appropriation | $17,249,148 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $1,653,299) |
| Positions transferred from other subcategories | ( 25,747) |
| Materials and Supplies | ( 40,727) |
| Services Other Than Personal | ( 290,947) |
| Maintenance of Property: | |
| Recurring | ( 1,494) |
| Extraordinary: | |
| Community Mental Health Center, College of Medicine and Dentistry, Newark (State share) | ( 2,183,362) |
| Community Mental Health Center, College of Medicine and Dentistry, Rutgers (State share) | ( 3,868,316) |
| Social service initiatives (State share) | ( 250,000) |
| Community Mental Health Screening Units | ( 600,000) |
| Community care | ( 8,049,000) |
| Independent psychiatric evaluation and legal representation for indigent patients | ( 58,300) |
| Contract for a child study team | ( 77,720) |
| Statistical information system | ( 150,000) |
| Compensation awards | ( 236) |

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 College of Medicine and Dentistry of New Jersey for the operation of the centers.

The unexpended balance as of June 30, 1979 in the Community mental health screening units account is hereby appropriated.

A portion of the funds in the Community care account, not to exceed 7% of the total, shall be available for administration of Community services, including the Community care program.

The amount hereinabove for Implementation of hospital staffing study shall be utilized only for the reclassification of existing positions and none of the funds shall be expended until a plan for allocation of the funds is approved by the Commissioner of Human Services and the Director of the Division of Budget and Accounting.

The Division of Mental Health and Hospitals is hereby directed to do joint planning with the Division of Alcoholism in the Department of Health, for the purpose of establishing additional alcoholism treatment programs on the grounds of State psychiatric hospitals.

In order to equalize staffing ratios among the psychiatric hospitals, a total of 50 positions, along with appropriation balances for those positions, shall be transferred as they become vacant, but no later than June 30, 1980, from Greystone Park Psychiatric Hospital as follows: 35 positions and the appropriation balances therefor to Ancora Psychiatric Hospital, 15 positions and their appropriation balances to any psychiatric hospital where necessary, for implementation of the staffing study.

*Income Security and Human Resource Development*

*52400. Services to the Blind and Visually Impaired*

*716. Commission for the Blind and Visually Impaired*

| | | |
|---|---|---|
| 52410. | Habilitation and Rehabilitation | $1,655,523 |
| 52420. | Instruction and Community Programs | 1,914,393 |
| 52490. | Administration | 261,245 |
| | Total Appropriation | $3,831,161 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $1,727,016) |
| Positions established from lump sum appropriation | ( | 75,000) |
| New positions | ( | 24,207) |
| Materials and Supplies | ( | 56,917) |
| Services Other Than Personal | ( | 1,901,487) |
| Maintenance of Property: | | |
| Recurring | ( | 1,534) |
| Non-recurring and replacements | ( | 1,000) |
| Extraordinary: | | |
| Compensation awards | ( | 1,000) |
| Additions and Improvements | ( | 43,000) |

In addition to the amount hereinabove, recoveries of the State share of expenditures made in the year ending June 30, 1980, and those made in prior fiscal years, are hereby appropriated.

*52500. Provision of Income Maintenance to Public Indigents*

*715. Division of Public Welfare*

| | | |
|---|---|---|
| 52510. | Fiscal Control | $1,500,930 |
| 52520. | Quality Control | 869,443 |
| 52530. | Income Maintenance | 1,127,859 |
| 52590. | Administration | 2,324,445 |
| | Total Appropriation | $5,822,677 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $3,254,861) |
| Materials and Supplies | ( 39,142) |
| Services Other Than Personal | ( 1,127,019) |
| Maintenance of Property: | |
| Recurring | ( 10,400) |
| Non-recurring and replacements | ( 2,500) |
| Extraordinary: | |
| Development of income maintenance information system (State share) | ( 1,388,755) |

The unexpended balance as of June 30, 1979 in the Development of income maintenance information system account is hereby appropriated.

The unexpended balance as of June 30, 1979 in the Income maintenance information system revolving fund, and receipts derived therefrom, are hereby appropriated.

*52600. Social Services for Youth and Families*

*717. Division of Youth and Family Services**

| | | |
|---|---|---|
| 52610. | Community Services | $4,924,417 |
| 52620. | Residential Services | 4,102,324 |
| 52630. | Social Services | 16,348,038 |
| 52690. | Administration | 3,380,825 |
| | Total Appropriation | $28,755,604 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ($16,224,839) |
| Food in lieu of cash | ( 8,100) |
| Materials and Supplies | ( 448,972) |
| Services Other Than Personal | ( 2,060,086) |
| Maintenance of Property: | |
| Recurring | ( 97,940) |
| Non-recurring and replacements | ( 13,250) |
| Extraordinary: | |
| Community day care | ( 4,052,694) |
| Early childhood development program | ( 113,000) |

| | |
|---|---|
| Work incentive program | ( 758,723) |
| Child placement, judicial determinations | ( 1,000,000) |
| Continuation of expanded social services | ( 3,200,000) |
| Adoption services for institutionalized children | ( 160,000) |
| Social service initiative | ( 318,000) |
| Contract auditing | ( 300,000) |

The amount hereinabove for Community day care (State share) shall be made available on the basis of up to 100% funding of the non-Federal share to those centers in which either the State financed the non-Federal share or were State operated in fiscal year 1978-79, and on the basis of up to 30% of the non-Federal share for other centers providing community day care services under contract with the Department of Human Services.

The Commissioner of Human Services shall report to the Joint Appropriations Committee and to the Senate and Assembly Institutions, Health and Welfare Committees by January 1, 1980 regarding efforts made to implement the Title IV—A Day Care Program.

The unexpended balance, not to exceed $3.4 million, as of June 30, 1979 in this account is hereby appropriated to continue Title XX services, funded in fiscal year 1978-79 from the increased Title XX appropriation, subject to the approval of the Director of the Division of Budget and Accounting; provided, however, that this amount be reduced by the amount of Federal Title XX funds received in fiscal year 1979-80 in excess of $92,391,000.

*52700. Services to Veterans*

*712. Division of Veterans' Services*

| | | |
|---|---|---|
| 52710. | Division Management and Field Services | $732,102 |
| | Total Appropriation | $732,102 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $370,400) |
| Materials and Supplies | ( | 3,850) |
| Services Other Than Personal | ( | 22,452) |
| Maintenance of Property: | | |
| Recurring | ( | 400) |
| Extraordinary: | | |
| Veterans' orphans fund, education grants | ( | 70,000) |
| Blind veterans' allowances | ( | 60,000) |
| Paraplegic and hemiplegic veterans' allowances | ( | 170,000) |
| Feasibility study for third veterans' facility | ( | 35,000) |

*710. New Jersey Memorial Home for Disabled Soldiers at Menlo Park*

| | | |
|---|---|---|
| 52720. Domiciliary and Treatment Services | | $2,677,152 |
| 52730. Administration and Support Services | | 1,237,635 |
| Total Appropriation | | $3,914,787 |
| Personal Services: | | |
| Salaries and wages | ( | $3,105,994) |
| Positions transferred from another institution | ( | 100,000) |
| Food in lieu of cash | ( | 10,720) |
| Materials and Supplies | ( | 511,093) |
| Services Other Than Personal | ( | 102,780) |
| Maintenance of Property: | | |
| Recurring | ( | 21,150) |
| Non-recurring and replacements | ( | 21,050) |
| Extraordinary: | | |
| Computerized menu planning | ( | 27,000) |
| Compensation awards | ( | 15,000) |

*711. New Jersey Memorial Home for Disabled Soldiers at Vineland*

| | |
|---|---|
| 52720. Domiciliary and Treatment Services | $2,908,220 |
| 52730. Administration and Support Services | 1,290,653 |
| Total Appropriation | $4,198,873 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $3,358,404) |
| Positions converted (7) | ( | 52,500) |
| Food in lieu of cash | ( | 8,600) |
| Materials and Supplies | ( | 616,085) |
| Services Other Than Personal | ( | 94,034) |
| Maintenance of Property: | | |
| Recurring | ( | 24,100) |
| Non-recurring and replacements | ( | 30,150) |
| Extraordinary: | | |
| Compensation awards | ( | 15,000) |

*Assistance to the Economically Disadvantaged*

*53100. Medical Assistance and Health Services*

*714. Division of Medical Assistance and Health Services*

| | | |
|---|---|---|
| 53110. | Health Services Administration | $8,417,087 |
| 53120. | General Medical Services | 298,663,000 |
| 53130. | Newark Comprehensive Health Service Plan | 1,000,000 |
| 53140. | Pharmaceutical Assistance to the Aged | 38,000,000 |
| 53190. | Administration and General Support | 2,903,158 |
| | Total Appropriation | $348,983,245 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $3,233,189) |
| Materials and Supplies | ( | 74,935) |
| Services Other Than Personal | ( | 921,071) |
| Maintenance of Property: | | |
| Recurring | ( | 7,150) |
| Extraordinary: | | |
| Payments to fiscal agents | ( | 6,640,000) |
| Eligibility determination | ( | 784,000) |
| Payments for medical assistance recipients (State share) | ( | 298,663,000) |
| Newark Comprehensive Health Service Plan—Administration | ( | 200,000) |
| Newark Comprehensive Health Service Plan—Medical Assistance | ( | 800,000) |

| | |
|---|---|
| Pharmaceutical assistance to the aged claims | ( 34,900,000) |
| Payments to fiscal agents—PAA | ( 2,426,000) |
| Expanded quality control | ( 79,900) |
| Health facilities rate setting | ( 248,000) |
| Compensation awards | ( 6,000) |

All funds recovered under C30:4D–1 et seq. during the fiscal year ending June 30, 1980 are hereby appropriated.

The amounts hereinabove for Payments for medical assistance recipients and Pharmaceutical assistance to the aged shall be 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 hereby appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments of medical assistance.

The unexpended balance as of June 30, 1979 in the Newark Comprehensive Health Service Plan account is hereby appropriated.

The Commissioner of Human Services shall, no later than February 15, 1980, supply the Joint Appropriations Committee with a status report on the Pharmaceutical Assistance to the Aged program in fiscal year 1979-80. Said report shall include, but not be limited to, the amount expended as of January 31, 1980, the anticipated total expenditure for the fiscal year, data on the number of eligibles, number of participants, utilization rates, number of claims processed and administrative costs through January 31, 1980.

*Management and General Support*

*79100. Department Management and General Support*

| | | |
|---|---|---|
| 79190-700. Department Management | | $4,426,324 |
| Total Appropriation | | $4,426,324 |
| Personal Services: | | |
| Commissioner | ( $49,000) | |
| Salaries and wages | ( 2,765,474) | |
| Materials and Supplies | ( 40,414) | |
| Services Other Than Personal | ( 866,933) | |
| Maintenance of Property: | | |
| Recurring | ( 11,003) | |
| Extraordinary: | | |
| Information systems development | ( 300,000) | |
| Nursing scholarship program | ( 270,000) | |
| Computerized menu planning | ( 40,000) | |
| Retroactive cost studies and claims | ( 75,000) | |
| Compensation awards | ( 8,500) | |

There are hereby appropriated, as a revolving fund, the receipts derived from services rendered by the Data Processing Center and the unexpended balance of such receipts as of June 30, 1979 for the purpose of operating the Data Processing Center, including the replacement and the purchase of additional data processing equipment.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Data Processing Center of this Department from the various appropriations made to any department for data processing costs which are appropriated or allocated to such departments for their share of such costs.

| | |
|---|---|
| Total Appropriation, Department of Human Services | $612,140,617 |

Balances on hand as of June 30, 1979 of funds held for the benefit of patients in the several institutions, and such funds as may be received, are hereby appropriated for the use of such patients.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are hereby appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

The unexpended balances as of June 30, 1979 of funds received by the several institutions representing rental of garages, and such funds as may be received during fiscal year 1979-80, are hereby appropriated for the repair and maintenance of existing garages and for the construction of additional garages by such institutions.

So much of the sums received by the various State institutions from payments which represent the State share of medical assistance, not otherwise anticipated for skilled nursing facilities, are hereby appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments for the State share of medical assistance (C30:4D–1 et seq.).

Of the amount hereinabove for the Department of Human Services, it is estimated that an amount of $256,817 may be made available for transfer to the Office of Administrative Law.

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 below shall first be charged to the State Lottery Fund:

| | |
|---|---|
| Operation of schools for the mentally retarded | ($37,732,772) |
| Operation of State psychiatric hospitals | ( 20,658,137) |

DEPARTMENT OF INSURANCE

*Regulation of Industry*

*14200. Regulation of the Insurance and Real Estate Industries*

| | | |
|---|---|---|
| 14210-325. | Licensing and Enforcement | $1,196,167 |
| 14220-325. | Actuarial Services | 994,967 |
| 14230-325. | Regulation of Real Estate Industry | 640,678 |
| 14290-325. | Management and General Support | 1,583,735 |
| | Total Appropriation | $4,415,547 |

| | |
|---|---|
| Personal Services: | |
| Commissioner | ( $49,000) |
| Real Estate Commissioners (7 @ $6,000) | ( 42,000) |
| Salaries and wages | ( 3,587,886) |
| New positions | ( 32,892) |
| Materials and Supplies | ( 112,862) |
| Services Other Than Personal | ( 543,235) |
| Maintenance of Property: | |
| Recurring | ( 8,150) |
| Non-recurring and replacements | ( 3,500) |
| Extraordinary: | |
| Compensation awards | ( 15,000) |
| Additions and Improvements | ( 21,022) |

The unexpended balance as of June 30, 1979 of the receipts representing reimbursement of costs incurred by the Department of Insurance, acting as receiver for insolvent insurance companies, and any additional receipts, are hereby appropriated.

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

Receipts in excess of those anticipated from charges to insurers authorized to transact business in the State for the expenses of departmental statutory market conduct examinations, and the unexpended balance of such receipts as of June 30, 1979 are hereby appropriated to the Department for the conduct of such examinations.

A sum not to exceed $250,000 is hereby appropriated from receipts to defray the expenses of the Committee on Valuation of Securities of the National Association of Insurance Commissioners (C17:24–13).

| | |
|---|---|
| Total Appropriation, Department of Insurance | $4,415,547 |

Of the amount hereinabove for the Department of Insurance, it is estimated that an amount of $44,723 may be made available for transfer to the Office of Administrative Law.

## Department of Labor and Industry

*Income Security and Human Resource Development*

*52100. Economic and Medical Assistance to Unemployed and Disabled Workers*

| | | |
|---|---|---|
| 52120-380. | Disability Insurance—State Plan | $3,748,195 |
| 52130-380. | Disability Insurance—Private Plan | 1,538,486 |
| 52140-380. | Workers' Compensation | 2,879,765 |
| 52150-380. | Special Compensation Fund | 693,945 |
| | Total Appropriation | $8,860,391 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $7,148,318) |
| Materials and Supplies | ( 146,620) |
| Services Other Than Personal | ( 1,521,452) |
| Maintenance of Property: | |
| Recurring | ( 18,801) |
| Non-recurring and replacements | ( 4,200) |
| Extraordinary: | |
| Compensation awards | ( 20,000) |
| Additions and Improvements | ( 1,000) |

The amounts hereinabove for Disability Insurance—State Plan and Disability Insurance—Private Plan shall be payable out of the State Disability Benefits Fund, and in addition to the amounts

hereinabove, there are hereby 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.

Notwithstanding the $12,500 limitation (RS 34:15–95), the amount hereinabove for Special Compensation Fund shall be payable out of such Fund and, in addition to the amounts hereinabove, there are hereby 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 hereby empowered and 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, 1979 (RS 34:15–94).

*52200. Manpower Development and Employment Assistance*

| | | |
|---|---|---|
| 52210-380. | Work Incentive Program | $722,000 |
| 52240-380. | Vocational Rehabilitation Services | 5,811,137 |
| 52250-380. | Services for the Deaf | 156,791 |
| | Total Appropriation | $6,689,928 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $1,247,828) |
| Materials and Supplies | ( 20,250) |
| Services Other Than Personal | ( 180,850) |
| Maintenance of Property: | |
| Recurring | ( 3,000) |
| Non-recurring and replacements | ( 1,000) |
| Extraordinary: | |
| Work incentive program (State share) | ( 722,000) |
| Services to clients (State share) | ( 2,500,000) |
| Expansion grants (State share) | ( 150,000) |

| | |
|---|---|
| Sheltered workshop support (State share) | ( 1,825,000) |
| Training grants (State share) | ( 2,500) |
| Services to deaf clients | ( 35,000) |
| Advisory council on the deaf | ( 1,500) |
| Additions and Improvements | ( 1,000) |

The amount hereinabove for the Work incentive program is hereby appropriated out of the Unemployment Compensation Auxiliary Fund.

The sum hereinabove for the Vocational rehabilitation services program element shall be available for the payment of obligations applicable to prior fiscal years.

The unexpended balance as of June 30, 1979 in this account is hereby appropriated; provided, however, that the unexpended balance for the vocational rehabilitation services element not exceed $300,000.

The amount provided hereinabove for Sheltered workshop support (State share) shall be reduced, as the Director of the Division of Budget and Accounting shall determine, by the amount of Federal funds made available for such program.

*Labor Standards and Labor Relations*

*54200. Labor Standards*

| | | |
|---|---|---|
| 54230-380. | Workplace Standards—Promulgation and Licensing | $360,992 |
| 54240-380. | Workplace Standards—Enforcement | 2,455,074 |
| | Total Appropriation | $2,816,066 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $2,271,963) |
| Materials and Supplies | ( 36,150) |
| Services Other Than Personal | ( 337,114) |
| Maintenance of Property: | |
| Recurring | ( 3,000) |
| Non-recurring and replacements | ( 10,000) |

| | | |
|---|---|---|
| Extraordinary: | | |
| Carnival Amusement Ride Advisory Board | ( | 1,650) |
| On site consultation (State share) | ( | 95,000) |
| Mine Safety Training Act (State share) | ( | 46,557) |
| Compensation awards | ( | 9,432) |
| Additions and Improvements | ( | 5,200) |

There are hereby appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as may be necessary for payments.

*54300. Labor Relations*

| | | |
|---|---|---|
| 54310-380. Public Sector | | $1,225,791 |
| 54320-380. Private Sector | | 307,407 |
| Total Appropriation | | $1,533,198 |

| | | |
|---|---|---|
| Personal Services: | | |
| Board members (7) | ( | $9,000) |
| Salaries and wages | ( | 1,176,398) |
| Materials and Supplies | ( | 19,650) |
| Services Other Than Personal | ( | 319,900) |
| Maintenance of Property: | | |
| Recurring | ( | 2,350) |
| Non-recurring and replacements | ( | 900) |
| Additions and Improvements | ( | 5,000) |

Notwithstanding the provisions of C34:13A–1 et seq., the cost of factfinding shall be borne equally by the public employer and the exclusive employee representative.

Of the sum provided for Public sector, an amount of $45,000 shall be provided for the annual salary of the Chairman of the Public Employee Relations Commission.

*Department Management and Economic Development*

*59100. Department Management and General Support*

| | | |
|---|---|---|
| 59110-380. | Department Management | $482,941 |
| 59120-380. | Planning and Research | 398,175 |
| | Total Appropriation | $881,116 |

Personal Services:

| | |
|---|---|
| Commissioner | ( $49,000) |
| Salaries and wages | ( 621,550) |
| Materials and Supplies | ( 19,200) |
| Services Other Than Personal | ( 113,053) |

Maintenance of Property:

| | |
|---|---|
| Recurring | ( 1,500) |
| Non-recurring and replacements | ( 250) |

Extraordinary:

| | |
|---|---|
| Statistical reporting (State share) | ( 44,063) |
| Census information center | ( 32,500) |

The unexpended balance as of June 30, 1979, in the revolving fund for the purpose of printing literature, maps, Workers' Compensation proceedings and other publications and printed matter for sale, and receipts derived from such sales, are hereby appropriated.

There are hereby appropriated as a revolving fund the receipts derived from services rendered by the Data Processing Center, and the unexpended balance of such receipts as of June 30, 1979, for the purpose of operating the Data Processing Center, including replacement of and purchase of additional data processing equipment.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Data Processing Center from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

*59200. Economic Development*

| | | |
|---|---|---|
| 59210-380. | Expansion and Growth of Commerce and Industry | $3,366,382* |
| 59220-380. | Travel and Tourism | 1,351,785 |
| | Total Appropriation | $4,718,167* |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $1,279,654) |
| Positions established from lump sum appropriation | ( | 234,713) |
| Materials and Supplies | ( | 431,000) |
| Services Other Than Personal | ( | 1,878,300) |
| Maintenance of Property: | | |
| Recurring | ( | 8,500) |
| Non-recurring and replacements | ( | 3,000) |
| Extraordinary: | | |
| Economic Development Assistance Act of 1966 | ( | 250,000) |
| Office of Technical Innovation | ( | 250,000) |
| State office—World Trade Center | ( | 46,000) |
| New Jersey Motion Picture and Television Development Commission | ( | 259,000) |
| Jobs transportation | ( | 70,000*) |
| Additions and Improvements | ( | 8,000) |

The amount hereinabove for the Economic Development subcategory is hereby appropriated out of the Unemployment Compensation Auxiliary Fund.

The unexpended balance as of June 30, 1979 in the Jobs transportation account is hereby appropriated.

The unexpended balance not to exceed $25,000, as of June 30, 1979 in the Central Jersey Ethnic Heritage and Cultural Center account is hereby appropriated.

*59300. South Jersey Port Corporation*

| | | |
|---|---|---|
| 59310-380. | South Jersey Port Corporation | $307,900 |
| | Total Appropriation | $307,900 |

Extraordinary:
Property Tax Reserve Fund requirement (C12:11A–20) ..... ( $307,900)

| | |
|---|---|
| Total Appropriation, Department of Labor and Industry | $25,806,766* |

DEPARTMENT OF LAW AND PUBLIC SAFETY

*Law Enforcement*

*11100. Regulation of Motor Vehicles*

| | | |
|---|---|---|
| 11110-140. | Licensing and Registration | $10,813,843 |
| 11120-140. | Vehicle Control | 11,408,076 |
| 11130-140. | Driver Control and Enforcement | 7,084,405 |
| 11140-141. | Security Responsibility | 2,844,835 |
| 11150-142. | Unsatisfied Claim and Judgment Fund Board | 293,045 |
| 11190-140. | Administration and Support | 3,270,782 |
| | Total Appropriation | $35,714,986 |

Personal Services:
Salaries and wages ..... ($23,755,801)
Materials and Supplies ..... ( 2,966,753)
Services Other Than Personal ..... ( 7,207,410)

Maintenance of Property:
Recurring ..... ( 125,750)
Non-recurring and replacements ... ( 71,000)

Extraordinary:
Bulk Commodities Transportation Act (C39:5E–1 et seq.) ..... ( 65,000)
For transfer to an applicant State department for the State share of the cost of highway safety projects which qualify for no less than 70% Federal government matching .. ( 50,000)

| | | |
|---|---|---|
| System evaluation and improvement | ( | 300,000) |
| Improve processing of magistrate reports | ( | 50,000) |
| Implement revisions to the motor vehicle statutes as recommended by the Motor Vehicle Study Commission | ( | 1,000,000) |
| Compensation awards | ( | 103,272) |
| Additions and Improvements | ( | 20,000) |

In addition to the amounts hereinabove, there are hereby appropriated from driver license and motor vehicle fees such sums as may be necessary to defray the cost of registering motor vehicles and licensing drivers (RS 39:3–3 and RS 39:10–25).

The unexpended balance in the For transfer to an applicant State department for the State share of the cost of highway safety projects account as of June 30, 1979 is hereby appropriated for such projects.

The amount hereinabove to Security Responsibility for the cost of administering the Motor Vehicle Security Responsibility Law shall be payable from receipts received from mutual associations and stock companies writing motor vehicle liability insurance within the State (C39:6–58), and any receipts in excess of the amount hereinabove, are hereby appropriated to defray additional cost of administration of the Security Responsibility program.

The amount hereinabove for the Unsatisfied Claim and Judgment Fund Board is hereby appropriated out of the Unsatisfied Claim and Judgment Fund and, in addition, there are hereby appropriated out of such Fund additional sums as may be necessary for the payment of claims (C39:6–67), and for such additional costs as may be required to administer C39:6–62 et seq.

Such additional sums, not to exceed $500,000, as may be necessary for the implementation of PL

1977, c. 23 through 29, are hereby appropriated from receipts, pursuant to such chapters.

The unexpended balance as of June 30, 1979 in the System evaluation and improvement account is hereby appropriated for the same purpose.

*11200. State Police*

| | | |
|---|---|---|
| 11210-120. | Patrol Activities and Crime Control | $30,184,585 |
| 11220-120. | Police Services and Public Order | 7,190,427 |
| 11230-120. | Emergency Services | 443,509 |
| 11240-120. | State Capitol Complex Security | 1,724,588 |
| 11290-120. | Administration and Support | 8,421,155* |
| | Total Appropriation | $47,964,264* |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ($32,876,541) |
| Positions converted (20) | ( 150,000) |
| Cash in lieu of maintenance | ( 4,564,820) |
| Materials and Supplies | ( 2,958,354) |
| Services Other Than Personal | ( 3,621,452) |
| Maintenance of Property: | |
| Recurring | ( 750,938) |
| Non-recurring and replacements | ( 1,789,319) |
| Extraordinary: | |
| Data reduction and fingerprint backlog processing | ( 350,000) |
| Hammonton Training School | ( 7,882) |
| State Police recruit classes | ( 607,759) |
| Street crime prevention study | ( *) |
| Street crime prevention grants to: | |
| Camden | ( *) |
| Newark | ( *) |
| Jersey City | ( *) |
| Compensation awards | ( 191,000) |
| Additions and Improvements | ( 96,199) |

In addition to the amounts hereinabove to the Division of State Police, there are hereby appropriated to the respective State departments and agencies such sums as may be received or receiv-

able from any instrumentality or public authority for direct and indirect costs of all State Police services furnished thereto, except as to such costs for which funds have been included in recommendations 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 Retirement System shall not be appropriated and shall be paid into the General Fund.

The unexpended balance as of June 30, 1979 in this account, excluding the Emergency services program element, is hereby appropriated for State Police recruit classes.

The unexpended balance as of June 30, 1979 in the Disaster relief account is hereby appropriated for the same purpose.

The Governor is hereby empowered to direct the State Treasurer to transfer from any State department to this 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.

The unexpended balance as of June 30, 1979 in the State Agency for Federal Surplus Property revolving fund account, together with any receipts from service charges made to recipient agencies in excess of the anticipation, are hereby appropriated to defray cost of administration of the program.

Such sums as may be necessary to carry out the provisions of C. App. A:9–57.1 et seq. are hereby appropriated from the Special Fund for Civil Defense Volunteers.

*11300. Legal, Administrative and Support Services*

| | | |
|---|---|---|
| 11310-110. | Legal Services | $5,300,019 |
| 11320-105. | Criminal Justice | 4,856,102 |
| 11330-105. | Police Training Commission | 429,334 |
| 11340-105. | State Medical Examiner | 556,306 |
| 11390-100. | Department Planning and Management | 735,815 |
| | Total Appropriation | $11,877,576 |

| | |
|---|---|
| Personal Services: | |
| Attorney General | ( $49,000) |
| Salaries and wages | ( 9,772,020) |
| Materials and Supplies | ( 491,776) |
| Services Other Than Personal | ( 1,140,666) |
| Maintenance of Property: | |
| Recurring | ( 52,647) |
| Non-recurring and replacements | ( 30,692) |
| Extraordinary: | |
| Expenses of State Grand Jury | ( 150,000) |
| Medical fraud investigation and prosecution unit | ( 170,000) |
| Compensation awards | ( 10,000) |
| Additions and Improvements | ( 10,775) |

The unexpended balance as of June 30, 1979, in the revolving fund established under the New Jersey Antitrust Act (C56:9–1 et seq.) is hereby appropriated for the administration of the Act; provided, however, that any expenditures therefrom be subject to the approval of the Director of the Division of Budget and Accounting.

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

The unexpended balance as of June 30, 1979, in the Expenses of the State Grand Jury account is hereby appropriated for the same purpose.

There are hereby appropriated out of the Veterans' Guaranteed Loan Fund (C38:23B–1) such sums as may be necessary to pay for the administration thereof.

There are hereby appropriated as a revolving fund the receipts derived from services rendered by Systems and communications, and the unexpended balance of such receipts as of June 30, 1979, for the purpose of operating the revolving fund, including the replacement of data processing equipment and the purchase of additional data processing equipment.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Systems and communications revolving fund from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

*11400. Protection of Individual Rights*

| | | |
|---|---|---|
| 11410-160. | Consumer Affairs—General | $1,996,985 |
| 11420-161. | Consumer Affairs—Regulation of Professions and Trades | 3,257,568 |
| 11430-115. | Civil Rights | 1,618,399 |
| | Total Appropriation | $6,872,952 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $4,155,824) |
| Materials and Supplies | ( | 155,505) |
| Services Other Than Personal | ( | 2,372,904) |
| Maintenance of Property: | | |
| Recurring | ( | 16,525) |
| Non-recurring and replacements | ( | 6,696) |
| Extraordinary: | | |
| New Jersey Corporation Takeover Bid Disclosure Law (C49:5–1 et seq.) | ( | 45,000) |
| Consumer education project | ( | 14,100) |

| | |
|---|---|
| Hearing Aid Dispensers Examining Committee | ( 2,000) |
| A95 Review program | ( 49,439) |
| Multiple dwelling reporting rule program | ( 37,859) |
| Compensation awards | ( 14,200) |
| Additions and Improvements | ( 2,900) |

Receipts derived from the assessment and recovery of costs of hearings conducted pursuant to the Consumer Fraud Act are hereby appropriated for such purpose.

Of the sum hereinabove for Consumer Affairs—General, the annual salary of the State Athletic Commissioner shall not exceed $8,500.

The amount hereinabove for each of the several State professional boards shall be provided from receipts of such boards, and any receipts in excess of the amount specifically provided to each of said boards, are hereby appropriated; provided, however, that the appropriation of excess receipts not apply to the State Board of Beauty Culture Control and to the State Board of Barber Examiners.

*11600. Miscellaneous Law Enforcement and Related Agencies*

| | | |
|---|---|---|
| 11610-185. | Election Law Enforcement | $537,490 |
| 11620-190. | Law Enforcement Planning | 1,070,162 |
| 11630-186. | Violent Crimes Compensation | 1,940,793 |
| 11640-187. | Executive Commission on Ethical Standards | 81,068 |
| | Total Appropriation | $3,629,513 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $502,716) |
| New positions | ( 36,000) |
| Materials and Supplies | ( 43,750) |
| Services Other Than Personal | ( 143,259) |
| Maintenance of Property: | |
| Recurring | ( 550) |

| | |
|---|---|
| Extraordinary: | |
| Implementation of judicial decision | ( 91,133) |
| For payment to members of the Election Law Enforcement Commission, a per diem amount of $200 for each meeting day of the commission attended | ( 24,000) |
| For transfer to an applicant State department with the approval of the Director of the Division of Budget and Accounting, for the State share of State Law Enforcement Planning Agency programs for which matching Federal funds are approved: | |
| Correctional assistance grants (Part E) | ( 116,000) |
| Discretionary grants | ( 100,000) |
| Grant for administration of SLEPA | ( 564,681) |
| Action grant (Part C) | ( 197,349) |
| Juvenile justice grant | ( 91,935) |
| Claims—Victims of violent crimes | ( 1,717,540) |
| Additions and Improvements | ( 600) |

The amount hereinabove for Implementation of judicial decision shall be held in reserve and may be expended only in the event the New Jersey Supreme Court rules that the Election Law Enforcement Commission is responsible for receiving and enforcing annual financial reports from legislative agents. If the court determines no such responsibility, said funds shall immediately lapse into the General Fund.

The unexpended balance as of June 30, 1979 for Law Enforcement Planning is hereby appropriated for the same purposes.

The sum hereinabove for Claims—Victims of violent crimes shall be available for payment of awards applicable to claims filed in prior fiscal years.

Of the amount hereinabove for Claims—Victims of violent crimes, $10,000 may be utilized for non-salary expenses associated with settling claims.

*Regulation of Industry*

*14800. Regulation of Other Industries*

| | | |
|---|---|---|
| 14810-130. | Alcoholic Beverage Control | $2,529,573 |
| 14820-155. | Racing Commission | 1,131,689 |
| | Total Appropriation | $3,661,262 |

Personal Services:
Salaries and wages ( $3,173,671)
Materials and Supplies ( 54,250)
Services Other Than Personal ( 413,841)

Maintenance of Property:
Recurring ( 10,000)
Non-recurring and replacements ( 3,500)

Extraordinary:
Compensation awards ( 6,000)

Receipts from the Race track admission tax (C5:5–64), and the unexpended balance of such receipts as of June 30, 1979 are hereby appropriated for use as provided by law.

| | |
|---|---|
| Total Appropriation, Department of Law and Public Safety | $109,720,553* |

Of the amount hereinabove for the Department of Law & Public Safety, it is estimated that an amount of $75,000 may be made available for transfer to the Office of Administrative Law.

DEPARTMENT OF THE PUBLIC ADVOCATE

*Public Advocacy*

*11500. Protection of Citizens' Rights*

| | | |
|---|---|---|
| 11510-850. | Mental Health Advocacy | $915,238 |
| 11520-850. | Public Interest Advocacy | 414,428 |
| 11530-850. | Citizens' Complaints and Dispute Settlement | 548,052 |
| | Total Appropriation | $1,877,718 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $1,369,214) |
| Positions established from lump sum appropriations | ( 125,238) |
| Positions transferred from another subcategory | ( 20,706) |
| Materials and Supplies | ( 46,845) |
| Services Other Than Personal | ( 314,765) |
| Maintenance of Property: | |
| Recurring | ( 950) |

The unexpended balance as of June 30, 1979 in the Rate Counsel account, and receipts, are hereby appropriated as a revolving fund for the purpose of defraying the costs of operation of the Rate Counsel activity and 20% of the departmental administrative costs.

*Assistance to the Economically Disadvantaged*

*53200. Criminal Defense of Indigents*

| | | |
|---|---|---|
| 53210-850. | Trial | $11,187,694 |
| 53220-850. | Appellate | 2,479,525 |
| 53290-850. | Administration and Special Programs | 621,628* |
| | Total Appropriation | $14,288,847* |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $9,843,397) |
| Positions transferred from another subcategory | ( 26,099) |
| Materials and Supplies | ( 220,560) |
| Services Other Than Personal | ( 4,103,356) |
| Maintenance of Property: | |
| Recurring | ( 6,635) |
| Extraordinary: | |
| Representation of child abuse cases (State share) | ( 88,800) |
| Municipal court | ( *) |

The unexpended balance as of June 30, 1979 in the Receipts from clients account, and any receipts collected, are hereby appropriated.

The sum hereinabove for legal and investigative services shall be available for payment of obligations applicable to prior fiscal years.

*Management and General Support*

*79100. Department Management and General Support*

| | | |
|---|---|---|
| 79110-850. | Support Services | $552,040 |
| 79190-850. | Department Management | 268,464 |
| | Total Appropriation | $820,504 |

| | | |
|---|---|---|
| Personal Services: | | |
| Commissioner | ( $49,000) | |
| Salaries and wages | ( 617,145) | |
| Positions transferred from another subcategory | ( 29,104) | |
| Materials and Supplies | ( 39,960) | |
| Services Other Than Personal | ( 83,315) | |
| Maintenance of Property: | | |
| Recurring | ( 1,980) | |
| Total Appropriation, Department of the Public Advocate | | $16,987,069* |

DEPARTMENT OF STATE

*Direct Public Services*

*34600. Development of Arts and Culture*

| | | |
|---|---|---|
| 34610-300. | Support of the Arts | $1,333,740 |
| | Total Appropriation | $1,333,740 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( $56,940) | |
| Materials and Supplies | ( 5,650) | |
| Services Other Than Personal | ( 19,450) | |
| Maintenance of Property: | | |
| Recurring | ( 200) | |

Extraordinary:
Cultural projects ..... ( 1,250,000)
Council member expenses ..... ( 1,500)

The unexpended balances as of June 30, 1979 in the Cultural projects accounts are hereby appropriated.

Of the amounts appropriated for various Cultural projects, a sum not to exceed $50,000 may be used for additional administrative expenses.

The Council on the Arts may require of recipient groups, and in the case of those receiving over $50,000 shall require, that performances be scheduled in several regional centers of the State.

In addition to the amount hereinabove for cultural projects, there may be appropriated $1,250,000 for additional cultural projects.

*Executive Management, Planning and Control*

*71600. Recording, Filing and Control of Documents*

| | |
|---|---|
| 71610-300. Recording and Filing of Documents .. | $1,686,696 |
| Total Appropriation ..... | $1,686,696 |

Personal Services:
Secretary of State ..... ( $49,000)
Salaries and wages ..... ( 1,021,800)
Positions transferred from another subcategory ..... ( 57,946)
Materials and Supplies ..... ( 70,750)
Services Other Than Personal ..... ( 351,200)

Maintenance of Property:
Recurring ..... ( 3,000)
Non-recurring and replacements .. ( 4,000)

Extraordinary:
Voter registration ..... ( 115,000)
Voter declaration ..... ( 4,000)
Additions and Improvements ..... ( 10,000)

The unexpended balance as of June 30, 1979 in the Examination of voting machines account, and any additional receipts derived from the examination of voting machines by the Secretary of State, are hereby appropriated for the costs of making such examinations.

*71700. Administrative Procedures and Adjudication of Administrative Appeals*

| | | |
|---|---|---|
| 71710-300. | Adjudication of Administrative Appeals | $1,500,000 |
| 71720-300. | Codification and Publication of Administrative Procedures | 157,900 |
| | Total Appropriation | $1,657,900 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $141,470) |
| Materials and Supplies | ( 8,000) |
| Services Other Than Personal | ( 7,130) |
| Maintenance of Property: | |
| Recurring | ( 300) |
| Extraordinary: | |
| Establishment of Office of Administrative Law | ( 1,500,000) |
| Additions and Improvements | ( 1,000) |

Of the amount hereinabove for Adjudication of Administrative Appeals an amount of $45,000 is hereby provided for the salary of the Director of the Office of Administrative Law.

Receipts from charges made for services by the Office of Administrative Law are hereby appropriated.

The unexpended balance as of June 30, 1979 in the Publications preparation account, and any additional receipts derived from the sale of publications by the Division of Administrative Procedure, are hereby appropriated for the preparation, printing and distribution of such publications.

Total Appropriation, Department of State .. $4,678,336

DEPARTMENT OF TRANSPORTATION

*Operation and Maintenance of Transportation Facilities*

*63100. State Highway Facilities*

| | | |
|---|---|---|
| 63110-600. | Roadway and Bridge Maintenance and Improvements | $38,010,200 |
| 63120-600. | Electrical and Traffic Operations | 13,029,503 |
| 63130-600. | Physical Plant Maintenance | 3,007,069 |
| 63140-600. | Equipment Engineering Operation and Acquisition | 16,213,271 |
| | Total Appropriation | $70,260,043 |

Personal Services:

| | |
|---|---|
| Salaries and wages | ($36,465,808) |
| Positions transferred from another department | ( 317,463) |
| Materials and Supplies | ( 6,792,300) |
| Services Other Than Personal | ( 973,672) |

Maintenance of Property:

| | |
|---|---|
| Recurring | ( 10,479,350) |
| Non-recurring and replacements | ( 8,164,950) |

Extraordinary:

| | |
|---|---|
| Construction, reconstruction, improvement or rebuilding of State highways including resurfacing and major bridge repairs or rehabilitation | ( 6,000,000) |
| Traffic signals, signs, lighting and safety improvements | ( 1,000,000) |
| Additions and Improvements | ( 66,500) |

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

Of the unexpended balances as of June 30, 1979, hereinabove, not less than $3,000,000 shall be utilized for repairing pot holes and clean-up of State highways. Of the $3,000,000 allocated for these purposes any unexpended funds on December 31, 1979 shall lapse into the General Fund.

*63200. Public Transportation Facilities*

| | | |
|---|---|---|
| 63210-600. | Railroad and Bus Operations | $76,518,830 |
| 63220-600. | Aeronautics | 312,355 |
| | Total Appropriation | $76,831,185 |

Personal Services:
- Salaries and wages ( $1,948,349)
- Positions transferred from another department ( 53,371)

Materials and Supplies ( 57,900)

Services Other Than Personal ( 1,718,465)

Maintenance of Property:
- Non-recurring and replacements ( 3,100)

Extraordinary:
- Rail passenger service subsidies
- Motor bus operators' subsidies
- Subsidies for transportation services to senior citizens
- Promotion of public transit ridership

( 73,050,000)

The unexpended balance as of June 30, 1979 in the Extraordinary category is hereby appropriated.

The sum hereinabove for passenger service subsidies may be used to make payments in accordance with labor protective agreements entered into as a condition of receiving Federal funds in support of operating subsidies for railroad and bus operations.

Receipts from the rental or lease of property owned by the Commuter Operating Agency, and the unexpended balances as of June 30, 1979 of such receipts, are hereby appropriated for maintenance or improvement of transportation property, equipment and facilities.

*Department Management and General Support*

*69100. Department Management and General Support*

| | | |
|---|---|---|
| 69110-600. | Department Management | $1,244,110 |
| 69120-600. | Department Administration Services | 4,066,171 |
| 69130-600. | Fiscal Management | 3,254,459 |
| | Total Appropriation | $8,564,740 |

| | |
|---|---|
| Personal Services: | |
| Commissioner | ( $49,000) |
| Salaries and wages | ( 5,344,153) |
| Position transferred from another department | ( 25,995) |
| Positions transferred from other subcategories | ( 84,147) |
| Materials and Supplies | ( 138,793) |
| Services Other Than Personal | ( 2,033,652) |
| Maintenance of Property: | |
| Recurring | ( 50,300) |
| Non-recurring and replacements | ( 33,800) |
| Extraordinary: | |
| Compensation awards | ( 800,000) |
| Additions and Improvements | ( 4,900) |

The unexpended balance as of June 30, 1979, 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 hereby appropriated.

There are hereby appropriated as a revolving fund, receipts derived from services rendered by the Department of Transportation Data Processing Center for the purpose of operating the Data Processing Center, including the replacement and purchase of additional data processing equipment.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Department of Transportation Data Processing Center from the various appropriations

made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

*69300. Planning and Research*

| | | |
|---|---|---|
| 69310-600. | Planning | $1,576,644 |
| 69320-600. | Research | 793,308 |
| | Total Appropriation | $2,369,952 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( $1,800,851) | |
| Materials and Supplies | ( 48,851) | |
| Services Other Than Personal | ( 208,280) | |
| Maintenance of Property: | | |
| Recurring | ( 3,270) | |
| Non-recurring and replacements | ( 14,500) | |
| Extraordinary: | | |
| Comprehensive highway transportation planning studies | ( 75,040) | |
| Metropolitan planning studies | ( 191,010) | |
| Public transportation technical feasibility studies | ( 20,000) | |
| Additions and Improvements | ( 8,150) | |

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

Sums allocated by the Commissioner of Transportation for planning and research in the annual construction program may be transferred to this account for expenditure.

| | |
|---|---|
| Total Appropriation, Department of Transportation | $158,025,920 |

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A–1 et seq. (Emergency Transportation Tax Act) as determined by the Director of the Division of Budget and Accounting first shall be charged to the Transportation Fund established in such Act.

Projects and programs within the purview of C54:8A–58 et seq. (Transportation Benefits Tax Act) as determined by the Director of the Division of Budget and Accounting first shall be charged to the Transportation Benefits Fund established in such Act.

Of the amount hereinabove for the Department of Transportation, it is estimated that an amount of $94,327 may be available for transfer to the Office of Administrative Law.

DEPARTMENT OF THE TREASURY

*Executive Management, Planning and Control*

*71200. Central Management, Planning and Control*

| | | |
|---|---|---|
| 71210-220. | Budget Planning and Control | $1,816,111 |
| 71220-220. | Accounting and Fiscal Management | 4,998,721 |
| 71230-225. | Management of Data Processing and Telecommunications | 998,620 |
| 71240-212. | Employee Relations and Collective Negotiations | 365,933 |
| 71250-211. | Economic Planning and Research | 135,455 |
| 71260-290. | Management of State Investments | 1,326,516 |
| 71270-295. | Management of Employee Benefits Programs | 4,761,974 |
| 71290-270. | Financial Regulations and Assistance | 461,392 |
| | Total Appropriation | $14,864,722 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $9,687,664) |
| Positions converted | ( 78,438) |
| Materials and Supplies | ( 417,317) |
| Services Other Than Personal | ( 4,580,515) |
| Maintenance of Property: | |
| Recurring | ( 40,700) |
| Non-recurring and replacements | ( 10,760) |
| Extraordinary: | |
| Expanded Federal program policy review | ( 30,000) |
| Additions and Improvements | ( 19,328) |

There are hereby 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.

Such sums as may be necessary for administrative expenses incurred by the Bureau of Accounting in processing Federal benefit payments are hereby appropriated from such sums as may be received or receivable for this purpose.

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are hereby appropriated for the purposes and from the sources defined in said acts.

There are hereby appropriated, out of receipts derived from the investment of State funds, such sums as may be necessary for bank service charges, custodial costs, mortgage servicing fees and advertising bank balances (C52:18–16.1).

*71300. Tax and Revenue Administration*

| | | |
|---|---|---|
| 71310-240. | Special Procedures/Investigations | $6,319,961 |
| 71320-240. | Tax Audit Services | 9,984,366 |
| 71330-250. | Administration of State Lottery | 3,610,276 |
| 71390-240. | Processing/Administration | 8,420,300 |
| | Total Appropriation | $28,334,903 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ($22,152,920) |
| Materials and Supplies | ( 934,600) |
| Services Other Than Personal | ( 5,168,458) |
| Maintenance of Property: | |
| Recurring | ( 48,125) |
| Non-recurring and replacements | ( 800) |
| Extraordinary: | |
| Compensation awards | ( 30,000) |

So much of the receipts derived from the sale of confiscated equipment, materials and supplies under the Cigarette Tax Act as may be necessary for confiscation, storage, disposal and other related expenses thereof are hereby 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, as amended and supplemented.

There are hereby appropriated, out of the State Lottery Fund, the amounts hereinabove for Administration of State Lottery, and such sums as may be necessary for such additional costs required to implement C5:9–1 et seq.

In addition to the amounts hereinabove, there are hereby appropriated from the State Lottery Fund such sums as may be necessary for payment of commissions, prizes and expenses of developing games (C5:9–7).

Any appropriation herein or heretofore made for administration of the Emergency Transportation Tax Act (C54:8A–1 et seq.) and the Transportation Benefits Tax Act (C54:8A–58 et seq.) first shall be charged to the Transportation Fund or the Transportation Benefits Fund, respectively, established in said Acts and, in addition thereto, such sums as may be necessary for additional expenses of administration of said Acts are hereby appropriated from the receipts thereof.

*Centrally Financed Facilities and Services*

*78100. Central Support Services*

| | | |
|---|---|---|
| 78110-230. | Purchasing and Inventory Management | $2,130,286 |
| 78120-230. | Physical Plant Operation and Maintenance | 5,250,281 |
| 78130-230. | Other Property Management Services | 464,429 |

| | | |
|---|---|---|
| 78170-235. | Construction Management Services | 2,371,368 |
| 78190-230. | Spill Compensation Fund Administration | 100,000 |
| | Total Appropriation | $10,316,364 |

Personal Services:
Salaries and wages ..... ( $7,013,900)
Materials and Supplies ..... ( 2,034,770)
Services Other Than Personal ..... ( 837,083)

Maintenance of Property:
Recurring ..... ( 241,250)
Non-recurring and replacements ... ( 82,361)

Extraordinary:
Spill Compensation Fund Administration ..... ( 100,000)
Additions and Improvements ..... ( 7,000)

A sum, not to exceed $183,741, from the proceeds derived from the sale of State-owned surplus real property is hereby appropriated for administrative expenses connected with such sale or disposition.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Construction Management Services program element, 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.

The amount hereinabove for Spill Compensation Fund Administration is hereby appropriated from the New Jersey Spill Compensation Fund and, in addition to the amounts hereinabove, there are hereby appropriated out of the New Jersey Spill Compensation Fund such additional sums as may be required for hiring adjustors, administering the Fund and paying approved claims for damages.

*78110-230-300. State Purchase Fund*

The unexpended balance in the State Purchase Fund as of June 30, 1979, and the reimbursements thereto, are hereby appropriated for the purpose of making payments for purchases (RS 52:25–1 et seq.), and for expenses of handling storing and transporting purchases so made and for administration of the Distribution Center.

*78140-220-300. Data Processing Center*

There are hereby appropriated as a revolving fund the receipts derived from services rendered by the Bureau of Data Processing, and the unexpended balance, in excess of $200,000 of such receipts as of June 30, 1979, for the purpose of operating the revolving fund, including the replacement of data processing equipment and the purchase of additional data processing equipment.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Bureau of Data Processing revolving fund from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

*78150-230-303. Automotive Services*

There are hereby appropriated as a revolving fund receipts derived from services rendered by a central motor pool, and the unexpended balance, in excess of $300,000 of such receipts as of June 30, 1979, for the purpose of operating such a motor pool, including replacement of motor vehicles and purchase of additional motor vehicles.

*78180-213-300. Public Communication*

There are hereby appropriated as a revolving fund receipts derived from services rendered by the Office of Public Communication, and the unexpended balance of such receipts as of June 30, 1979.

*Management and General Support*

*79100. Department Management and General Support*

| | | |
|---|---|---|
| 79110-210. | Management Services | $1,178,908 |
| 79130-210. | Federal Liaison Office | 100,000 |
| | Total Appropriation | $1,278,908 |

| | |
|---|---|
| Personal Services: | |
| State Treasurer | ( $49,000) |
| Salaries and wages | ( 776,715) |
| Materials and Supplies | ( 37,000) |
| Services Other Than Personal | ( 111,893) |
| Maintenance of Property: | |
| Recurring | ( 900) |
| Non-recurring and replacements | ( 2,200) |
| Extraordinary: | |
| Public contracts affirmative action program | ( 200,000) |
| Federal Liaison Office—Washington, D. C. | ( 100,000) |
| Additions and Improvements | ( 1,200) |

Fees collected on behalf of the Public contracts affirmative action program, are hereby appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

*79120-210-301. Print Shop*

The unexpended balance as of June 30, 1979 in the Print Shop revolving fund, and any receipts therefrom, are hereby appropriated for the several purposes thereof.

The Director of the Division of Budget and Accounting is hereby 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.

*79120-210-302. Microfilm Section*

The unexpended balance as of June 30, 1979 in the Microfilm Section revolving fund, and any receipts therefrom, are hereby appropriated for the several purposes thereof.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Microfilm Section revolving fund from any appropriation made to any department for microfilming costs appropriated or allocated to such departments for their share of costs of the Microfilm Section.

*79120-233, 234-400. State Cafeterias*

The unexpended balances in the State Cafeteria accounts as of June 30, 1979, and receipts obtained from cafeteria operations, are hereby appropriated for the improvement and extension of cafeteria services and facilities (C52:18A–19.6).

| | |
|---|---|
| Total Appropriation, Department of the Treasury | $54,794,897 |

Of the amount hereinabove for the Department of the Treasury, it is estimated that an amount of $124,182 may be made available for transfer to the Office of Administrative Law.

MISCELLANEOUS EXECUTIVE COMMISSIONS

*Environmental Management*

*41300. Resource Management*

*914. Delaware River Basin Commission*

| | |
|---|---|
| 41310. Water Supply Management | $330,100 |
| Total Appropriation | $330,100 |

Extraordinary:

| | |
|---|---|
| Expenses of commission | ( $330,100) |

*41400. Pollution Control*

*913. Interstate Sanitation Commission*

| | | |
|---|---|---|
| 41410. | Air Pollution | $81,000 |
| 41440. | Water Quality | 147,900 |
| | Total Appropriation | $228,900 |

Extraordinary:
New Jersey share of air pollution costs (45%) ( $81,000)
New Jersey share of water quality costs (45%) ( 147,900)

*Recreational Management*

*46100. Recreational Opportunities*

*911. Palisades Interstate Park Commission*

| | | |
|---|---|---|
| 46110. | Parks Management | $1,112,879 |
| 46180. | Patrol Activities and Crime Control | 639,231 |
| | Total Appropriation | $1,752,110 |

Personal Services:
Salaries and wages ( $1,276,506)
Materials and Supplies ( 172,430)
Services Other Than Personal ( 146,664)
Maintenance of Property:
Recurring ( 88,360)
Non-recurring and replacements ( 68,150)

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 balance as of June 30, 1979 from such revenues, are hereby appropriated for maintenance.

The unexpended balances as of June 30, 1979 from police court, stands, concessions and self-sustaining activities operated or supervised by this Commission, and receipts from such activities, are hereby appropriated.

*Operation and Maintenance of Transportation Facilities*

*63100. State Highway Facilities*

*912. Delaware River Joint Toll Bridge Commission*

| | | |
|---|---|---|
| 63150. | Delaware River Joint Toll Bridge Commission | $1,524,618* |
| | Total Appropriation | $1,524,618* |
| | Personal Services: | |
| | Salaries and wages | ( $862,478) |
| | New positions | ( 31,790) |
| | Materials and Supplies | ( 48,800) |
| | Services Other Than Personal | ( 256,400) |
| | Maintenance of Property: | |
| | Recurring | ( 26,000) |
| | Non-recurring and replacements | ( 299,150*) |

*Executive Management, Planning and Control*

*71200. Central Management, Planning and Control*

*915. New Jersey Commission on Capital Budgeting and Planning*

| | | |
|---|---|---|
| 71210. | New Jersey Commission on Capital Budgeting and Planning | $103,000 |
| | Total Appropriation | $103,000 |
| | Extraordinary: | |
| | Expenses of Commission | ( $103,000) |
| | Total Appropriation, Miscellaneous Executive Commissions | $3,938,728* |

INTER-DEPARTMENTAL SERVICES

*Centrally Financed Facilities and Services*

*78200. Inter-Departmental Services*

*940. Property Rentals, Insurance and Other Services*

| | | |
|---|---|---|
| 78210. | Property Rentals—Buildings and Grounds | $22,255,061 |
| 78260. | Insurance and Other Services | 775,000 |
| | Total Appropriation | $23,030,061 |

Services Other Than Personal:
Rent:
Buildings and grounds ..... ($20,716,946)
Health-Agricultural Building ... ( 664,500)
Education Building ..... ( 332,355)
Cultural Center ..... ( 541,260)

Extraordinary:
Retroactive Premium—Master Automobile Policy ..... ( 75,000)
Excess Liability Insurance Master Policy ..... ( 700,000)

The amount hereinabove for Property rentals—Buildings and grounds may be used for offices, rent, telephones, answering services, furniture and office equipment for district offices of members of the Legislature; provided, however, that the rental of office space for a district office shall not be in any facility in which the legislator has any proprietary interest; provided, further, however, that the sum not be used to provide remuneration to any members of the Legislature; and provided, further, however, that the expenditure be in accordance with joint rules established by the President pro tem of the Senate and the Speaker of the General Assembly.

The Director of the Division of Budget and Accounting is hereby 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 hereby appropri-

ated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding any other provision of law, no lease for the rent of any office or building shall be executed without the prior written consent of the State Treasurer, the Director of the Division of Budget and Accounting, the President pro tem of the Senate and the Speaker of the General Assembly.

The unexpended balance as of June 30, 1979 in the Tort Claims Liability Fund account (C59:12–1) is hereby appropriated for the same purpose.

The amount hereinabove for the Tort Claims Liability Fund (C59:12–1) 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 sum hereinabove shall be available for payment of obligations applicable to prior fiscal years.

*941. Employee Benefits*

| | | |
|---|---|---|
| 78220. | Employee Benefits | $239,107,403 |
| | Total Appropriation | $239,107,403 |

Extraordinary:

| | |
|---|---|
| Heath Act | ( $50,000) |
| Veterans' Act | ( 100,000) |
| Miscellaneous special acts | ( 8,500) |
| Governors' widows annuity | ( 8,000) |
| Judicial Retirement System | ( 5,390,878) |
| Prison officers' pensions | ( 1,800,000) |
| Public Employees' Retirement System; Premiums for non-contributory insurance | ( 54,992,737) |
| Social security tax | ( 70,250,000) |
| State Police Retirement System; Premium for non-contributory insurance—State Police | ( 7,151,852) |

| | |
|---|---|
| Dental care program (shared cost) | ( 3,500,000) |
| State employees' health benefits | ( 53,000,000) |
| Prescription drug program | ( 5,100,000) |
| Pension Adjustment Act | ( 11,500,000) |
| Employer contributions, alternate benefit program | ( 15,500,000) |
| Pension and insurance contributions payable to Teachers' Pension and Annuity Fund for higher education and State employee members | ( 3,005,436) |
| Unemployment insurance—Employer liability | ( 4,000,000) |
| Police and Firemen's Retirement System (C43:16A–1) | ( 3,750,000) |

Of the sum hereinabove, 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 RS 43:8–2, and continued by RS 43:7–1 et seq., RS 43:8–1 et seq. and RS 43:8–8 et seq.

Any adjustment which may be required for payment of Premium for non-contributory insurance shall result in a contra-adjustment in the payment of the normal contribution for the Public Employees' Retirement System.

Any adjustment which may be required for payment of Premium for non-contributory insurance shall result in a contra-adjustment in the payment of the normal contribution for the State Police Retirement System.

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, 1980 in amounts and at times as determined by the Director of the Divi-

sion 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, 1979 through the date of such payment.

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

$76,000,000, or so much as is received, of the amount appropriated for Social security tax and State employees' health benefits first shall be charged to funds anticipated from the Federal government as general revenue sharing.

Such interest as may be required to be paid on account of delayed payments to the Public Employees' Retirement System is hereby appropriated from investment earnings.

The amount hereinabove for Prescription drug program is based upon a copayment of $2.50 for each eligible prescription.

*942. State Contingency Fund*

| | | |
|---|---|---|
| 78230. | State Contingency Fund | $3,900,000 |
| | Total Appropriation | $3,900,000 |

Extraordinary:

To the State Emergency Fund 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. Allotments from this appropriation shall be made only upon authorization of the Governor ..... | ( $300,000) |
| For allotment, as required, to meet contingencies including increases in the price of fuel and food, and other commodities and services beyond those anticipated as the Director of the Division of Budget and Accounting shall determine ..... | ( 2,000,000) |
| For allotment to the various departments or agencies to pay compensation awards allowed State employees, upon approval of the Director of the Division of Budget and Accounting ..... | ( 150,000) |
| To the Director of the Division of Budget and Accounting for allotment, as required, to the various agencies to compensate employees for authorized overtime under the regulations promulgated by the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting, or their designated representatives ..... | ( 300,000) |
| To the Director of the Division of Budget and Accounting for allotment to the various departments and agencies who make application for, and demonstrate the need for seed money to implement cost saving processes or other productivity improvements ..... | ( 250,000) |

For allocation, as required, to the several departments to cover additional systems development and programming costs to conform agency accounting systems to the Central Appropriation, Revenue Accounting and Budget systems, now under revision, with implementation scheduled for July 1, 1980 ..... ( 900,000)

The unexpended balance in the Productivity improvements account as of June 30, 1979 is hereby appropriated for Productivity improvements in State government.

The Director of the Division of Budget and Accounting is hereby empowered to transfer savings to the Productivity improvements account or to appropriate additional revenue up to $200,000, resulting from the implementation of cost saving processes or other productivity improvements, as determined by the Director.

*943. Salary and Other Benefits*

| | |
|---|---|
| 78240. Salary and Other Benefits ..... | $45,000,000 |
| Total Appropriation ..... | $45,000,000 |

Extraordinary:

To the Director of the Division of Budget and Accounting for allotment to the various agencies for lump sum payments to eligible retired employees for earned and unused accumulated sick leave (C11:14–9 et seq.) .....

To the Director of the Division of Budget and Accounting for allotment to the various agencies for the costs of salary and other benefits, including normal merit increments, resulting from negotiated contractual agreements (\$45,000,000)

with various employee organizations and the costs of salary and other benefits, including normal merit increments, for those employees not covered by a negotiated contractual agreement with any employee organization. . . . .

The appropriation for Salary and other benefits hereinabove shall be subject to rules and regulations established by the State Treasurer, the President of the Civil Service Commission and the Director of the Division of Budget and Accounting; provided, however, that any salary adjustment which may be authorized be made effective at the beginning of the bi-weekly pay period nearest July 1, 1979, or thereafter, as the State Treasurer, the President of the Civil Service Commission and the Director of the Division of Budget and Accounting shall determine.

The cash salary rate which may be paid to any employee shall not be increased to a salary rate which exceeds $500 less than the cash salary rate provided by law for the respective department head, including employees of the College of Medicine and Dentistry of New Jersey; Rutgers, The State University; the New Jersey Institute of Technology and the State colleges; except that the rates of pay of medical faculty at the College of Medicine and Dentistry of New Jersey; of medical doctors in other State agencies; the President of Rutgers, The State University, and the President of the New Jersey Institute of Technology, may be increased above the department head's salary rate with the approval of the President of the Civil Service Commission and the Director of the Division of Budget and Accounting.

No salary range or rate of pay may be increased or salary adjustment paid in any State department, agency, commission or higher education

institution without the approval of the President of the Civil Service Commission and the Director of the Division of Budget and Accounting; provided, however, that any sums appropriated to the several departments for salaries may be made available for salary adjustment therein, arising from various exigencies of the State service as the President of the Civil Service Commission and the Director of the Division of Budget and Accounting shall determine. A copy of any such salary increase or adjustment shall be transmitted to the Legislative Budget Officer, upon the effective date of such proposal. Nothing herein shall be construed as applicable to the unclassified personnel of the Legislative Branch.

The classification, compensation, promotion and salary administration program plans of Rutgers, The State University; the New Jersey Institute of Technology and the College of Medicine and Dentistry of New Jersey shall be maintained and amended as required, in accordance with standards and guidelines established by the President of the Civil Service Commission, and approved by the Director of the Division of Budget and Accounting, subject to audit by the Department of Civil Service. Information copies of such program plans as hereinabove described shall be forwarded to the Legislative Budget Officer, upon promulgation of such plans.

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 College 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.

Each person holding such State office, position or employment, whose compensation from State funds is derived in whole or in part from Federal or non-State fund sources, shall be entitled to such salary payments which may be authorized which he would receive if his compensation were paid wholly from State funds; provided, however, that the Federal government or non-State fund sources consent thereto and pay the cost thereof.

| | |
|---|---|
| Total Appropriation, Inter-Departmental Services | $311,037,464 |

THE JUDICIARY

*Judicial Affairs*

*73100. Court Operations*

| | | |
|---|---|---|
| 73110-970. | Supreme Court | $1,244,758 |
| 73120-970. | Superior Court | 16,587,785 |
| 73150-970. | Tax Court | 1,411,125 |
| | Total Appropriation | $19,243,668 |

| | | |
|---|---|---|
| Personal Services: | | |
| Chief Justice | ( | $58,500) |
| Associate Justices (6 @ $56,000) | ( | 336,000) |
| Judges (245) | ( | 11,412,000) |
| Judges of the Tax Court (10) | ( | 85,000) |
| Salaries and wages | ( | 5,499,676) |
| New positions | ( | 443,144) |
| Materials and Supplies | ( | 576,400) |
| Services Other Than Personal | ( | 595,948) |
| Maintenance of Property: | | |
| Recurring | ( | 36,300) |
| Non-recurring and replacements | ( | 23,200) |

| | | |
|---|---|---|
| Extraordinary: | | |
| Reimbursement to counties for expenses incurred in connection with the prosecution and defense of defendants accused of committing crimes in State penal or correctional institutions (NJS 2A:166A–1) | ( | 25,000) |
| Compensation awards | ( | 600) |
| Additions and Improvements | ( | 151,900) |

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

The unexpended balance as of June 30, 1979 in the Adjudication of Tax Appeals account of the Department of Treasury is hereby appropriated to the Tax Court.

*73200. Court Support Services*

| | | |
|---|---|---|
| 73210-970. Official Court Reporters | | $4,354,329 |
| 73290-970. General Support | | 2,966,427 |
| Total Appropriation | | $7,320,756 |
| Personal Services: | | |
| Salaries and wages | ( | $5,788,227) |
| Materials and Supplies | ( | 275,500) |
| Services Other Than Personal | ( | 1,149,029) |
| Maintenance of Property: | | |
| Recurring | ( | 10,500) |
| Non-recurring and replacements | ( | 62,000) |
| Extraordinary: | | |
| Compensation awards | ( | 30,000) |
| Additions and Improvements | ( | 5,500) |

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*73300. Court Administration*

| | | |
|---|---|---|
| 73310-970. Legal Services | | $830,180 |
| 73320-970. Probation Services | | 105,162 |
| 73390-970. Management Services | | 947,168 |
| Total Appropriation | | $1,882,510 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( $1,686,813) | |
| Materials and Supplies | ( 52,400) | |
| Services Other Than Personal | ( 106,847) | |
| Maintenance of Property: | | |
| Recurring | ( 19,950) | |
| Non-recurring and replacements | ( 16,500) | |
| The unexpended balance as of June 30, 1979 in this account is hereby appropriated. | | |
| Receipts from charges to the Superior Court Trust Fund and to the Clients' Security Fund for services provided to those Funds are hereby appropriated. | | |
| Total Appropriation, The Judiciary | | $28,446,934 |
| Total Appropriation, Direct State Services | | $1,940,898,889* |

STATE AID

DEPARTMENT OF COMMUNITY AFFAIRS

*Development of Community Programs*

*42100. Community Development Management—State Aid*

| | | |
|---|---|---|
| 42120-800. | Housing | $2,398,000 |
| 42130-800. | Local Government Services | 54,596,995 |
| 42150-800. | Uniform Construction Code | 36,000 |
| | Total Appropriation | $57,030,995 |

| | | |
|---|---|---|
| Extraordinary: | | |
| Neighborhood preservation | ( $1,000,000) | |
| Revolving housing development and demonstration grant fund | ( 325,000) | |
| Relocation assistance | ( 1,073,000) | |
| Municipal aid (C52:27D–178 et seq.) | ( 38,989,871) | |
| Municipal aid, Lakewood Township | ( 263,499) | |
| Safe and clean neighborhoods | ( 12,881,625) | |
| Interlocal services | ( 262,000) | |
| Aid to depressed rural centers | ( 400,000) | |
| Public service training internships | ( 250,000) | |

| | |
|---|---|
| Payment to Jersey City for urban aid, redevelopment, planning and to qualify for Federal funds | ( 1,550,000) |
| Municipal memberships in Building codes association | ( 36,000) |

Of the sum hereinabove for Neighborhood preservation, a sum not to exceed $150,000 may be used for administration of the program.

In addition to the amount hereinabove for Neighborhood preservation, there is hereby appropriated $1,000,000 from the State Mortgage Assistance Fund for the Neighborhood preservation program.

The unexpended balance as of June 30, 1979 in the Revolving housing development and demonstration grant fund account, and receipts, are hereby appropriated for the same purpose.

The amount hereinabove for Relocation assistance shall be available to municipalities qualifying for assistance; provided, however, that each recipient municipality match its grant with an equal amount, except for those municipalities exempted by rules and regulations promulgated by the Department.

The amount hereinabove for Safe and Clean Neighborhoods shall be available to those municipalities qualifying for municipal aid for the purpose of improving safety and cleanliness of neighborhoods; provided, however, that each recipient municipality match its allocation with an equal amount; and provided, further, that no municipality receive more than $1,200,000.

Notwithstanding the provisions of C52:27D–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.

No payment (C52:27D–178 et seq.) shall be made to any municipality which does not qualify for aid

pursuant to section 1 of said act, unless it had issued qualified bonds guaranteed by municipal aid prior to 1978.

The unexpended balance as of June 30, 1979 in the Interlocal services account is hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1979 in the account Local Government Emergency Assistance Act of 1979 is hereby appropriated.

*Income Security and Human Resource Development*

*52300. Human Resource Development—State Aid*

| | | |
|---|---|---|
| 52310-800. | Human Resources | $2,070,000 |
| 52320-800. | Programs for Aging | 420,000 |
| | Total Appropriation | $2,490,000 |

Extraordinary:

| | |
|---|---|
| Community development | ( $395,000) |
| Handicapped person's recreation opportunities | ( 150,000) |
| Economic opportunity programs | ( 800,000) |
| Office of Hispanic affairs | ( 550,000) |
| Special youth olympics | ( 75,000) |
| Program development | ( 100,000) |
| County offices on aging | ( 420,000) |

Total Appropriation, Department of Community Affairs $59,520,995

DEPARTMENT OF EDUCATION

*General Assistance for Public and Non-Public Education*

*31100. General Assistance to Local Educational Agencies —State Aid*

| | | |
|---|---|---|
| 31110-500. | General Formula Aid | $428,020,222 |
| 31120-500. | Special Education | 63,504,818 |
| 31130-500. | Teachers' Pension and Annuity Fund | 311,396,852 |
| 31140-500. | School Building Aid | 35,898,668 |
| 31150-500. | Pupil Transportation Aid | 37,070,000 |
| | Total Appropriation | $875,890,560 |

| | |
|---|---|
| Grants-in-Aid: | |
| Current expense equalization aid (C18A:7A–1 et seq.) | ($428,020,222) |
| Pilot projects for pre-school education for the handicapped | ( 900,000) |
| Special education program | ( 62,604,818) |
| State contribution to Teachers' Pension and Annuity Fund: | |
| Normal contribution | ( 125,263,857) |
| Accrued liability | ( 25,435,494) |
| Payment on behalf of local employee veterans appointed after January 1, 1955 | ( 186,810) |
| Premium for non-contributory insurance | ( 7,510,691) |
| Pension adjustment act | ( 38,000,000) |
| Social security tax | ( 115,000,000) |
| School building aid debt service | ( 16,514,717) |
| Building aid (C18A:7A–1 et seq.) | ( 19,383,951) |
| Computerized bus scheduling | ( 250,000) |
| Transportation aid | ( 36,820,000) |

Of the amount hereinabove in the Current expense equalization aid account, not more than $250,000 may be used for administrative expenses.

From the amount hereinabove for Current expense equalization aid, an amount not to exceed $7,000,000 may be used to fund County Special Services Districts (NJS 18A:46–44).

Any adjustment in the Premium for non-contributory insurance is hereby reflected in the appropriation for Normal contribution.

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, 1980, in amounts and at times as determined by the Director of the Division of Budget and Account-

ing, 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, 1979 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 are hereby appropriated from 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.

The unexpended balance as of June 30, 1979 in the School building aid debt service account is hereby appropriated for the same purpose.

The unexpended balances as of June 30, 1979 in the remaining Grants-in-Aid accounts, not to exceed $250,000, are hereby appropriated.

*31200. Special Assistance to Local Educational Agencies —State Aid*

| | | |
|---|---|---|
| 31210-500. | Non-Public School Aid | $14,113,833 |
| 31220-500. | Adult and Continuing Education | 3,740,960* |
| 31230-500. | Nutrition Programs | 10,600,000 |
| 31240-500. | General Vocational Education | 7,161,341 |
| 31250-500. | Other Grants-in-Aid | 3,006,598 |
| 31260-500. | Educational Improvement Centers—Regional Services | 2,500,000* |
| | Total Appropriation | $41,122,732* |

Grants-in-Aid:

| | |
|---|---|
| Aid to non-public education | ( $2,130,000) |
| Non-public nutrition aid | ( 615,400) |
| Non-public handicapped aid | ( 3,063,400) |
| Non-public auxiliary services aid | ( 5,805,033) |
| Non-public auxiliary services aid—Transportation | ( 2,500,000) |
| Evening school for foreign-born residents | ( 203,000) |

| | |
|---|---|
| High school equivalency | ( 1,490,000*) |
| Adult education | ( 1,058,000) |
| Adult literacy | ( 989,960) |
| State school lunch aid | ( 10,600,000) |
| District and regional vocational education | ( 2,006,341) |
| Schools of industrial education (NJS 18A:64E–8) | ( 30,000) |
| Vocational education | ( 4,500,000) |
| Work-study program | ( 500,000) |
| National guard cooperative education | ( 125,000) |
| Emergency fund | ( 500,000) |
| Public school safety act | ( 2,506,598) |
| Educational improvement centers | ( 2,500,000*) |

With respect to the amount hereinabove for Nonpublic auxiliary services aid—Transportation, the Department is hereby authorized to allocate this amount to local school districts to provide transportation services to students who are eligible to receive the services (C18A:46A–1 et seq.).

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.

*Direct Public Services*

*34200. Programs for the State Library and Historical Commission—State Aid*

| | |
|---|---|
| 34210-520. State Library | $8,579,423 |
| Total Appropriation | $8,579,423 |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $75,023) |
| Materials and Supplies | ( 2,600) |
| Extraordinary: | |
| Workshops | ( 1,800) |
| Grants-in-Aid: | |
| State aid for certain libraries | ( 8,500,000) |

*34300. Programs for the State Museum—State Aid*

| | | |
|---|---|---|
| 34310-530. | State Museum | $709,874* |
| | Total Appropriation | $709,874* |

Grants-in-Aid:

| | |
|---|---|
| Newark Museum Association | ( $709,874) |
| Merabash Museum | ( *) |

| | |
|---|---|
| Total Appropriation, Department of Education | $925,502,589* |

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 below first shall be charged to the State Lottery Fund:

| | |
|---|---|
| School building aid debt service | ($16,514,717) |
| Building aid (NJSA 18A:7A–1 et seq.) | ( 19,383,951) |
| Non-public school aid | ( 14,113,833) |
| Educational Improvement Centers | ( 2,905,099) |

DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Environmental Management*

*41300. Resource Management—State Aid*

| | | |
|---|---|---|
| 41330-400. | Marine Lands Management | $400,000 |
| 41340-400. | Solid Waste Management | 250,000 |
| 41360-400. | Water Resources—Planning and Management | 100,000 |
| | Total Appropriation | $750,000 |

Extraordinary:

| | |
|---|---|
| Town of Keansburg, for not more than 50% of the cost of operation and maintenance of hurricane and beach control structures | ( $100,000) |
| Planning and administrative costs for shore protection projects | ( 300,000) |

| | |
|---|---|
| Implementation and demonstration grants to solid waste management districts, contingent upon no less than 50% participation by such districts | ( 250,000) |
| Lake management | ( 100,000) |

The unexpended balance as of June 30, 1979 in the Planning grants to solid waste management districts account is hereby appropriated for solid waste planning, implementation and demonstration grants.

From the amount appropriated by PL 1978, c. 157, the Department of Environmental Protection is authorized to spend such sums as may be necessary to prepare a shore protection master plan.

*Management and General Support*

*49100. Department Management—State Aid*

| | |
|---|---|
| 49110-400. Department Management and Administrative Services | $1,239,298 |
| Total Appropriation | $1,239,298 |

Extraordinary:

| | |
|---|---|
| Mosquito control, research, administration and operations | ( $400,000) |
| Payment in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes | ( 617,000) |
| Grants for historic restoration in the Capitol City | ( 75,000) |
| Reimbursement to the Borough of Pennington for interest and debt service costs (NJSA 26:2E–8.1) | ( 147,298) |

The unexpended balance as of June 30, 1979 in the Mosquito control, research, administration and operations account is hereby 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 $50,000 be available to the Department of Environmental Protection for the administration and coordination of such programs.

The unexpended balance as of June 30, 1979, of receipts, and any additional receipts derived from the rental of property acquired (C58:21A–1 et seq., C58:21B–1 et seq., PL 1971, c. 165, PL 1974, c. 102 and PL 1978, c. 118), are hereby appropriated for payments in lieu of taxes on such properties and for maintenance of such properties.

The unexpended balance as of June 30, 1979, in the Payment in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes account is hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1979, in the Aid to environmental agencies for urban environmental concerns account is hereby appropriated for the same purpose.

| | |
|---|---|
| Total Appropriation, Department of Environmental Protection | $1,989,298 |

DEPARTMENT OF HEALTH

*Personal Health*

*22100. Prevention, Treatment and Rehabilitation—State Aid*

| | |
|---|---|
| 22110-360. Community Health Services | $12,677,573 |
| Total Appropriation | $12,677,573 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $230,039) |
| Materials and Supplies | ( | 1,400) |
| Services Other Than Personal | ( | 35,120) |

Extraordinary:
Community health services (C26:2F–2.1 et seq.) ..... ( 2,425,824)
Assistance to public general hospitals (C30:9–12.29 et seq.) ..... ( 9,985,190)

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

The capitation is hereby set at 25 cents for the year ending June 30, 1980 for the purposes prescribed (C26:2F–1 et seq.).

Total Appropriation, Department of Health $12,677,573

DEPARTMENT OF HIGHER EDUCATION

*Department Management and General Support*

*39200. General Support—State Aid*

39220-540. Aid to County Colleges ..... $52,817,852

Total Appropriation ..... $52,817,852

Grants-in-Aid:
Capital projects ..... ( $1,797,900)
Operational costs ..... ( 49,312,500)
Debt service (NJS 18A:64A–22) .. ( 1,707,452)

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

It is the intent of the appropriation to fund a total enrollment during fiscal year 1979-80 of 68,500 equated full-time students at $725 per student and no adjustment shall be payable in future fiscal years to compensate any county college or any county-assisted junior college for enrollment in excess of its proportionate share of the said total.

Total Appropriation, Department of Higher Education ..... $52,817,852

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 below first shall be charged to the State Lottery Fund:
Aid to county colleges ..... ($52,817,852)

DEPARTMENT OF HUMAN SERVICES

*Mental Health*

*26900. Management and General Support—State Aid*

| | |
|---|---|
| 26910-770. Community Services ..... | $29,649,769 |
| Total Appropriation ..... | $29,649,769 |

Extraordinary:
Support of patients in county mental hospitals (C30:4–78) ..... ($22,000,000)
Establishment, development, improvement and expansion of community mental health services ... ( 7,649,769)

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

Funds hereinabove for Establishment, development, improvement and expansion of community mental health services shall be available for training stipends, training programs and support of demonstration projects in mental health, to the extent that the appropriation exceeds the funds required for the aid program.

The sums hereinabove shall be available for payment of obligations applicable to prior fiscal years.

*Income Security and Human Resource Development*

*52500. Provision of Income Maintenance to Public Indigents —State Aid*

| | |
|---|---|
| 52530-715. Income Maintenance ..... | $245,673,000 |
| Total Appropriation ..... | $245,673,000 |

Extraordinary:

| | |
|---|---|
| Payments to municipalities for cost of general assistance (State share) | ($36,251,000) |
| Payments for dependent children assistance—Regular segment (State share) | (176,951,000) |
| Payments for emergency assistance (State share) | ( 792,000) |
| Payments for supplemental security income (State share) | ( 18,756,000) |
| Payments for dependent children assistance—Unemployment of father (State share) | ( 7,996,000) |
| Payments for dependent children assistance—Insufficient employment of parents (State share) | ( 4,927,000) |

The net State share of reimbursements and the net balances remaining after full payment of sums due the Federal government of all funds recovered (RS 44:7–14, C44:10–4 et seq., C30:4B–1 et seq. and C44:13–1 et seq.) during the fiscal year ending June 30, 1980, are hereby appropriated.

Receipts from State administered towns during the fiscal year ending June 30, 1980 are hereby appropriated.

A portion of the amount hereinabove for Payments to municipalities for cost of general assistance (State share), not to exceed $750,000, is hereby available for transfer to the Department of Labor and Industry, Division of Employment Services for support costs related to the Workfare program (C44:8–108 et seq.). Any funds transferred to the Department of Labor and Industry shall be used solely to fund employability teams and other costs to implement this general assistance work programs. The amount transferred shall not exceed the amount which is saved through the placement of general assistance recipients in jobs, as a result of intensified employment services.

The amount hereinabove for Payments for supplemental security income (State share) account is hereby available for payments to County Welfare Boards to reimburse the Boards for emergency loans to SSI recipients which are not repaid by the recipients.

The sum hereinabove shall be available for payment of obligations applicable to prior fiscal years.

*52600. Social Services for Youth and Families—State Aid*

| | |
|---|---|
| 52640-717. Child Care Services | $24,653,664 |
| Total Appropriation | $24,653,664 |

Extraordinary:

Payment of child care costs (State share) (C30:4C–1 et seq.):

| | |
|---|---|
| Residential services | ($10,289,630) |
| Foster care and adoption services | ( 13,751,784) |
| Independent living | ( 422,250) |
| Juveniles in need of supervision | ( 190,000) |

Funds recovered (C30:4C–1 et seq.) during the fiscal year ending June 30, 1980, are hereby appropriated.

The amount hereinabove shall be reduced by the amount of additional Federal funds made available for AFDC—Foster Care, as the Director of the Division of Budget and Accounting shall determine, and such reduction shall be lapsed into the General Fund.

Of the amount hereinabove for Foster Care and adoption services, an amount not to exceed $500,000, shall be available for selective adjustments in foster care rates, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove for Foster Care, the Division of Youth and Family Services may expend up to $250,000 to provide emergency services funds to families with children, to prevent the out-of-home placement of such children, subject

to the promulgation of official guidelines. Such funds shall be utilized to assist with the relocation of a family in an emergency situation resulting from fire, when other funds are not available.

The sum hereinabove shall be available for the payment of obligations applicable to prior fiscal years.

Total Appropriation, Department of Human Services ..... $299,976,433

DEPARTMENT OF LAW AND PUBLIC SAFETY

*Law Enforcement*

*11400. Protection of Individual Rights—State Aid*

11410-160. Consumer Affairs—General ..... $2,250

Total Appropriation ..... $2,250

Grants-in-Aid:

Payment of fees to counties and municipalities from the sale of solid fuel licenses (RS 51:8–13), approximating ..... ( $2,000)

Payment of fees to counties and municipalities from the sale of poultry licenses (C4:11–48), approximating ..... ( 250)

In addition to the amount hereinabove, there are hereby appropriated, subject to allotment by the Director of the Division of Budget and Accounting, such additional sums, not in excess of 50% of the revenues received, as may be required to make payments.

*11600. Miscellaneous Law Enforcement and Related Agencies—State Aid*

11620-190. Law Enforcement Planning ..... $323,133

Total Appropriation ..... $323,133

Grants-in-Aid:

For 50% of the non-Federal share of law enforcement assistance action grant projects undertaken by local governments in compliance with the Federal Crime Control Act of 1976 ..... ( $291,977)

For 50% of the non-Federal share of law enforcement assistance planning grant projects undertaken by local governments in compliance with the Federal Crime Control Act of 1976 ..... ( 31,156)

The unexpended balance as of June 30, 1979 in this account is hereby appropriated for the same purposes.

Total Appropriation, Department of Law and Public Safety ..... $325,383

DEPARTMENT OF TRANSPORTATION

*Construction of Transportation Facilities*

*61200. Public Transportation Facilities—State Aid*

*61250-600. Grade Crossing Projects*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*61500. Local Highway Facilities—State Aid*

| | | |
|---|---|---|
| 61520-620. | Federal Aid Urban System Highway Projects ..... | $7,783,860 |
| 61530-620. | Federal Aid Rural Highway Projects . | 2,500,000 |
| 61540-620. | Federal Aid Highway Safety Projects. | 500,000 |
| 61560-620. | County and Municipal Aid ..... | 1,265,000 |
| 61590-620. | Construction Engineering ..... | 1,782,028 |
| | Total Appropriation ..... | $13,830,888 |

| | | |
|---|---|---|
| Personal Services: | | |
| Salaries and wages | ( | $1,606,090) |
| Position transferred from another subcategory | ( | 9,818) |
| Materials and Supplies | ( | 51,200) |
| Services Other Than Personal | ( | 113,520) |
| Maintenance of Property: | | |
| Recurring | ( | 100) |
| Non-recurring and replacements | ( | 1,300) |
| Extraordinary: | | |
| Federal aid urban system highway projects | ( | 7,783,860) |
| Federal aid rural highway projects | ( | 2,500,000) |
| Federal aid highway safety projects | ( | 500,000) |
| County and municipal aid for lighting | ( | 1,265,000) |

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

Capital construction funds are hereby available for allotment by the Commissioner of Transportation, subject to the approval of the Director of the Division of Budget and Accounting, to provide the non-Federal share of construction of local highway facilities.

Amounts hereinabove are hereby 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.

Of the amount hereinabove, sufficient sums shall be designated for design work for the Grove Avenue bridge, Metuchen, and the Pierson Avenue bridge, Edison.

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 Capitol city without local participation.

| | |
|---|---|
| Total Appropriation, Department of Transportation | $13,830,888 |

DEPARTMENT OF THE TREASURY

*Financial Aid to Counties and Municipalities*

*77100. Shared and State-collected Local Taxes—State Aid*

| | | |
|---|---|---|
| 77120-240. | Railroad Property Taxes | $4,000,000 |
| 77130-240. | Business Personal Property Tax Replacement | 158,703,834 |
| | Total Appropriation | $162,703,834 |

Extraordinary:

| | |
|---|---|
| Payments to municipalities in lieu of railroad property tax | ( $4,000,000) |
| Payments to municipalities to avoid loss of revenue to municipalities resulting from elimination of local property tax on business personalty | (158,703,834) |

In addition to the amount hereinabove, there are hereby appropriated such additional sums as may be required for the payment of State aid to certain municipalities in which railroad property is located (C54:29A–1 et seq.).

There are hereby 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 (C54:10B–2 et seq.).

There are hereby appropriated so much of the proceeds of taxes derived from the fire insurance premiums as may be required for payment to the New Jersey Firemen's Home and the New Jersey Firemen's Association (RS 54:17–4).

There are hereby 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, as may be required for payment to the local taxing districts (C54:10A–3 et seq.).

*77200. State Subsidies and Services—State Aid*

| | | |
|---|---|---|
| 77240-240. | Reimbursement—County Boards of Taxation | $433,229 |
| 77250-295. | Consolidated Police and Firemen's Pension Fund | 5,925,559 |
| 77260-240. | Locally Provided Services | 11,050,000 |
| | Total Appropriation | $17,408,788 |

Personal Services:

| | |
|---|---|
| County Tax Board members (69) | ( $433,125) |
| Services Other Than Personal | ( 104) |

Extraordinary:

| | |
|---|---|
| State contribution to consolidated police and firemen's pension fund | ( 5,925,559) |
| Payments to municipalities for services to State-owned property | ( 11,000,000) |
| Tuition payments for local assessors attending Rutgers University Bureau of Government Research courses | ( 50,000) |

Notwithstanding the provision of C54:4-2.2a et seq., no municipality which received, or was entitled to receive, any extraordinary payment for municipal services and in lieu of taxes under PL 1977, c. 137 receive less than the amount that it received under said PL 1977, c. 137.

The expenditure of funds for tuition payments for local assessors shall be subject to regulations established by the Director of the Division of Taxation.

| | |
|---|---|
| Total Appropriation, Department of the Treasury | $180,112,622 |
| Total Appropriation, State Aid | $1,547,553,633* |

CAPITAL CONSTRUCTION

DEPARTMENT OF AGRICULTURE

*Environmental Management*

*41100-330. Disease Control and Agricultural Development Services—Capital*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

DEPARTMENT OF CIVIL SERVICE

*Personnel Management*

*75500-310. Merit System Administration—Capital*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

DEPARTMENT OF CORRECTIONS

*Custody, Care and Rehabilitation*

*12100-860. Institutional Services—Capital*

| | |
|---|---|
| Life safety repairs, State Prison, Leesburg | $196,000 |
| Roof repair and replacement, Youth Correctional Institution, Bordentown | 112,000 |
| Cottage roof replacement, Training School for Boys, Skillman | 125,000 |
| Repairs and renovations, institutions | 567,000 |

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

| | |
|---|---|
| Total Appropriation, Department of Corrections | $1,000,000 |

DEPARTMENT OF DEFENSE

*Protection Against Natural and Man-made Hazards*

*13100-340. National Guard—Capital*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

DEPARTMENT OF EDUCATION

*Programs For Special Groups and Limited Purposes*

*32500-500. Vocational Education Programs—Capital*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*Direct Public Services*

*34100-535. Services For The Handicapped—Capital*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*34200-520. Programs for the State Library and Historical Commissions—Capital*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*34300-530. Programs for the State Museum—Capital*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

DEPARTMENT OF ENERGY

*Education and Intellectual Development*

*34500-352. Public Broadcasting—Capital*

| | |
|---|---|
| Replacement of studio equipment ..... | $250,000 |

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

| | |
|---|---|
| Total Appropriation, Department of Energy | $250,000 |

DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Environmental Management*

*41300-400. Resource Management—Capital*

*Potable Water and Flood Plain Management*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

The proceeds derived from the sale or exchange of State-owned Delaware and Raritan Canal land, and/or buildings, heretofore acquired under RS 13:13–1 et seq., are hereby appropriated for acquisition of and/or easement over adjacent lands for the purpose of protecting Delaware and Raritan Canal waterways, rehabilitation of existing flood guard and towpath embankments and related appurtenances thereto and replacing Delaware and Raritan Canal maintenance service centers.

*41300-400. Resource Management—Capital*
*Marine Lands Management*

Shore protection, Shark River inlet ..... $700,000

*41300-400. Resource Management—Capital*
*Wildlife and Fisheries Management*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*Recreational Management*
*46100-400. Recreational Opportunities—Capital*
*Parks Management*

Multiple use historic sites ..... $500,000

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

Notwithstanding the provisions of C52:34–6 et seq. the Department of Environmental Protection may enter into a contract with the Waterloo Foundation for the Arts for improvements to existing State-owned structures at Waterloo Village, or for the construction of new facilities at Waterloo Village.

*46100-400. Recreational Opportunities—Capital*
*Recreational Boating*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

Total Appropriation, Department of Environmental Protection ..... $1,200,000

DEPARTMENT OF HEALTH

*Personal Health*

*22100-360. Prevention, Treatment and Rehabilitation—Capital*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

DEPARTMENT OF HIGHER EDUCATION

*Higher Education—Institutional Programs*

*33900. Support Services—Capital*

*570, 572. Rutgers, The State University*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*573. College of Medicine and Dentistry of New Jersey*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*574. New Jersey Institute of Technology*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*594. State College Construction*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*Department Management and General Support*

*39100. General Support—Capital*

*540. Other Capital Construction*

| | |
|---|---|
| Renovation and maintenance projects, State colleges, Rutgers, College of Medicine and Dentistry, New Jersey Institute of Technology ..... | $2,000,000 |

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

| | |
|---|---|
| Total Appropriation, Department of Higher Education ..... | $2,000,000 |

DEPARTMENT OF HUMAN SERVICES

*Mental Retardation*

*25100. Residential Functional Services—Capital*

*760. Division of Mental Retardation*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*Mental Health*

*26100. Institutional Services—Capital*

*770. Division of Mental Health*

Emergency repairs, Forensic building, Trenton Psychiatric Hospital ..... $500,000

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*Income Security and Human Resource Development*

*52400. Services to the Blind and Visually Impaired—Capital*

*716. Commission for the Blind and Visually Impaired*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*52600. Social Services for Youth and Families*

*717. Division of Youth and Family Services—Capital*

Residential youth facilities ..... $200,000

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*52700-710, 711. Services to Veterans—Capital*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*Department Management and General Support*

*79100-700. Department Management and General Support —Capital*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

Total Appropriation, Department of Human Services ..... $700,000

DEPARTMENT OF LAW AND PUBLIC SAFETY

*Law Enforcement*

*11100-140. Regulation of Motor Vehicles—Capital*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*11200-120. State Police—Capital*

Troop headquarters and garage, Totowa ..... $168,000

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*11300-105. Legal, Administrative and Support Services—Capital*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

*11400-160. Protection of Individual Rights—Capital*

The unexpended balance as of June 30, 1979 in this account is hereby appropriated.

Total Appropriation, Department of Law and Public Safety ..... $168,000

DEPARTMENT OF TRANSPORTATION

*Construction of Transportation Facilities*

*61100-612. State Highway Facilities—Capital*

| | | |
|---|---|---|
| 61110-612. | Federal Aid Interstate Highway Projects | |
| 61120-612. | Federal Aid Urban System and Consolidated Highway Projects | $16,700,000 |
| 61130-612. | Federal Aid Rural Highway Projects | |
| 61140-612. | Federal Aid Highway Safety Projects | |
| 61160-612. | Non-Federal Aid Highway Projects | |
| 61180-612. | Physical Plant Construction Projects | 1,000,000 |
| 61190-612. | Transportation Construction Engineering | 12,407,707 |
| | Total Appropriation | $30,057,707* |

| | |
|---|---|
| Personal Services: | |
| Salaries and wages | ( $9,352,181) |
| Positions transferred from another department | ( 81,760) |
| Positions transferred from other subcategories | ( 58,427) |
| Materials and Supplies | ( 400,122) |
| Services Other Than Personal | ( 2,405,217) |
| Maintenance of Property: | |
| Recurring | ( 20,000) |
| Non-recurring and replacements | ( 35,000) |
| Additions and Improvements | ( 55,000) |
| Capital Projects | ( 17,600,000) |
| Park and ride facilities | ( 50,000) |
| Reconstruction, Commerce Street and Route 31, Flemington | ( *) |

The unexpended balance as of June 30, 1979 in this subcategory is hereby appropriated.

The sums hereinabove for Construction shall be set forth in a construction program by the Commissioner of Transportation, with the approval of the Director of the Division of Budget and Accounting, and not be expended or contracted for without the approval of the Governor.

From the amount hereinabove for Construction, there may be allocated such amounts as the Commissioner of Transportation may determine, subject to 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.

Of the sums hereinabove, not more than $3,000,000 may be used for non-participating portions of Federal aid projects.

Funds hereinabove may be available for construction of local highway facilities.

Funds hereinabove may be available for public transportation capital purposes.

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8–1 et seq. (Emergency Transportation Tax Act), as determined by the Director of the Division of Budget and Accounting, first shall be charged to the Transportation Fund established in such Act.

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A–58 et seq. (Transportation Benefits Tax Act), as determined by the Director of the Division of Budget and Accounting, first shall be charged to the Transportation Benefits 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, 1979 of such receipts, are hereby appropriated for maintenance or improvement of transportation property, equipment and facilities.

From the amount hereinabove for Capital projects, the Department of Transportation shall give top priority to replacement of the Route 130 bridge crossing the Rancocas Creek.

*61200-612. Public Transportation Facilities—Capital*

| | |
|---|---|
| The unexpended balance as of June 30, 1979 in this account is hereby appropriated. | |
| The sum hereinabove for Public transportation capital may be used to make payments in accordance with labor protective agreements entered into as a condition of receiving Federal funds for capital projects. | |
| Total Appropriation, Department of Transportation | $30,107,707 |

DEPARTMENT OF THE TREASURY

*Centrally Financed Facilities and Services*

*78100-230. Central Support Services—Capital*

| | |
|---|---|
| Eliminate barriers to handicapped, Capitol complex | $100,000 |
| Replace electrical power cables, Cultural Center | 224,000 |
| Balance HVAC system, Capitol complex | 691,000 |
| Replace concrete roof, Cultural Center | 175,000 |
| Total Appropriation | $1,190,000 |
| The unexpended balance as of June 30, 1979 in this account is hereby appropriated. | |

*Management and General Support*

*79100-230. Department Management—Capital*

| | |
|---|---|
| The unexpended balance as of June 30, 1979 in this account is hereby appropriated. | |
| Total Appropriation, Department of the Treasury | $1,190,000 |

MISCELLANEOUS EXECUTIVE COMMISSIONS

*Recreational Management*

*46100. Recreational Opportunities—Capital*

*911. Palisades Interstate Park Commission*

| | |
|---|---|
| Parkway Improvements | $100,000 |

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, 1979, are hereby appropriated for capital projects and plans.

Funds hereinabove are provided as the State share for Federal aid highway projects.

| | |
|---|---|
| Total Appropriation, Miscellaneous Executive Commissions | $100,000 |
| Total Appropriation, Capital Construction | $36,665,707* |

Funds derived from the sale of any lands and buildings or proceeds from the sale of all fill material held by a department are hereby appropriated for 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

DEPARTMENT OF COMMUNITY AFFAIRS

*Management and General Support*

*79100. Department Management—Debt Service*

| | | |
|---|---|---|
| 79170-800. | Interest on Bonds | $1,377,290 |
| 79180-800. | Redemption of Bonds | 950,000 |
| | Total Appropriation, Department of Community Affairs | $2,327,290 |

Extraordinary:

| | |
|---|---|
| Interest on State Housing Assistance Bonds (PL 1968, c. 127) | ($488,300) |
| Interest on State Mortgage Assistance Bonds (PL 1976, c. 94) | ( 888,990) |
| Redemption of State Housing Assistance Bonds (PL 1968, c. 127) | ( 600,000) |
| Redemption of State Mortgage Assistance Bonds (PL 1976, c. 94) | ( 350,000) |

DEPARTMENT OF CORRECTIONS

*Custody, Care and Rehabilitation*

*12900. Department Management and General Support—*

*Debt Service*

| | | |
|---|---|---|
| 12970-860. | Interest on Bonds | $1,755,888 |
| 12980-860. | Redemption of Bonds | 2,605,000 |
| | Total Appropriation, Department of Corrections | $4,360,888 |

Extraordinary:

| | |
|---|---|
| Interest on State Institution Construction Bonds (PL 1960, c. 156) | ($158,569) |
| Interest on State Institution Construction Bonds (PL 1964, c. 144) | (293,160) |
| Interest on Public Buildings Construction Bonds (PL 1968, c. 128) | (866,972) |
| Interest on Institutions Construction Bonds (PL 1976, c. 93) | (437,187) |
| Redemption of State Institution Construction Bonds (PL 1960, c. 156) | (675,000) |
| Redemption of State Institution Construction Bonds (PL 1964, c. 144) | (900,000) |
| Redemption of Public Buildings Construction Bonds (PL 1968, c. 128) | (874,000) |
| Redemption of Institution Construction Bonds (PL 1976, c. 93) | (156,000) |

DEPARTMENT OF EDUCATION

*Department Planning, Management and General Support*

*39100. Department Planning and Management—*

*Debt Service*

| | | |
|---|---|---|
| 39170-500. | Interest on Bonds | $1,602,843 |
| 39180-500. | Redemption of Bonds | 1,833,000 |
| | Total Appropriation, Department of Education | $3,435,843 |

| | |
|---|---|
| Extraordinary: | |
| Interest on Public Buildings Construction Bonds (PL 1968, c. 128) | ( $1,123,443) |
| Interest on State Facilities for Handicapped Bonds (PL 1973, c. 149) | ( 479,400) |
| Redemption of Public Buildings Construction Bonds (PL 1968, c. 128) | ( 1,133,000) |
| Redemption of State Facilities for Handicapped Bonds (PL 1973, c. 149) | ( 700,000) |

DEPARTMENT OF ENERGY

*Education and Intellectual Development*

*34500. Public Broadcasting—Debt Service*

| | | |
|---|---|---|
| 34570-352. | Interest on Bonds | $306,369 |
| 34580-352. | Redemption of Bonds | 309,000 |
| | Total Appropriation, Department of Energy | $615,369 |

| | |
|---|---|
| Extraordinary: | |
| Interest on Public Buildings Construction Bonds (PL 1968, c. 128) | ( $306,369) |
| Redemption of Public Buildings Construction Bonds (PL 1968, c. 128) | ( 309,000) |

DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Management and General Support*

*49100. Department Management—Debt Service*

| | | |
|---|---|---|
| 49170-400. | Interest on Bonds | $22,374,829 |
| 49180-400. | Redemption of Bonds | 22,745,000 |
| | Total Appropriation, Department of Environmental Protection | $45,119,829 |

Extraordinary:

| | |
|---|---|
| Interest on Water Development Bonds (PL 1958, c. 35) | ( $528,750) |
| Interest on State Recreation and Conservation Land Acquisition Bonds (PL 1961, c. 46) | ( 671,200) |
| Interest on Water Conservation Bonds (PL 1969, c. 127) | ( 10,082,104) |
| Interest on State Recreation and Conservation Land Acquisition Bonds (PL 1971, c. 165) | ( 3,729,560) |
| Interest on State Recreation and Conservation Land Acquisition and Development Bonds (PL 1974, c. 102) | ( 4,177,960) |
| Interest on Clean Waters Bonds (PL 1976, c. 92) | ( 2,902,530) |
| Interest on Beaches and Harbors Bonds (PL 1977, c. 208) | ( 282,725) |
| Redemption of Water Development Bonds (PL 1958, c. 35) | ( 2,500,000) |
| Redemption of State Recreation and Conservation Land Acquisition Bonds (PL 1961, c. 46) | ( 2,600,000) |
| Redemption of Water Conservation Bonds (PL 1969, c. 127) | ( 10,255,000) |
| Redemption of State Recreation and Conservation Land Acquisition Bonds (PL 1971, c. 165) | ( 2,830,000) |
| Redemption of State Recreation and Conservation Land Acquisition and Development Bonds (PL 1974, c. 102) | ( 3,330,000) |
| Redemption of Clean Waters Bonds (PL 1976, c. 92) | ( 1,230,000) |

DEPARTMENT OF HEALTH

*Department Management, General Support, Special Programs*

*29100. Management, Support and Special Programs—Debt Service*

| | | |
|---|---|---|
| 29170-360. | Interest on Bonds | $52,946 |
| 29180-360. | Redemption of Bonds | 53,000 |
| | Total Appropriation, Department of Health | $105,946 |

Extraordinary:

| | |
|---|---|
| Interest on Public Buildings Construction Bonds (PL 1968, c. 128) | ($52,946) |
| Redemption of Public Buildings Construction Bonds (PL 1968, c. 128) | (53,000) |

DEPARTMENT OF HIGHER EDUCATION

*Department Management and General Support*

*39100. Department Planning and Management—Debt Service*

| | | |
|---|---|---|
| 39170-540. | Interest on Bonds | $22,525,795 |
| 39180-540. | Redemption of Bonds | 17,740,000 |
| | Total Appropriation, Department of Higher Education | $40,265,795 |

Extraordinary:

| | |
|---|---|
| Interest on State Higher Education Construction Bonds (PL 1964, c. 142) | ($789,600) |
| Interest on Public Buildings Construction Bonds (PL 1968, c. 128) | (8,272,770) |
| Interest on Higher Education Building Construction Bonds (PL 1971, c. 164) | (7,338,325) |
| Interest on Medical Education Facilities Bonds (PL 1977, c. 235) | (6,125,100) |
| Redemption of State Higher Education Construction Bonds (PL 1964, c. 142) | (2,800,000) |

| | |
|---|---|
| Redemption of Public Buildings Construction Bonds (PL 1968, c. 128) | ( 8,340,000) |
| Redemption of Higher Education Building Construction Bonds (PL 1971, c. 164) | ( 6,600,000) |

DEPARTMENT OF HUMAN SERVICES

*Department Management and General Support*

*79100. Department Management and General Support—*

*Debt Service*

| | | |
|---|---|---|
| 79170-700. | Interest on Bonds | $4,519,359 |
| 79180-700. | Redemption of Bonds | 6,560,000 |
| | Total Appropriation, Department of Human Services | $11,079,359 |

| | |
|---|---|
| Extraordinary: | |
| Interest on State Institution Construction Bonds (PL 1960, c. 156) | ( $264,282) |
| Interest on New Jersey Institution Construction Bonds (PL 1964, c. 144) | ( 684,040) |
| Interest on Public Buildings Construction Bonds (PL 1968, c. 128) | ( 3,165,453) |
| Interest on Institutions Construction Bonds (PL 1976, c. 93) | ( 405,584) |
| Redemption of State Institution Construction Bonds (PL 1960, c. 156) | ( 1,125,000) |
| Redemption of State Institution Construction Bonds (PL 1964, c. 144) | ( 2,100,000) |
| Redemption of Public Buildings Construction Bonds (PL 1968, c. 128) | ( 3,191,000) |
| Redemption of Institutions Construction Bonds (PL 1976, c. 93) | ( 144,000) |

DEPARTMENT OF TRANSPORTATION

*Department Management and General Support*

*69100. Department Management and General Support—*

*Debt Service*

| | | |
|---|---|---|
| 69170-600. | Interest on Bonds | $27,212,908 |
| 69180-600. | Redemption of Bonds | 24,400,000 |
| | Total Appropriation, Department of Transportation | $51,612,908 |

Extraordinary:

| | |
|---|---|
| Interest on Highway Improvement and Grade Crossing Elimination Bonds (PL 1930, c. 228) | ( $88,613) |
| Interest on State Transportation Bonds (PL 1968, c. 126) | ( 27,124,295) |
| Redemption of Highway Improvement and Grade Crossing Elimination Bonds (PL 1930, c. 228) | ( 690,000) |
| Redemption of State Transportation Bonds (PL 1968, c. 126) | ( 23,710,000) |
| Total Appropriation, Debt Service | $158,923,227 |

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 hereby appropriated and first shall be charged to the earnings from the investment of such bond proceeds.

Total Appropriation, General Fund ..... $3,684,041,456*

PROPERTY TAX RELIEF FUND

DIRECT STATE SERVICES

DEPARTMENT OF THE TREASURY

*Executive Management, Planning and Control*

*71300. Tax and Revenue Administration—Property Tax Relief Fund*

| | | |
|---|---|---|
| 71390-240. | Administrative costs of the Gross Income Tax and Homestead Exemption Acts | $7,921,000 |

Extraordinary:

| | |
|---|---|
| Administrative costs of the collection of the gross income tax | ( $6,336,800) |
| Administrative costs of paying homestead exemptions | ( 1,584,200) |

The amount hereinabove is hereby appropriated from the Property Tax Relief Fund.

In addition to the amounts hereinabove, there are hereby appropriated additional sums as may be required for collection of the Gross Income Tax and the administration of the Homestead Exemptions Act, subject to the approval of the Director of the Division of Budget and Accounting.

| | |
|---|---|
| Total Appropriation, Direct State Services, Department of the Treasury | $7,921,000 |

STATE AID

DEPARTMENT OF EDUCATION

*General Assistance for Public and Non-Public Education*

*31100. General Assistance to Local Educational Agencies —State Aid—Property Tax Relief Fund*

| | | |
|---|---|---|
| 31110-500. | General Formula Aid | $361,360,859 |
| 31120-500. | Special Education | 113,520,971 |
| 31140-500. | School Building Aid | 40,617,391 |
| 31150-500. | Pupil Transportation Aid | 57,600,779 |
| | Total Appropriation, Department of Education | $573,100,000 |

Grants-in-Aid:

| | |
|---|---|
| Current expense equalization aid (C18A:7A-1 et seq.) | ($361,360,859) |
| Special education | ( 30,866,959) |
| Compensatory education research and development | ( 200,000) |
| Compensatory education aid | ( 68,505,405) |
| Bilingual education aid | ( 6,690,917) |
| Local vocational aid | ( 7,257,690) |
| Building aid | ( 40,617,391) |
| Pupil transportation | ( 57,600,779) |

The amount hereinabove is hereby appropriated from the Property Tax Relief Fund.

DEPARTMENT OF THE TREASURY

*Financial Aid to Counties and Municipalities*

*77200. State Subsidies and Services—State Aid—Property Tax Relief Fund*

| | | |
|---|---|---|
| 77210-240. | Revenue Sharing | $50,000,000 |
| 77220-240. | Homestead Exemptions | 256,000,000 |
| 77230-240. | Reimbursement—Senior Citizens' and Veterans' Tax Exemptions | 53,000,000 |
| | Total Appropriation, Department of the Treasury | $359,000,000 |

Extraordinary:

| | |
|---|---|
| Distribution of revenue sharing funds to qualifying municipalities | ($50,000,000) |
| Payments to home owners for homestead exemptions | (256,000,000) |
| State reimbursement to municipalities for senior citizens' and veterans' tax exemptions | ( 53,000,000) |

The amount hereinabove is hereby appropriated from the Property Tax Relief Fund.

In addition to the amount hereinabove, there are hereby appropriated from the Property Tax Relief Fund such additional sums as may be re-

quired for State reimbursement to municipalities for the senior citizens' and veterans' tax exemptions and for additional payments to home owners qualifying for homestead exemptions.

Notwithstanding the provisions of C54A:10–4, the amount of revenue sharing paid by the State to municipalities for the calendar year 1979 shall be the same amount which was paid during calendar year 1978.

| | |
|---|---|
| Total Appropriation, State Aid | $932,100,000 |
| Total Appropriation, Property Tax Relief Fund | $940,021,000 |

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 surplus balance in the General Fund, as determined by the State Treasurer, is sufficient to support such an appropriation.

CASINO CONTROL FUND

DEPARTMENT OF LAW AND PUBLIC SAFETY

*Regulation of Industry*

*14800. Regulation of Other Industries—Casino Control Fund*

| | |
|---|---|
| 14830-135. Gaming Enforcement | $7,275,000 |
| Total Appropriation, Department of Law and Public Safety | $7,275,000 |

Extraordinary:

| | |
|---|---|
| Expenses of Division of Gaming Enforcement | ( $7,275,000) |

The amount hereinabove for Gaming Enforcement is hereby appropriated from the Casino Control Fund.

In addition to the amount hereinabove for Gaming Enforcement, there are hereby appropriated from the General Fund, as a loan to the Casino Control Fund, such additional sums as may be required for the operation of the Division of Gaming Enforcement, subject to the approval of the Director of the Division of Budget and Accounting; provided, however, that such sum be reimbursed to the General Fund from resources available to the Casino Control Fund, along with interest at a rate of 8% per annum on any disbursement made from such appropriation.

DEPARTMENT OF THE TREASURY

*Executive Management, Planning and Control*

*71300. Tax and Revenue Administration—Casino Control Fund*

| | |
|---|---|
| 71340-255. Administration of Casino Gambling | $3,725,000 |
| Total Appropriation, Department of the Treasury | $3,725,000 |

Extraordinary:
Expenses of Casino Control Commission ..... ( $3,725,000)

The amount hereinabove for Administration of Casino Gambling is hereby appropriated from the Casino Control Fund.

In addition to the amount hereinabove for Administration of casino gambling, there is hereby appropriated from the General Fund, as a loan to the Casino Control Fund, such additional sums as may be required for expenses of the Casino Control Commission, subject to the approval of the Director of the Division of Budget and Accounting; provided, however, that such

sum be reimbursed to the General Fund from resources available to the Casino Control Fund along with interest at a rate of 8% per annum on any disbursement made from such appropriation.

Total Appropriation, Casino Control Fund . $11,000,000

The loan to the Casino Control Fund shall be repaid to the General Fund with interest at a rate of 8% per annum.

CASINO REVENUE FUND

DEPARTMENT OF THE TREASURY

*Financial Aid to Counties and Municipalities*

*77200. State Subsidies and Services—State Aid—Casino Revenue Fund*

77220-240. Homestead Exemptions ..... $17,000,000

Total Appropriation, Department of the Treasury ..... $17,000,000

Extraordinary:

Payments to senior citizens or disabled homeowners for the added exemption of $50 permitted under the Homestead exemption program ..... ($17,000,000)

The amount hereinabove is hereby appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there is hereby appropriated from the Casino Revenue Fund such additional sums as may be required for payments to additional senior citizens or disabled homeowners qualifying for the added exemption of $50.

Total Appropriation, Casino Revenue Fund $17,000,000

Grand Total Appropriation, All Funds .... $4,652,062,456*

2. In addition to the amounts hereinabove specifically appropriated, there are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget Officer, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenues; Federal, other non-State, revolving 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, 1979 of such sums; sums received representing insurance to cover losses by fire and other casualties and the unexpended balance as of June 30, 1979 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; private funds contributed to the State and the unexpended balance as of June 30, 1979 of such sums; sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

3. 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 a State Aid account and either a General State Operations or a Capital Construction account, except as hereinafter provided. Such application shall be made only during the current year for which the appropriation was made, and if the Director of the Division of Budget and Accounting shall consent thereto, he shall place the amount so transferred to the credit of the item so designated and so notify the Legislative Budget Officer upon the effective date thereof; provided, however, that cumulative transfers in excess of $200,000 in any account, other than transfers from lump sum accounts and of non-State funds, shall be transmitted to the Legislative Budget Officer, for his approval or disapproval and returned to the Director of the Division of Budget and Accounting within five working days; provided, further, however, that no sum appropriated for any capital improvement, except as otherwise provided, shall be used for maintenance or for any temporary purpose except extraordinary snow removal and extraordinary transportation maintenance; and provided further, that any item for capital improvement may be transferred to any other

item of capital improvement. Transfers between State Aid accounts and either Direct State Services or Capital Construction accounts may be made only if approved by the Subcommittee on Transfers of the Joint Appropriations Committee. Regarding appropriations made to the Legislature, upon request of the spending authority, the Legislative Budget Officer, shall transfer part of any item to any other item within an appropriation and so notify the Director of the Division of Budget and Accounting upon the effective date thereof.

4. The Director of the Division of Budget and Accounting is hereby empowered and it shall be his duty in the disbursement of funds appropriated for the maintenance and operation of any department or branch thereof, except for the Legislature and any of its agencies, the duties or responsibilities of which are or may hereafter be transferred to any other department or branch, to transfer such appropriations to such department or branch as shall be charged with the responsibility of administering the functions of such department or branch so transferred. The Director of the Division of Budget and Accounting shall also 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 Officer, upon the effective date of such transfers. Where such transfers may be required among appropriations made to the Legislature and its agencies, the Legislative Budget 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.

5. The Director of the Division of Budget and Accounting is hereby empowered and it shall be his duty in the disbursement of funds for payment of pensions, contributions to pension funds, Social security tax, unemployment compensation contributions, health benefits, debt service, charges for rent, telephone, insurance and postage 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

New Jersey State Library

Budget and Accounting shall determine. Any receipts in any non-State fund are hereby appropriated for the purpose of such transfer.

6. 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 the 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 Officer, upon the effective date of such ruling.

7. 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 Officer, upon the effective date thereof.

8. 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 departments for their share of costs of such data processing center.

9. 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.

10. 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. The 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.

11. The Director of the Division of Budget and Accounting may settle any claim not exceeding $25 due and owing to the State.

12. Notwithstanding the provisions of section 1 of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding $250 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. Any claimant who has presented a claim not exceeding $250 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. Notice and description of such claim payment as hereinabove described shall be transmitted to the Legislative Budget Officer, at the time such payment is made.

13. The unexpended balances as of June 30, 1979 in the accounts of the several departments and agencies heretofore appropriated or established in the category of Maintenance of Property—Nonrecurring and replacements, and in the category of Additions and Improvements where such unexpended balance exceeds $100 are hereby appropriated.

14. The unexpended balances as of June 30, 1979 in the accounts of the several departments and agencies which represent the State share of State Law Enforcement Planning Agency projects for which Federal funds are approved and the State share of highway safety projects for which Federal funds are approved are hereby appropriated.

15. Out of the appropriations recommended herein, the Director of the Division of Budget and Accounting shall be 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 their designated representative. The Director of the Division of Budget and Accounting shall reject any recommendation for payment which he deems improper.

16. There shall be constituted a Subcommittee on Transfers of the Joint Appropriations Committee, appointed by its Chairman, which shall consist of two members of the Assembly Committee on Appropriations, one of each political party; two members of the Senate Committee on Revenue, Finance and Appropriations, one of each political party; and the Chairman of the Joint Committee. If pursuant to section 3 of this act, the Legislative Budget Officer, should withhold his approval from any transfer, the Subcommittee herein established is empowered to review such transfer and may direct that said Legislative Budget Officer approve it.

17. 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 and the Subcommittee on Transfers of the Joint Appropriations Committee.

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. 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. Of the sums appropriated for new positions, the Director of the Division of Budget and Accounting shall hold such amounts in reserve until the candidates for these positions have been selected for the purpose which these funds were appropriated.

20. Notwithstanding the provision of NJSA 52:34–6, sums appropriated for data processing services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Education Computer Network (NJECN) as if it were a State government agency (NJSA 52:34–10a).

21. Unless otherwise provided, balances remaining as of June 30, 1979 in accounts of appropriations enacted subsequent to April 1, 1979 are hereby appropriated as the Director of the Division of Budget and Accounting shall determine, subject to the approval of the Legislative Budget Officer.

22. This act shall take effect July 1, 1979.

Approved June 28, 1979.

STATEMENT ON SENATE BILL No. 3200

Pursuant to Article V, Section 1, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 3200 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

*"Legislative Branch"*

*"Office of Legislative Services"*

On Page 8:

Line 4 "72230-003. Division of information and research ..... $1,491,346"

This item is reduced to $1,448,388.

On Page 8:

Line 5 "72240-003. Division of State Auditing $1,439,851"

This item is reduced to $1,334,603.

On Page 8:

Lines 8-9 "Total Appropriation, Office of Legislative Services ..... $4,838,732"

This item is reduced to $4,690,526.

On Page 8:

Line 13 "New positions (11) ..... ($148,206)"

This item is eliminated in its entirety.

On Page 9:

Line 1 "72410-018. State Commission of Investigation ..... $1,075,000"

This item is reduced to $975,000.

On Page 10:

Line 10 "Total Appropriation, Legislative Affairs ..... $13,598,478"

This item is reduced to $13,350,272.

*"Executive Branch"*
*"Department of Agriculture"*

On Page 10:
Line 3 "41130-330. Resource development services ..... $767,972"
This item is reduced to $696,180.

On Page 10:
Line 4 "Total Appropriation ..... $2,410,719"
This item is reduced to $2,338,927.

On Page 11:
Line 6 "Salaries and wages ..... ( $1,700,155)"
This item is reduced to $1,665,155.

On Page 11:
Line 6a "New positions (1) ..... ( 16,792)"
This item is eliminated in its entirety.

On Page 11:
Line 15 "Grants to soil conservation districts .. ( $140,000)"
This item is reduced to $120,000.

On Page 12:
Lines 17-18 "Total Appropriation, Department of Agriculture ..... $4,747,582"
This item is reduced to $4,675,790.

*"Department of Community Affairs"*

On Page 16:
Line 2 "52320-800. Programs for aging ..... $1,118,529"
This item is reduced to $1,048,529.

On Page 16:
Line 3 "Total Appropriation ..... $1,816,249"
This item is reduced to $1,746,249.

On Page 17:
Lines 21-22 "Ombudsman for the institutionalized elderly ..... ( $500,000)"
This item is reduced to $430,000.

On Page 18:
Lines 21-22 "Total Appropriation, Department of Community Affairs ..... $10,164,394"
This item is reduced to $10,094,394.

*"Department of Corrections"*

On Page 25:
Line 6 "12260-860. Community Programs ..... $1,525,424"
This item is reduced to $1,125,424.

On Page 25:
Line 7 "Total Appropriation ..... $6,440,027"
This item is reduced to $6,040,027.

On Page 25:
Lines 25a-25d "Alternative Community Based Programs for troubled youth:
Newark ..... ( $200,000)
South Jersey ..... ( $200,000)"
This item is eliminated in its entirety.

On Page 27:
Lines 52-53 "Total Appropriation, Department of Corrections ..... $80,652,547"
This item is reduced to $80,252,547.

*"Department of Education"*

On Page 29:
Line 4 "32350-500. Curriculum process ..... $288,870"
This item is reduced to $230,370.

On Page 29:
Line 7 "Total Appropriation ..... $2,286,393"
This item is reduced to $2,227,893.

On Page 30:
Lines 19-20 "Office of parent information and involvement ..... ( $58,500)"
This item is eliminated in its entirety.

On Page 32:
Line 2 "34220-520. New Jersey Historical Commission ..... $509,579"
This item is reduced to $360,579.

On Page 32:
Line 3 "Total Appropriation ..... $2,640,180"
This item is reduced to $2,491,180.

On Page 32:
Lines 14a-14b "School curriculum packets on New Jersey cities and ethnic groups ..... ( $15,000)"
This item is eliminated in its entirety.

On Page 32:
Line 14c "Compilation of Edison papers ..... ( $100,000)"
This item is eliminated in its entirety.

On Page 32:
Lines 14d-14e "Grants in aid for historical library and museum collections ..... ( $34,000)"
This item is eliminated in its entirety.

On Page 34:
Lines 11-12 "Total Appropriation, Department of Education ..... $24,810,413"
This item is reduced to $24,602,913.

*"Department of Health"*

On Page 44:
Line 1 "22110-360. Community health services $8,241,206"
This item is reduced to $8,166,206.

On Page 44:
Line 5 "22140-360. Alcoholism control ..... $1,488,770"
This item is reduced to $1,342,270.

On Page 44:
Line 6 "Total Appropriation ..... $16,677,407"
This item is reduced to $16,455,907.

On Page 44:
Lines 30-31 "Testing for specific hereditary diseases ..... ( $190,000)"
This item is reduced to $115,000.

On Page 45:
Line 40a "Alcoholism Counselling (Ala-call) ... ( $46,500)"
This item is eliminated in its entirety.

On Page 45:
Lines 40b-40c "Alcoholic treatment center (Turning Point) ..... ( $100,000)"
This item is eliminated in its entirety.

On Page 45:
Lines 57a-57d "Notwithstanding the provisions of RS 26:4.78 et seq., $100,000 of the unexpended balances as of June 30, 1979 in the Rabies Control Fund shall lapse to the credit of the General Fund."
This quoted language is eliminated in its entirety.

On Page 48:
Line 34 "Total Appropriation, Department of Health ..... $24,948,477"
This item is reduced to $24,726,977.

*"Department of Higher Education"*

On Page 50:
Lines 65a-65c ". . . the legislative budget officer; provided, however, that an amount of $65,000 shall be used for the establishment of an Einstein Chair for scholarly studies at Rutgers, the State University."
The phrase "provided, however, that an amount of $65,000 shall be used for the establishment of an Einstein Chair for scholarly studies at Rutgers, the State University" is eliminated.

On Page 61:
Line 1 "33120. Research ..... $5,680,371"
This item is reduced to $5,530,371.

On Page 61:
Line 2 "33130. Extension and public service .. $3,457,629"
This item is reduced to $3,307,629.

On Page 61:
Line 13 "Sub-total Appropriation ..... $9,103,000"
This item is reduced to $8,803,000.

On Page 70:
Lines 63-64 "Total Appropriation, Department of Higher Education ..... $390,482,672"
This item is reduced to $390,182,672.

*"Department of Human Services"*

On Page 83:
Lines 40-41 "The number of Title XX day care slots shall not be reduced from the level existing on June 30, 1979."
The quoted language is eliminated in its entirety.

On Page 83:
Lines 48-52 "From the sum recommended hereinabove for Community Day Care, including Federal Title XX funds and donor resources, an amount of $104,762 shall be provided for the Chestnut Avenue Day Care Center, Vineland, New Jersey."
The quoted language is eliminated in its entirety.

*"Department of Labor and Industry"*

On Page 94:
Lines 1-2 "59210-380. Expansion and growth of commerce and industry ..... $3,796,382"
This item is reduced to $3,366,382.

On Page 94:
Line 4 "Total Appropriation ..... $5,148,167"
This item is reduced to $4,718,167.

On Page 94:
Line 21A "Jobs transportation ..... ( $500,000)"
This item is reduced to $70,000.

On Page 95:
Lines 6-7 "Total Appropriation, Department of Labor and Industry ..... $26,236,766"
This item is reduced to $25,806,766.

*"Department of Law and Public Safety"*

On Page 96:
Line 5 "11290-120. Administration and support $8,651,155"
This item is reduced to $8,421,155.

On Page 96:
Line 6 "Total Appropriation ..... $48,194,264"
This item is reduced to $47,964,264.

On Page 97:
Line 19a "Street crime prevention study ..... ( $50,000)"
This item is eliminated in its entirety.

On Page 97:
Lines 19b-19e "Street crime prevention grants to:
Camden ..... ( $60,000)
Newark ..... ( $60,000)
Jersey City ..... ( $60,000)"
This item is eliminated in its entirety.

On Page 102:
Lines 17-18 "Total Appropriation, Department of Law and Public Safety ..... $109,950,553"
This item is reduced to $109,720,553.

*"Department of the Public Advocate"*

On Page 103:
Line 3 "53290-850. Administration and special programs ..... $771,628"
This item is reduced to $621,628.

On Page 103:
Line 4 "Total Appropriation ..... $14,438,847"
This item is reduced to $14,288,847.

On Page 103:
Line 15a "Municipal court ..... ( 150,000)"
This item is eliminated in its entirety.

On Page 104:
Lines 13-14 "Total Appropriation, Department of The Public Advocate ..... $17,137,069"
This item is reduced to $16,987,069.

*"Delaware River Joint Toll Bridge Commission"*

On Page 117:
Line 1 "63150. Delaware River Joint Toll Bridge Commission ..... $1,554,618"
This item is reduced to $1,524,618.

On Page 117:
Line 11 "Non-recurring and replacements ..... ( $329,150)"
This item is reduced to $299,150.

On Page 117:
Lines 6-7 "Total Appropriation, Miscellaneous Executive Commissions ..... $3,968,728"
This item is reduced to $3,938,728.

On Page 127:
Line 20 "Total Appropriation, Direct State Services ..... $1,943,257,887"
This item is reduced to $1,940,898,889.

STATE AID

*"Department of Education"*

On Page 131:
Line 2 "31220-500. Adult and continuing education ..... $3,940,960"
This item is reduced to $3,740,960.

On Page 131:
Lines 6-7 "31260-500. Educational improvement centers—regional services ..... $2,905,099"
This item is reduced to $2,500,000.

On Page 131:
Line 8 "Total Appropriation ..... $41,727,831"
This item is reduced to $41,122,732.

On Page 132:
Line 18 "High school equivalency ..... ( $1,690,000)"
This item is reduced to $1,490,000.

On Page 132:
Line 32 "Educational improvement centers .... ( $2,905,099)"
This item is reduced to $2,500,000.

On Page 133:
Line 1 "34310-530. State museum ..... $819,874"
This item is reduced to $709,874.

On Page 133:
Line 4a "Merabash Museum ..... ( $110,000)"
This item is eliminated in its entirety.

On Page 133:
Lines 5-6 "Total Appropriation, Department of Education ..... $927,017,688"
This item is reduced to $925,502,589.

On Page 143:
Line 31 "Total Appropriation, State Aid ..... $1,548,268,732"
This item is reduced to $1,547,553,633.

CAPITAL CONSTRUCTION

*"Department of Transportation"*

On Page 149:
Line 11 "Total Appropriation ..... $30,107,707"
This item is reduced to $30,057,707.

On Page 149:
Lines 24b-24c "Reconstruction, Commerce Street and Route 31, Flemington ..... ( $50,000)"
This item is eliminated in its entirety.

On Page 152:
Line 9c "Total Appropriation, Capital Construction ..... $36,715,707"
This item is reduced to $36,665,707.

On Page 158:
Line 23 "Total Appropriation, General Fund .. $3,687,165,553"
This item is reduced to $3,684,041,456.

On Page 164:
Line 19 "Grand Total Appropriations, All Funds $4,655,186,553"
This item is reduced to $4,652,062,456.

*"Language Provisions"*

On Page 50:
Line 65-65a "and the Legislative Budget Officer".
The quoted language is eliminated in its entirety.

On Page 51:
Lines 94-97 "provided, however, that the standing reference committees on education in the Senate and General Assembly approve a plan for the increase of such grants".
The quoted language is eliminated in its entirety.

On Page 58:
Line 73g "and the Legislative Budget Officer".
The quoted language is eliminated in its entirety.

On Page 84:

Line 59 "and the Legislative Budget Officer".

The quoted language is eliminated in its entirety.

On Page 105:

Lines 28-33 "in accordance with a spending plan submitted to and approved by the Joint Appropriations Committee: provided, however, that if such spending plan is not submitted to the Joint Appropriations Committee by December 1, 1979, this provision shall not be effective."

The quoted language is eliminated in its entirety.

I hereby certify that in lieu of the anticipated resources for the fiscal year ending June 30, 1980 listed in Senate Bill No. 3200, the following resources are available to support appropriations of $3,684,041,456 from the General Fund.

GENERAL FUND

| | | |
|---|---|---|
| Surplus—Estimated balance July 1, 1979 | | $210,545,912 |
| Major Taxes: | | |
| Motor fuels | $295,000,000 | |
| Pari-mutuel | 13,750,000 | |
| All other major taxes same as S-3200 | 2,626,000,000 | |
| Total, Major Taxes | | $2,934,750,000 |
| Miscellaneous Taxes, Licenses and Other Revenues: | | |
| Delaware River Joint Toll Bridge Commission, Pennsylvania Share | $762,309 | |
| All other miscellaneous revenues same as S-3200 | 325,825,741 | |
| Total Miscellaneous Revenues | | $326,588,050 |
| Interfund Transfers: | | |
| State Lottery Fund | $150,000,000 | |
| Unemployment Compensation Auxiliary Fund | 5,370,167 | |

| | | |
|---|---|---|
| All other interfund transfers same as S-3200 | 120,705,717 | |
| Total Interfund Transfers | | $276,075,884 |
| Total Revenue, General Fund | | $3,537,413,934 |
| *Less: Reserve for commuter taxes: Emergency Transportation Tax* | | *23,000,000* |
| Net Revenue, General Fund | | $3,514,413,934 |
| Total Resources, General Fund | | $3,724,959,846 |

I further certify that the resources listed in Senate Bill No. 3200 for the Property Tax Relief Fund, the Casino Control Fund and the Casino Revenue Fund will be available to support appropriations from those funds.

This bill with my recommendations provides for appropriations commensurate with the need for austerity and restraint on the part of State Government. It is only 4.9 percent above the current year's appropriation, less than half the current rate of inflation, and the smallest increase since 1976 when I approved a plan which was 2.3 percent below a prior fifteen-year average yearly increase of 15 percent.

In the fall of last year I met with the leadership of the Assembly and the Senate to discuss ways in which we could cooperate to avoid a deficit and to ensure a balanced budget for the 1979-80 fiscal year without imposing any new taxes on the citizens of New Jersey and without cutting essential programs. Working together with Administrative and Legislative actions we were able to accomplish that objective and a deficit was avoided. The budget I sign today is further proof of a continuing spirit of cooperation and commitment to fiscal prudence and the protection of the public welfare at the least possible cost.

Although our tight budgeting practices have strengthened the State's fiscal posture, they have not weakened our determination to sustain needed services and expand program benefits where needed. Four short years ago the State provided 29 percent of the cost of local education—in 1980 we will support in excess of 40 percent of the cost of education. The Prescription Drug Program

for the Elderly, one of the most important social initiatives in this generation, and unmatched by any other state in the country, is now a fixture. Additionally, the quality of care for the mentally retarded is being dramatically improved; essential mass transportation services are being continued; the custody and rehabilitation of inmates in correctional facilities is being sustained and New Jersey continues to pioneer in innovative productivity improvement programs. Fiscal prudence and program enrichment have been made compatible by a constant monitoring of program objectives and the utilization of sound priority budgeting practices.

Comparisons with other states indicate that New Jersey state government ranks 44th in state government expenditure per $1,000 of personal income. When all levels of government in the state are considered—state, local, and school districts—New Jersey is 43rd in total expenditure per $1,000 of personal income.

This control of government growth tempered with judicious program improvements has been accomplished without fiscal gimmicks. As a result, New Jersey is the only State in the Northeast with the highest credit rating possible from the nation's two largest independent rating agencies—a true measure of our sound financial management.

State government continues to abide by the visionary expenditure limitation law enacted in 1976. We have led the rest of the nation in recognizing the need to control government spending. This appropriation is $28.7 million below the sum permitted by the CAP provisions.

This bill will result in an ending surplus for the General Fund on June 30, 1980 of $41 million and a surplus for the Property Tax Relief fund of $9.3 million, ensuring that the constitutional mandate to provide a balanced State budget has been met.

The reductions listed here will reduce the amount appropriated for fiscal year 1979-80 by $3.1 million. The explanations for my action in making these reductions are provided in the following paragraphs.

Throughout the budget, the Joint Appropriations Committee has recommended that the Executive Branch finance new positions through abolishing present budgeted vacancies and substituting the new title required for them. Since the Office of Legislative Services has 25 vacancies at the present time, the new positions requested by it should be financed in a similar manner.

My original budget for the State Commission of Investigation provided for a 4.3 percent increase. This amount, along with carry forward balances, will be sufficient for the continued operation of the agency. I am therefore eliminating an increase inserted by the Joint Appropriations Committee.

The resource Development services account of the Department of Agriculture was similarly increased by an amount of $71,792 for the purpose of increasing services of soil conservation districts, an action I consider unnecessary.

The Ombudsman for the Institutionalized Elderly Program is presently spending at an annual rate of $185,000. The increase provided by the Legislature would more than triple this sum; thus I have reduced the expenditure level by $70,000 to a far more reasonable growth rate for this successful office.

An amount of $400,000 which would have permitted the Department of Corrections to establish group homes in Newark and South Jersey is being deleted. This program was a low priority of the Department of Corrections and was not included in that Department's request for an appropriation.

An amount of $58,500 to permit the establishment of an Office of parent information and involvement is deleted. Legislation to create such an office is being contemplated but has not yet been introduced. It is my understanding that the Department of Education will provide the funding for this office when it is authorized by Legislation.

The development of curriculum packets is a responsibility of the Department of Education and therefore I am deleting the money appropriated to the Historical Commission for this purpose. Because I am asking Rutgers to increase its involvement in the long term effort to compile the papers of Thomas Alva Edison, the appropriation to the Historical Commission for this task will not be necessary. The item to start a new grant-in-aid program for libraries and museums is deleted since there is no statute setting the framework and the basis for approving such grants.

Funds added to the budget to expand the activity being provided in the testing of children for specific hereditary diseases are deleted. The amount originally recommended was the same as the amount requested by the Department of Health. This would indicate that the program is funded adequately at present. Language

lapsing funds from the Rabies Control Fund for General Fund purposes is also deleted, thus maintaining the purpose of the trust fund. The Department of Health currently has a Statewide alcoholism counseling hotline service open to all New Jersey residents. There is no evidence that the State should participate in a second such program. The basic budget for alcoholism treatment is almost double last year's. The Department of Health has informed me that these funds will be sufficient to support the "Turning Point" treatment center.

My budget recommended an amount of $65,000 for the establishment of an Einstein Chair for scholarly studies. I have deleted the portion of the budget which would provide a second Chair at Rutgers. I have reduced the recommended appropriation for the Agricultural Experiment Station by $300,000 thus providing that organization with approximately the same amount as is available in the current year. No further reduction is made upon the recommendation of the Secretary of Agriculture.

Language setting a minimum on the number of Title XX day care slots that shall be maintained by DYFS is deleted because it would severely restrict the management prerogatives of the Division should funds be insufficient to finance the minimum level established. Additionally, the provision to require a specific day care center in Vineland be funded using a combination of Federal, State and donor monies is deleted. By mandating the use of Title XX money in this fashion, the prerogatives of public review and hearing through the Title XX Review Committee would be subverted.

Sums available in the current year for the Jobs Transportation program will carry forward. These funds along with only $70,000 of new money will provide sufficient financing for this program in 1980.

An amount of $230,000 is deleted from the Department of Law and Public Safety. The street crime prevention study proposed with such funds should be continued under the direction of and using resources from the State Law Enforcement Planning Agency. When that study is completed, I will consider funding a grant program if necessary to carry out any recommendations.

The Public Defender's Office has operated a pilot project for several years, using SLEPA funds, to provide representation for indigent persons in municipal court proceedings. This program

should no longer be continued as a demonstration project since the cost of such a program on a Statewide basis is prohibitive.

Two actions of the Joint Appropriations Committee affected the repair account for the Delaware River Joint Toll Bridge Commission. Each of these provided funds for repairs and renovations of the Calhoun Street Bridge. One resolution added $80,000, the other transferred a capital appropriation for a major renovation into the repair account. These actions provided more funds than are required for the repairs to render the bridge capable for carrying traffic for the immediate future. Therefore, $30,000 is deleted from this account.

I am reducing the item for Educational improvement centers back to an amount equivalent to the 1978-79 year. The operation of these centers as special school districts makes them eligible for significantly more aid from the Federal government. I urge that these centers take advantage of this opportunity. In addition, a 30 per cent increase for the high school equivalency program is excessive even for this worthwhile item. The elimination of $200,000 will still permit some growth in this activity. A new grant program providing funds for the Merabash Museum, a Statewide Black history museum in New Egypt, was included in the amount of $110,000. It is my opinion that it is inappropriate to single out any one museum for a specific grant in the appropriations act and I would recommend that the legislature consider this item in separate legislation.

An appropriation providing $50,000 for renovation of a specific intersection in Hunterdon County is deleted. The Department of Transportation is in a better position to determine highway construction priorities.

I have deleted several provisions of language imposing "legislative oversight" requirements over the actions of an executive agency in State government. The requirement for such approval infringes on my exclusive constitutional duty to exercise the executive power of State government. (Article V, Section 1, Paragraph 1.) The language is defective also for the reason that it represents an attempt by the legislature to delegate to an official or a committee of the legislature the on-going responsibility for planning for the expenditure of monies without the full concurrence of the

legislative body. This represents an improper delegation of legislative power. (Article IV, Section 1, Paragraph 1.)

Respectfully,

[SEAL] /s/ BRENDAN BYRNE,
Attest: *Governor*
/s/ ROBERT E. MULCAHY, III,
*Chief of Staff, Secretary*

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## CHAPTER 120

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, 1979 and regulating disbursement thereof," approved June 30, 1978 (P. L. 1978, c. 60).

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

200. DEPARTMENT OF THE TREASURY

Bergen Avenue Bus Owners' Association c/o Anthony Valeriote, President, 1080 Broadway, Bayonne, New Jersey 07002, for refund of State gasoline taxes paid upon a timely claim, an award in the amount of $1,063 be paid from Motor Fuels Tax revenues for 1978-79.

Edith Mark, 553 Hanson Avenue, Piscataway, New Jersey 08854, for payment of pension of deceased husband, an award in the amount of $40,000 be made payable as follows: $10,000 from funds appropriated to Rutgers, The State University, $10,000 from funds appropriated to the Division of Pensions and the balance from funds appropriated herein ..... *

400. Department of Environmental Protection

Wilfredo A. Miranda, 685 Almond Street, Vineland, New Jersey 08360; Ronald T. Corcory, 32 East Merchant Street, Audubon, New Jersey 08106; George Smajda, 716 Centre Street, Trenton, New Jersey 08611, for clothing destroyed due to possible contamination, an award in the amount of $1,300.43 be made payable from funds appropriated to the Department of Environmental Protection to the employees listed below:

| | |
|---|---|
| Wilfredo A. Miranda | $511.93 |
| Ronald T. Corcory | 465.00 |
| George Smajda | 323.50 |

600. Department of Transportation

Borough of Glen Gardner, c/o Borough Officials, for the cost of snow removal and maintenance of the road leading from Route 31 to the Glen Gardner Geriatrics Center ..... *

Miscellaneous Executive Commissions

*911. Palisades Interstate Park Commission*

Borough of Alpine, c/o Schneider, Schneider & Balt, Counsellors at Law, 1029 Teaneck Road, Teaneck, New Jersey 07666, Attention: C. Conrad Schneider, Esq.; Borough of Englewood Cliffs, c/o Melvin Gittleman, Esq., c/o William Hoinash, Tax Collector, P.O. Box 927, Englewood Cliffs, New Jersey 07632; and, Borough of Fort Lee, c/o Murphy, Ellis & McBride, Counsellors at Law, One University Plaza, Hackensack, New Jersey 07601, Attention: Joel M. Ellis, Esq., for payment of municipal taxes for land situated within their respective boroughs:

| | |
|---|---|
| Borough of Alpine | $19,300 |
| Borough of Englewood Cliffs | 26,200 |
| Borough of Fort Lee | 20,500 |

Payable by the Palisades Interstate Park Commission from the net share of revenues which it derives from the operations of gasoline stations on the New Jersey section of the Palisades Interstate Parkway, $66,000.

Total Appropriation, Claims ..... *

2. This act will take effect immediately and be retroactive to July 1, 1978.

Approved June 28, 1979.

## STATEMENT ON SENATE BILL No. 3201

Pursuant to Article V, Section 1, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 3201 at the time of signing it, this statement of the items to which I object in order that they shall not take effect.

This bill is a supplement to the Appropriations Act for the current fiscal year. It will provide for the payment of certain claims filed against the State of New Jersey. For the reasons stated, the following claims are deleted in their entirety:

DEPARTMENT OF THE TREASURY

On Page 1:

Lines 7-14 "Edith Mark, 553 Hanson Avenue, Piscataway, New Jersey 08854, for payment of pension of deceased husband, an award in the amount of $40,000 be made payable as follows: $10,000 from funds appropriated to Rutgers, the State University, $10,000 from funds appropriated to the Division of Pensions and the balance from funds appropriated herein .... $20,000"

DEPARTMENT OF TRANSPORTATION

On Page 2:

Lines 1-4 "Borough of Glen Gardner, c/o Borough officials, for the cost of snow removal and maintenance of the road leading from Route 31 to the Glen Gardner Geriatrics Center ..... $2,850"

On Page 2:

Line 17 "Total Appropriation, Claims ..... $22,850"

This item is reduced to zero.

The award to Mrs. Mark was recommended by the Claims Committee as a result of the allegation that her husband lost entitlement to a pension as a result of changes in the pension legislation which occurred after his employment in State government. This case first came to the attention of the Pension Division in 1970 when the employee's membership in the pension system was terminated since such membership was in violation of a 1968 law. A hearing was granted and his claim denied. The employee subsequently took

his claim to the State court system where it also was denied. I have deleted this claim since it represents settlement of a claim which has been disallowed by the courts and since we should not be in the position of indemnifying people against changes in the law.

The claim of the Borough of Glen Gardner for snow removal and maintenance of a road to a State institution is deleted in its entirety. Approval of this claim could set a precedent for similar claims in other municipalities. The particular road is a town responsibility at least as far as the edge of State property. I do feel, however, that there could be some better cooperation shown by the institution in the future, and I will take action to see that cooperation in assisting with snow clearance is provided.

Respectfully,

[SEAL] /s/ BRENDAN BYRNE,
Attest: *Governor*
/s/ ROBERT E. MULCAHY, III,
*Chief of Staff, Secretary*

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## CHAPTER 121

AN ACT to amend and supplement the "State Uniform Construction Code Act," approved October 7, 1975 (P. L. 1975, c. 217).

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

1. Section 6 of P. L. 1975, c. 217 (C. 52:27D–124) is amended to read as follows:

**C. 52:27D-124 Powers of the commissioner.**

6. Powers of the commissioner. The commissioner shall have all the powers necessary or convenient to effectuate the purposes of this act, including, but not limited to, the following powers in addition to all others granted by this act:

a. To adopt, amend and repeal, after consultation with the code advisory board, rules: (1) relating to the administration and enforcement of this act and (2) the qualifications or licensing, or both, of all persons employed by enforcing agencies of the State to enforce this act or the code, except that, plumbing inspectors shall be subject to the rules adopted by the commissioner only insofar as such rules are compatible with such rules and regulations, regard-

ing health and plumbing for public and private buildings, as may be promulgated by the Public Health Council in accordance with Title 26 of the Revised Statutes.

b. To enter into agreements with Federal and State of New Jersey agencies, after consultation with the code advisory board, to provide insofar as practicable (1) single-agency review of construction plans and inspection of construction and (2) intergovernmental acceptance of such review and inspection to avoid unnecessary duplication of effort and fees. The commissioner shall have the power to enter into such agreements although the Federal standards are not identical with State standards; provided that the same basic objectives are met. The commissioner shall have the power through such agreements to bind the State of New Jersey and all governmental entities deriving authority therefrom.

c. To take testimony and hold hearings relating to any aspect of or matter relating to the administration or enforcement of this act, including but not limited to prospective interpretation of the code so as to resolve inconsistent or conflicting code interpretations, and, in connection therewith, issue subpenas to compel the attendance of witnesses and the production of evidence. The commissioner may designate one or more hearing examiners to hold public hearings and report on such hearings to the commissioner.

d. To encourage, support or conduct, after consultation with the code advisory board, educational and training programs for employees, agents and inspectors of enforcing agencies, either through the Department of Community Affairs or in cooperation with other departments of State Government, enforcing agencies, educational institutions, or associations of code officials.

e. To study the effect of this act and the code to ascertain their effect upon the cost of building construction and maintenance, and the effectiveness of their provisions for insuring the health, safety, and welfare of the people of the State of New Jersey.

f. To make, establish and amend, after consultation with the code advisory board, such rules as may be necessary, desirable or proper to carry out his powers and duties under this act.

g. To adopt, amend, and repeal rules and regulations providing for the charging of and setting the amount of fees for the following code enforcement services, licenses or approvals performed or issued by the department, pursuant to the "State Uniform Construction Code Act":

(1) Plan review, construction permits, certificates of occupancy, demolition permits, moving of building permits, elevator permits and sign permits;

(2) Review of applications for and the issuance of licenses certifying an individual's qualifications to act as a construction code official, subcode official or assistant under this act; and

(3) Review of applications for and the issuance of approvals authorizing a private agency to act as an onsite inspection and plan review agency or as an inplant inspection agency under this act.

h. To adopt, amend and repeal rules and regulations providing for the charging of and setting the amount of construction permit surcharge fees to be collected by the enforcing agency and remitted to the department to support those activities which may be undertaken with moneys credited to the Uniform Construction Code Revolving Fund.

**C. 52:27D-124.1 Uniform construction code revolving fund; establishment; deposits; disposition.**

2. (New section) There is established in the Department of Community Affairs, a nonlapsing, revolving fund to be known as the Uniform Construction Code Revolving Fund. All surcharge fees levied on new construction pursuant to section 6 of P. L. 1975, c. 217, such moneys as may be appropriated by the State or Federal Government for inclusion in the fund, and such revenues as may be generated by departmental training, educational and instruction activities related to code enforcement shall be deposited in the fund.

Moneys appropriated from the fund shall be used to prepare and administer examinations to determine the eligibility of persons seeking to be employed by an enforcing agency, to establish and administer courses for the training of code, and subcode officials and assistants, and to reimburse in whole or in part, such persons as deemed eligible by the department, who have paid tuition for such training courses, and to disseminate information concerning the code and code rules and regulations, and changes made therein.

**C. 52:27D-126a Fees.**

3. (New section) Where the appointing authority of any municipality shall appoint an enforcing agency and construction board of appeals pursuant to section 8 of P. L. 1975, c. 217, the municipal governing body by ordinance, in accordance with standards established by the commissioner, shall set enforcing agency fees for

plan review, construction permit, certificate of occupancy, demolition permit, moving of building permit, elevator permit and sign permit, provided, however, that such fees shall not exceed the annual costs for the operation of the enforcing agency.

4. Moneys in the Uniform Construction Code Revolving Fund are appropriated for the purposes of this act.

5. This act shall take effect immediately.

Approved June 30, 1979.

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## CHAPTER 122

AN ACT to amend "An act concerning the registration of certain motor vehicles in the State, and supplementing chapter 3, Title 39, of the Revised Statutes," approved April 12, 1948 (P. L. 1948, c. 28).

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

1. Section 1 of P. L. 1948, c. 28 (C. 39:3–27.1) is amended to read as follows:

**C. 39:3-27.1 Registration without fee for certain veterans.**

1. No fee shall be charged for the registration, in any year or years, of one motor vehicle of passenger type, which is not to be used for hire, owned by any resident of the State of New Jersey, individually or jointly with a spouse;

(1) who is eligible for compensation pursuant to R. S. 38:18–1, 38:18–2 and 38:18–3,

(2) who has qualified or shall qualify under the provisions of Public Law 663—79th Congress of the United States of America (August 8, 1946) or of Public Law 187—82nd Congress of the United States of America (October 20, 1951) or who is a veteran of World War I with service-connected disabilities of the kind set forth in said Public Laws, and who is the holder of a current driver's license issued by this State, if such motor vehicle is equipped with such special attachments and devices as the Director of the Division of Motor Vehicles in the Department of Law and Public Safety may deem necessary to provide for the safe operation thereof by such person, or

(3) who is the holder of the Congressional Medal of Honor, which registration shall be evidenced by distinctive license plates of a design approved by the Director of the Division of Motor Vehicles.

2. This act shall take effect immediately.

Approved July 3, 1979.

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## CHAPTER 123

AN ACT to designate the aviation hall of fame and museum at Teterboro airport as the Aviation Hall of Fame and Museum of New Jersey.

WHEREAS, Historic aviation achievements and events in New Jersey are unparalleled by any other state in the Union;

WHEREAS, These world acclaimed aviation accomplishments have not been properly memorialized;

WHEREAS, Such an oversight of this important New Jersey historic heritage is an injustice to all the citizens of this State;

WHEREAS, An aviation hall of fame and museum has been established at Teterboro airport;

WHEREAS, There is now interest in creating a greatly enlarged museum at Teterboro that would encompass the entire history of aviation in this State;

WHEREAS, Such a museum would serve an important educational role among the children of this State;

WHEREAS, Such a museum would be a major tourist attraction that would enlighten New Jersey's visitors to the importance of the State's role in the development of aviation; now, therefore,

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

**C. 28:2-19 Aviation Hall of Fame and Museum of New Jersey.**

1. The aviation hall of fame and museum at Teterboro airport is designated the Aviation Hall of Fame and Museum of New Jersey.

2. This act shall take effect immediately.

Approved July 3, 1979.

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## CHAPTER 124

AN ACT concerning jurisdiction in child custody matters, 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:34-28 Short title.**

1. This act shall be known and may be cited as the "Uniform Child Custody Jurisdiction Act."

**C. 2A:34-29 Legislature's findings.**

2. The Legislature finds that this act is necessary in order to:

a. Avoid jurisdictional competition and conflict with courts of other states in matters of child custody which have in the past resulted in the shifting of children from state to state with harmful effects on their well-being;

b. Promote cooperation with the courts of other states to the end that a custody decree is rendered in that state which can best decide the case in the interest of the child;

c. Assure that litigation concerning the custody of a child takes place ordinarily in the state with which the child and his family have the closest connection and where significant evidence concerning his care, protection, training, and personal relationships is most readily available, and that courts of this State decline the exercise of jurisdiction when the child and his family have a closer connection with another state;

d. Discourage continuing controversies over child custody in the interest of greater stability of home environment and of secure family relationships for the child;

e. Deter abductions and other unilateral removals of children undertaken to obtain custody awards;

f. Avoid relitigation of custody decisions of other states in this State insofar as feasible;

g. Facilitate the enforcement of custody decrees of other states; and

h. Promote and expand the exchange of information and other forms of mutual assistance between the courts of this State and those of other states concerned with the same child.

**C. 2A:34-30 Definitions.**

3. As used in this act:

a. "Contestant" means a person, including a parent, who claims a right to custody or visitation rights with respect to a child;

b. "Custody determination" means a court decision and court orders and instructions providing for the custody of a child, including visitation rights, and does not include a decision relating to child support or any other monetary obligation of any person;

c. "Custody proceeding" includes proceedings in which a custody determination is one of several issues, such as an action for divorce or separation, and includes child neglect and dependency proceedings;

d. "Decree" or "custody decree" means a custody determination contained in a judicial decree or order made in a custody proceeding, and includes an initial decree and a modification decree;

e. "Home state" means the state in which the child immediately preceding the time involved lived with his parents, a parent, or a person acting as parent, for at least 6 consecutive months, and in the case of a child less than 6 months old the state in which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the 6-month or other period;

f. "Initial decree" means the first custody decree concerning a particular child;

g. "Modification decree" means a custody decree which modifies or replaces a prior decree, whether made by the court which rendered the prior decree or by another court;

h. "Physical custody" means actual possession and control of a child;

i. "Person acting as parent" means a person, other than a parent, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody; and

j. "State" means any state, territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

**C. 2A:34-31 Jurisdiction to make child custody determination.**

4. a. The Superior Court of the State of New Jersey has jurisdiction to make a child custody determination by initial or modification decree if:

(1) This State (i) is the home state of the child at the time of commencement of the proceeding, or (ii) had been the child's home state within 6 months before commencement of the proceeding and the child is absent from this State because of his removal or retention by a person claiming his custody or for other reasons, and a parent or person acting as parent continues to live in this State; or

(2) It is in the best interest of the child that a court of this State assume jurisdiction because (i) the child and his parents, or the child and at least one contestant, have a significant connection with this State, and (ii) there is available in this State substantial evidence concerning the child's present or future care, protection, training, and personal relationships; or

(3) The child is physically present in this State and (i) the child has been abandoned or (ii) it is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse or is otherwise neglected; or

(4) (i) It appears that no other state would have jurisdiction under prerequisites substantially in accordance with paragraphs (1), (2), or (3), or another state has declined to exercise jurisdiction on the ground that this State is the more appropriate forum to determine the custody of the child, and (ii) it is in the best interest of the child that this court assume jurisdiction.

b. Except under paragraphs (3) and (4) of subsection a., physical presence in this State of the child, or of the child and one of the contestants, is not alone sufficient to confer jurisdiction on a court of this State to make a child custody determination.

c. Physical presence of the child, while desirable, is not a prerequisite for jurisdiction to determine his custody.

**C. 2A:34-32 Notice and opportunity to be heard.**

5. Before a decree is made pursuant to this act, reasonable notice and opportunity to be heard shall be given in accordance with the Rules Governing the Courts of the State of New Jersey to the contestants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child. If any of these persons is outside this State, notice and opportunity to be heard shall be given pursuant to section 6 of this act.

**C. 2A:34-33 Service of notice.**

6. a. Notice required for the exercise of jurisdiction over a person outside this State shall be given in a manner reasonably calculated to give actual notice, and may be:

(1) By personal delivery outside this State in the manner prescribed for service of process within this State;

(2) In the manner prescribed by the law of the place in which the service is made for service of process in that place in an action in any of its courts of general jurisdiction;

(3) By any form of mail addressed to the person to be served; or

(4) As directed by the court.

b. Notice under this section shall be served, mailed, or delivered, at least 20 days before any hearing in this State, or such other time period as directed by the court if the matter is emergent.

c. Proof of service outside this State may be made by affidavit of the individual who made the service, or in the manner prescribed by the law of this State, the order pursuant to which the service is made, or the law of the place in which the service is made. If service is made by mail, proof may be a receipt signed by the addressee or other evidence of delivery to the addressee.

d. Notice is not required if a person submits to the jurisdiction of the court.

**C. 2A:34-34 Jurisdiction of other states; pendency of proceedings in other states.**

7. a. A court of this State shall not exercise its jurisdiction under this act if at the time of filing the petition a proceeding concerning the custody of the child was pending in a court of another state exercising jurisdiction substantially in conformity with this act, unless the proceeding is stayed by the court of the other state because this State is a more appropriate forum or for other reasons.

b. Before hearing the petition in a custody proceeding the court shall examine the pleadings and other information supplied by the parties pursuant to section 10 of this act and shall consult the child custody registry established pursuant to section 17 of this act concerning the pendency of proceedings with respect to the child in other states. If the court has reason to believe that proceedings may be pending in another state it shall direct an inquiry to the state court administrator or other appropriate official of the other state.

c. If the court is informed during the course of the proceeding that a proceeding concerning the custody of the child was pending

in another state before the court assumed jurisdiction it shall stay the proceeding and communicate with the court in which the other proceeding is pending to the end that the issue may be litigated in the more appropriate forum and that information be exchanged in accordance with sections 20 through 23. If a court of this State has made a custody decree before being informed of a pending proceeding in a court of another state it shall immediately inform that court of the fact. If the court is informed that a proceeding was commenced in another state after it assumed jurisdiction it shall likewise inform the other court to the end that the issues may be litigated in the more appropriate forum.

**C. 2A:34-35 Inconvenient forum; finding of court; factors considered; exercise of jurisdiction by court.**

8. a. A court which has jurisdiction under this act to make an initial or modification decree may decline to exercise its jurisdiction any time before making a decree if it finds that it is an inconvenient forum to make a custody determination under the circumstances of the case and that a court of another state is a more appropriate forum.

b. A finding of inconvenient forum may be made upon the court's own motion or upon motion of a party or a guardian ad litem or other representative of the child.

c. In determining if it is an inconvenient forum, the court shall consider if it is in the interest of the child that another state assume jurisdiction. For this purpose it may take into account the following factors, among others:

(1) If another state is or recently was the child's home state;

(2) If another state has a closer connection with the child and his family or with the child and one or more of the contestants;

(3) If substantial evidence concerning the child's present or future care, protection, training, and personal relationships is more readily available in another state;

(4) If the parties have agreed on another forum which is no less appropriate; and

(5) If the exercise of jurisdiction by a court of this State would contravene any of the purposes stated in section one of this act.

d. Before determining whether to decline or retain jurisdiction the court may communicate with a court of another state and exchange information pertinent to the assumption of jurisdiction by either court with a view to assuring that jurisdiction will be exercised by the more appropriate court and that a forum will be available to the parties.

e. If the court finds that it is an inconvenient forum and that a court of another state is a more appropriate forum, it may dismiss the proceedings, or it may stay the proceedings upon condition that a custody proceeding be promptly commenced in another named state or upon any other conditions which may be just and proper, including the condition that a moving party stipulate his consent and submission to the jurisdiction of the other forum.

f. The court may decline to exercise its jurisdiction where a finding of inconvenient forum is made under this act whether or not a custody determination is incidental to an action for divorce or another proceeding while retaining jurisdiction over the divorce or other proceeding.

g. If it appears to the court that it is clearly an inappropriate forum it may assess, and if not paid enter a judgment against the party who commenced the proceedings for, in addition to the costs of the proceedings in this State, necessary travel and other expenses, including attorneys' fees, incurred by other parties or their witnesses. Payment shall be made to the clerk of the court for remittance to the proper party or, in the event of a judgment, shall be collected in accordance with the normal procedures for the collection of judgments.

h. Upon dismissal or stay of proceedings under this section the court shall inform the court found to be the more appropriate forum of this fact, or if the court which would have jurisdiction in the other state is not certainly known, shall transmit the information to the court administrator or other appropriate official for forwarding to the appropriate court.

i. Any communication received from another state informing this State of a finding of inconvenient forum because a court of this State is the more appropriate forum shall be filed in the custody registry of the appropriate court. Upon assuming jurisdiction the court of this State shall inform the original court of this fact.

**C. 2A:34-36 Declination of jurisdiction by court; grounds; judgment.**

9. a. If the petitioner for an initial decree has wrongfully taken the child from another state or has engaged in similar reprehensible conduct the court may decline to exercise jurisdiction if this is just and proper under the circumstances.

b. Unless required in the interest of the child, the court shall not exercise its jurisdiction to modify a custody decree of another state if the petitioner, without consent of the person entitled to custody, has improperly removed the child from the physical custody of the person entitled to custody or has improperly retained the child

after a visit or other temporary relinquishment of physical custody. If the petitioner has violated any other provision of a custody decree of another state the court may decline to exercise its jurisdiction if this is just and proper under the circumstances.

c. In appropriate cases a court dismissing a petition under this section may assess, and if not paid enter a judgment against the petitioner for necessary travel and other expenses, including attorneys' fees, incurred by other parties or their witnesses. Payment shall be made to the clerk of the court for remittance to the proper party, or in the event of a judgment shall be collected in accordance with the normal procedures for the collection of judgments.

**C. 2A:34-37 Pleading or affidavit by parties in custody proceeding; required information.**

10. a. Every party in a custody proceeding in his first pleading or in an affidavit attached to that pleading shall give information under oath as to the child's present address, the places where the child has lived within the last 5 years, and the names and present addresses of the persons with whom the child has lived during that period. In this pleading or affidavit every party shall further declare under oath whether:

(1) He has participated (as a party, witness, or in any other capacity) in any other litigation concerning the custody of the same child in this or any other state;

(2) He has information of any custody proceeding concerning the child pending in a court of this or any other state; and

(3) He knows of any person not a party to the proceedings who has physical custody of the child or claims to have custody or visitation rights with respect to the child.

b. If the declaration as to any of the above items is in the affirmative the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and as to other matters pertinent to the court's jurisdiction and the disposition of the case.

c. Each party has a continuing duty to inform the court of any custody proceeding concerning the child in this or any other state of which he obtained information during this proceeding.

**C. 2A:34-38 Person having custody of child; order to person to be joined as party.**

11. If the court learns from information furnished by the parties pursuant to section 10 of this act, or from other sources

that a person not a party to the custody proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child, it shall order that person to be joined as a party and to be duly notified of the pendency of the proceeding and of his joinder as a party. If the person joined as a party is outside that State he shall be served with process or otherwise notified in accordance with the provisions of section 6 of this act.

**C. 2A:34-39 Order by court to parties to appear personally.**

12. a. The court may order any party to the proceeding who is in this State to appear personally before the court. If that party has physical custody of the child the court may order that he appear personally with the child.

b. If a party to the proceeding whose presence is desired by the court is outside this State, with or without the child the court may order that the notice given pursuant to section 6 of this act include a statement directing that party to appear personally with or without the child and declaring that failure to appear may result in a decision adverse to that party.

c. If a party to the proceeding who is outside this State is directed to appear under subsection b. or desires to appear personally before the court, with or without the child, the court may require another party to pay to the clerk of the court travel and other necessary expenses of the party so appearing and of the child, if this is just and proper under the circumstances.

**C. 2A:34-40 Effect of custody decree.**

13. A custody decree rendered by a court of this State which had jurisdiction pursuant to section 4 of this act binds all parties who have been served in this State or notified in accordance with the provisions of section 6 of this act or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to these parties the custody decree is conclusive as to all issues of law and fact decided and as to the custody determination made unless and until that determination is modified pursuant to law, including the provisions of this act.

**C. 2A:34-41 Recognition and enforcement of initial or modification decree.**

14. The courts of this State shall recognize and enforce an initial or modification decree of a court of another state which had assumed jurisdiction under statutory provisions substantially in accordance with this act or which was made under factual circumstances meeting the jurisdictional standards of this act, so long as the decree has not been modified in accordance with jurisdictional standards substantially similar to those of this act.

**C. 2A:34-42 Custody decree by court of another state; modification.**

15. a. If a court of another state has made a custody decree, a court of this State shall not modify that decree unless (1) it appears to the court of this State that the court which rendered the decree does not now have jurisdiction under jurisdictional prerequisites substantially in accordance with this act or has declined to assume jurisdiction to modify the decree, and (2) the court of this State has jurisdiction.

b. If a court of this State is authorized pursuant to subsection a. and to section 9 of this act to modify a custody decree of another state it shall give due consideration to the transcript of the record and other documents of all previous proceedings submitted to it in accordance with section 23 of this act.

**C. 2A:34-43 Certified copy of custody decree; filing; violation of decree.**

16. a. A certified copy of a custody decree of another state may be filed in the office of the clerk of the Superior Court of this State. The clerk shall treat the decree in the same manner as a custody decree of said court.

A custody decree so filed has the same effect and shall be enforced in like manner as a custody decree rendered by a court of this State.

b. A person violating a custody decree of another state, which makes it necessary to enforce the decree in this State, may be required to pay necessary travel and other expenses, including attorneys' fees, incurred by the party entitled to the custody or his witnesses.

**C. 2A:34-44 Registery; contents.**

17. The office of the Clerk of the Superior Court shall maintain a registry which shall contain the following:

(1) Certified copies of custody decrees of other states received for filing;

(2) Communications as to the pendency of custody proceedings in other states;

(3) Communications concerning a finding of inconvenient forum by a court of another state; and

(4) Other communications or documents concerning custody proceedings in another state which may affect the jurisdiction of a court of this State or the disposition to be made by it in a custody proceeding.

**C. 2A:34-45 Certification of decree; forwarding to court or person.**

18. The clerk of the Superior Court of this State, at the request of the court of another state or at the request of any person who

is affected by or has a legitimate interest in a custody decree, shall certify and forward a copy of the decree to that court or person.

**C. 2A:34-46 Testimony of witnesses.**

19. In addition to other procedural devices available to a party, any party to the proceeding or a guardian ad litem or other representative of the child may adduce testimony of witnesses, including parties and the child, by deposition or other form of sworn statement, in another state. The court on its own motion may direct that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony shall be taken.

**C. 2A:34-47 Hearing; certification of transcript of record; order to appear in proceedings.**

20. a. A court of this State may request the appropriate court of another state to hold a hearing to adduce evidence, to order a party to produce or give evidence under other procedures of that state, or to have social studies made with respect to the custody of a child involved in proceedings pending in the court of this State; and to forward to the court of this State certified copies of the transcript of the record of the hearing, the evidence otherwise adduced, or any social studies prepared in compliance with the request. The cost of the services may be assessed against the parties or, if necessary, ordered paid by the county wherein the child resides.

b. A court of this State may request the appropriate court of another state to order a party to custody proceedings pending in the court of this State to appear in the proceedings, and if that party has physical custody of the child, to appear with the child. The request may state that travel and other necessary expenses of the party and of the child whose appearance is desired will be assessed against another party or will otherwise be paid to the clerk of the court for remittance to the proper party.

c. The appearance of a party residing outside the State pursuant to this section shall not constitute waiver of the party's right to contest the court's jurisdiction.

**C. 2A:34-48 Hearing or evidence adduced and social studies made upon request of court of another state; order to appear in another state.**

21. a. Upon request of the court of another state the courts of this State which are competent to hear custody matters may order a person in this State to appear at a hearing to adduce evidence or to produce or give evidence under other procedures available in this State or may order social studies to be made for use in a custody proceeding in another state. A certified copy of the tran-

script of the record of the hearing or the evidence otherwise adduced and any social studies prepared shall be forwarded by the clerk of the court to the requesting court.

b. A person within this State may voluntarily give his testimony or statement in this State for use in a custody proceeding outside this State.

c. Upon request of the court of another state a competent court of this State may, after a hearing, order a person in this State to appear alone or with the child in a custody proceeding in another state. The court may condition compliance with the request upon assurance by the other state that travel and other necessary expenses will be advanced or reimbursed.

**C. 2A:34-49 Preservation of records until child is 21.**

22. In any custody proceeding in this State the court shall preserve the pleadings, orders and decrees, any record that has been made of its hearings, social studies, and other pertinent documents until the child reaches 21 years of age. Upon appropriate request of the court of another state the court shall forward to the other court certified copies of any or all of such documents.

**C. 2A:34-50 Request from court of other state certified copy of transcript of record and documents.**

23. If a custody decree has been rendered in another state concerning a child involved in a custody proceeding pending in a court of this State, the court of this State, upon taking jurisdiction of the case, shall request of the court of the other state a certified copy of the transcript of any court record and other documents mentioned in section 22 of this act.

**C. 2A:34-51 Extension of general policies of act to international area.**

24. The general policies of this act extend to the international area. The provisions of this act relating to the recognition and enforcement of custody decrees of other states apply to custody decrees and decrees involving legal institutions similar in nature and to custody rendered by appropriate authorities of other nations, if reasonable notice and opportunity to be heard were given to all affected persons.

**C. 2A:34-52 Severability.**

25. If any provision of this act or the application thereof to any person or circumstance is held invalid, its invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

26. This act shall take effect immediately.

Approved July 3, 1979.

## CHAPTER 125

AN ACT authorizing the Department of Community Affairs to identify existing displaced homemaker programs and develop and provide technical assistance for the expansion of existing programs to include a component for certain displaced homemakers.

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

**C. 52:27D-43.18 Short title.**

1. This act shall be known and may be cited as the "Displaced Homemakers Act."

**C. 52:27D-43.19 Definitions.**

2. As used in this act, a "displaced homemaker" is an individual who has not worked in the labor force for a substantial number of years but has, during those years, worked in the home providing unpaid services for family members and has been dependent upon the income of another family member but is no longer supported by that income and:

a. Is receiving public assistance because of dependent children in the home but is within 1 year of no longer being eligible for such assistance; or

b. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; or

c. Is at least 40 years of age, an age at which discrimination based on age is likely, and at which entry or reentry to or advancement in the labor market is difficult.

"Commissioner" means the Commissioner of the Department of Community Affairs.

"Division" shall mean the Division on Women within the Department of Community Affairs.

**C. 52:27D-43.20 Identification of existing displaced homemaker; multi-purpose programs.**

3. The Division on Women in the Department of Community Affairs shall identify existing displaced homemaker provide technical assistance and encouragement for the expansion of other multi-purpose programs which provide:

a. Job counseling services which are specifically designed for displaced homemakers, and which aid them in acquiring knowledge

of their talents and skills in relation to existing jobs, and which counsel displaced homemakers with respect to appropriate job opportunities.

b. Job training and job placement services which develop, by working with State and local government agencies and private employers, training and placement programs for jobs in the public and private sectors, which assist participants in gaining admission to existing public and private job training programs and opportunities, and which identify community needs and encourage the creation of new jobs in the public and private sectors.

c. Health education and counseling services which cooperate with existing health programs to provide counseling on preventive health care, health care consumer education, family health care and nutrition, alcohol and drug addiction, and overcoming health barriers to employment.

d. Financial management services which provide information and assistance with respect to credit, insurance, taxes, estate and probate problems, mortgages, loans, and other related financial matters.

e. Educational services, including outreach and information about courses offering credit through secondary or post-secondary education programs, and including bilingual programs where appropriate, as well as information about other programs which are determined to be of interest and benefit to displaced homemakers in developing employable skills.

f. Legal counseling and referral services.

g. Outreach and information services with respect to Federal and State employment, education, health, public assistance, and unemployment assistance programs.

**C. 52:27D-43.21 Emphasis of programs.**

4. Programs identified and expanded under this act shall emphasize activities which provide training and other employment-related services for displaced homemakers which are designed to enhance their employability and earnings. Such programs shall concentrate on creating new job opportunities for displaced homemakers in order to meet identified needs within the community.

**C. 52:27D-43.22 Study of needs of displaced homemakers; coordination of certain organizations and groups; goals.**

5. The Division on Women within the Department of Community Affairs shall make a continuous study of the needs of displaced homemakers, and effective programs and services and funding available to meet those needs. The division shall also coordinate

community organizations, women's groups, and public agencies to maximize the utilization of existing programs and resources. Such coordination shall include, but not be limited to the Division on Aging in the Department of Community Affairs, the Office on Women of the Division of Vocational Education in the Department of Education, the Division of Vocational Rehabilitation Services in the Department of Labor and Industry, and the Division of Welfare in the Department of Human Services. The goal of this coordination shall be to put eligible people in touch with existing programs and to foster cooperation and the exhange of information among all departments and agencies of State Government which sponsor programs for which displaced homemakers would be eligible.

**C. 52:27D-43.23 Description and assessment of each program; report.**

6. The division shall compile and maintain a description and assessment of each program operating pursuant to this act, including the number of displaced homemakers served, the number who obtained employment, the number who enrolled in educational courses, the number of those enrolled who completed such educational courses, the cost per displaced homemaker for each program, and the total number of staff and staff ratio to persons served under the program. Such report shall be available within 1 year of the effective date of the act.

**C. 52:27D-43.24 Federal funding.**

7. The commissioner may seek, receive and make use of any funds which may be available from Federal or other sources in order to augment any State funds appropriated for the purposes of this act, and shall make every effort to qualify the program for Federal funding.

8. This act shall take effect 180 days following enactment.

Approved July 3, 1979.

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## CHAPTER 126

AN ACT to amend "An act relating to State parks and State forest park reserves and reservations and supplementing Title 13 of the Revised Statutes," approved February 3, 1971 (P. L. 1971, c. 18).

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

1. Section 1 of P. L. 1971, c. 18 (C. 13:2–11) is amended to read as follows:

**C. 13:2-11 Exemption from admission fees to State parks.**

1. Notwithstanding the provisions of any rule or regulation of the Department of Environmental Protection no admission fee shall be charged for entrance into any State park or State forest park reserve or reservation by any resident of this State 62 or more years of age or who is totally disabled. The Commissioner of Environmental Protection shall by regulation prescribe the types of evidence which may be used to qualify persons for the benefits of this act.

2. This act shall take effect immediately.

Approved July 6, 1979.

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## CHAPTER 127

AN ACT concerning jury commissioners and amending N. J. S. 2A:68–7.

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

1. N. J. S. 2A:68–7 is amended to read as follows:

**Compensation of jury commissioners.**

2A:68–7. Each jury commissioner, except a jury commissioner who holds the office of sheriff, shall receive annual compensation, payable semimonthly by the governing body of such county in such amount within the following limitations as fixed by the county: In counties having 600,000 or more inhabitants, not less than $900.00 nor more than $2,000.00; in counties having 400,000 or more and less than 600,000 inhabitants, not less than $750.00 nor more than $1,750.00; in counties having 190,000 or more and less than 400,000 inhabitants, not less than $750.00 nor more than $1,500.00; in counties having 100,000 or more and less than 190,000 inhabitants, not less than $500.00 nor more than $1,250.00; and in counties having less than 100,000 inhabitants, not less than $500.00 nor more than $1,000.00.

2. This act shall take effect immediately.

Approved July 6, 1979.

## CHAPTER 128

AN ACT concerning peer-review committees and professional standards review organizations in relation to liability of members thereon 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:84A-22.10 Peer-review committees and professional standards review organizations; liability in damages.**

1. Any person who serves as a member of

a. A hospital or long term health care facility committee established to administer a utilization review plan for such hospital or long term health care facility; or

b. A hospital medical staff committee having the responsibility of evaluation and improvement of the quality of care rendered in such hospital; or

c. A professional standards review organization as established by P. L. 92–603; or

d. A hospital peer-review committee having the responsibility for the review of the qualifications and credentials of physicians or dentists seeking appointment or reappointment to the medical or dental staff of a hospital, or of questions of the clinical or administrative competence of physicians or dentists so appointed, or of matters concerning limiting the scope of hospital privileges of physicians or dentists on the staff, or of matters concerning the dismissal or discharge of same; or

e. A peer-review committee or subcommittee thereof of a local, county or State medical, dental, podiatric, optometric, psychological, chiropractor or pharmaceutical society or long term health care facility association, or of any such society or association itself, when such society or association or committee or subcommittee thereof is performing any peer-review function that is

(1) Described in subsections a., b., c. and d., above of this section; or

(2) Involves any controversy or dispute between (a) a physician, dentist, podiatrist, optometrist, psychologist, chiropractor, pharmacist, nurse, dietitian or licensed administrator and a patient concerning the diagnosis, treatment or care of such patient or the fees or charges therefor, (b) a physician, dentist, podiatrist, optometrist, psychologist, chiropractor, pharmacist, nurse, dietitian

or licensed administrator and a provider of medical, dental, podiatric, optometric, psychological or pharmaceutical benefits concerning any medical or health charges or fees of such physician, dentist, podiatrist, optometrist, psychologist, chiropractor, pharmacist, nurse, dietitian or licensed administrator, or (c) physicians, dentists, podiatrists, optometrists, psychologists, chiropractors, pharmacists, nurses, dietitians or licensed administrators: shall not be liable in damages to any person for any action taken or recommendation made by him within the scope of his function as a member of such committee, subcommittee or society in the performance of said peer-review functions, if such action or recommendation was taken or made without malice and in the reasonable belief after reasonable investigation that such action or recommendation was warranted upon the basis of facts disclosed.

2. This act shall take effect immediately.

Approved July 6, 1979.

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## CHAPTER 129

AN ACT concerning the manufacturing, selling and transporting of lottery equipment and supplementing Title 2A and Title 2C of the New Jersey Statutes.

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

1. Title 2A of the New Jersey Statutes is supplemented as follows:

1. No law providing any penalty or disability for the sale of lottery tickets or any acts done in connection with a lottery shall apply to the rendering of consultation or advice in connection with a lottery, or the manufacturing, processing, selling, possessing or transporting of equipment, tickets or materials, for use or designed for use in a lottery, if such lottery is (a) conducted by a state of the United States and such equipment, tickets or materials are for shipment out of this State to addresses within such state or (b) not violative of the laws of a foreign country in which it is conducted or intended to be conducted and such equipment, tickets or materials are for shipment to foreign countries to persons or entities that can lawfully use such materials. For pur-

poses of this section, "foreign country" means any empire, country, dominion, colony or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions).

2. Title 2C of the New Jersey Statutes is supplemented as follows:

**C. 2C:37-6.1 Manufacturing, selling and transporting of lottery equipment.**

2. No law providing any penalty or disability for the sale of lottery tickets or any acts done in connection with a lottery shall apply to the rendering of consultation or advice in connection with a lottery, or the manufacturing, processing, selling, possessing or transporting of equipment, tickets or materials, for use or designed for use in a lottery, if such lottery is (a) conducted by a state of the United States and such equipment, tickets or materials are for shipment out of this State to addresses within such state, or (b) not violative of the laws of a foreign country in which it is conducted or intended to be conducted and such equipment, tickets or materials are for shipment to foreign countries to persons or entities that can lawfully use such materials. For purposes of this section, "foreign country" means any empire, country, dominion, colony or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions).

3. Section 1 of this act shall take effect immediately but shall expire on September 1, 1979 and section 2 shall take effect September 1, 1979.

Approved July 6, 1979.

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## CHAPTER 130

AN ACT concerning city officers and repealing certain statutes.

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

**Repealer.**

1. The following sections, acts, and parts of acts together with all amendments and supplements thereto, are hereby repealed entirely.

Revised Statutes sections:

40:171–1;
40:171–2;
40:171–6;

Revised Statutes sections:
40:171–7;
40:171–8 to 40:171–11 both inclusive;
40:171–12 to 40:171–16 both inclusive;
40:171–17;
40:171–18;
40:171–25 to 40:171–29 both inclusive;
40:171–30;
40:171–31;
40:171–32;
40:171–33;
40:171–34 to 40:171–38 both inclusive;
40:171–42;
40:171–43;
40:171–44 to 40:171–46 both inclusive;
40:171–47;
40:171–50 and 40:171–51;
40:171–52;
40:171–53;
40:171–54;
40:171–55 to 40:171–59 both inclusive;
40:171–60 and 40:171–61;
40:171–62;
40:171–63 and 40:171–64;
40:171–65;
40:171–66;
40:171–67 to 40:171–69 both inclusive;
40:171–70 to 40:171–74 both inclusive;
40:171–75 to 40:171–80 both inclusive;
40:171–81;
40:171–84 to 40:171–87 both inclusive;
40:171–88 to 40:171–90 both inclusive;
40:171–95;
40:171–98;
40:171–99;
40:171–100 and 40:171–101;
40:171–102;
40:171–103;
40:171–104;
40:171–105 and 40:171–106;
40:171–107 and 40:171–108;
40:171–109.

Pamphlet Laws:
Laws of 1939, c. 358, s. 1 (C. 40:171–106A).

2. This act shall take effect immediately.

Approved July 6, 1979.

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## CHAPTER 131

AN ACT concerning the compensation of certain elected public officials and revising parts of the statutory law.

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

**C. 40A:9-165.1 Salaries of certain elected officials.**

1. Notwithstanding the provisions of any other law to the contrary, the governing body of each municipality shall determine the salaries, wages or compensation of the members of the governing body and the mayor or other chief executive in accordance with the provisions of N. J. S. 40A:9–165. The time within which an ordinance determining said salaries, wages or compensation shall take effect, and the procedure for protesting against the passage of any ordinance providing for an increase in said salaries, wages or compensation shall be as provided in N. J. S. 40A:9–165.

**Repealer.**

2. All acts and parts of acts inconsistent with the provisions of this act are, to the extent of said inconsistency, superseded and the following are repealed:

P. L. 1971, c. 15 (C. 40:46–28.4);
P. L. 1975, c. 292, s. 1 (C. 40:72–26);
R. S. 40:81–2;
P. L. 1962, c. 33, ss. 2, 3 (C. 40:81–2.1 and 40:81–2.2);
P. L. 1958, c. 18, s. 2 (C. 40:87–60.1);
P. L. 1953, c. 355 (C. 40:88–3.1 to 40:88–3.3);
P. L. 1951, c. 43, s. 1 (C. 40:132–1.1);
P. L. 1958, c. 17 (C. 40:132–1.2 and 40:132–1.3);
P. L. 1977, c. 454 (C. 40:132–1.4);
R. S. 40:146–14 through 40:146–16;
P. L. 1946, c. 201 (C. 40:146–16.1);
P. L. 1878, c. 96, s. 2 (R. S. 40:171–13);

P. L. 1878, c. 96, s. 3 (R. S. 40:171–14);
P. L. 1886, c. 253, s. 5 (R. S. 40:171–28);
P. L. 1949, c. 270 (C. 40:171–190.1);
P. L. 1960, c. 176 (C. 40:171–190.2 and 40:171–190.3);
P. L. 1955, c. 59 (C. 40:171–236 and 40:171–237).

**Validating section.**

3. Any ordinance heretofore adopted fixing the salaries, wages or compensation of the members of the governing body or the mayor or other chief executive of a municipality is hereby validated, ratified and confirmed.

4. This act shall take effect immediately.

Approved July 6, 1979.

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## CHAPTER 132

AN ACT authorizing the Board of Higher Education to contract with eligible independent colleges and universities for educational services to the State and repealing "The Independent Colleges and Universities Utilization Act," P. L. 1972, c. 67.

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

**C. 18A:72B-15 Short title.**

1. This act shall be known and may be cited as the "Independent College and University Assistance Act."

**C. 18A:72B-16 Legislature's findings.**

2. The Legislature finds and determines that:

a. This State remains committed by law and public policy to the development and preservation of a planned and diverse system of higher education which encompasses both public and independent institutions. Independent institutions make an important contribution to higher education in the State and it is in the public interest to assist these institutions in the provision and maintenance of quality academic programs.

b. The provisions of this act will serve the cause of higher education in this State by assuring maximum educational choice among colleges and universities through the preservation of the vitality and quality of independent institutions of higher education in this State.

**C. 18A:72B-17 Definitions.**

3. As used in this act:

a. "Eligible institution" or "institution" means only those independent institutions of higher education incorporated and located in this State, which, by virtue of law or character or license, are non-profit educational institutions empowered to grant academic degrees and which provide a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which are eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey. "Eligible institution" does not include any educational institution dedicated primarily to the preparation or training of ministers, priests, rabbis, or other professional persons in the field of religion.

b. "New Jersey Student" means any resident of this State as defined by regulations of the Board of Higher Education.

c. "Academic Year" means the normal period of attendance, excluding summer session, for a full-time undergraduate student to make a year's progress toward a degree.

d. "Full-time equivalent student in an eligible institution" means a unit of 32 undergraduate student credit hours as defined by regulations of the Board of Higher Education.

e. "Undergraduate student" means a student enrolled in a program leading to an associate or baccalaureate degree, or to a certificate, diploma or its equivalent, awarded by the institution.

f. "Direct per student support for the State college sector" means the average direct net State support per budgeted full-time equivalent student at the State colleges. This average shall be derived from the General Appropriation Act for the pre-budget year by taking the sum of the total appropriation amounts for all State colleges, except Thomas A. Edison College of New Jersey, subtracting from that sum debt service and capital costs and the sum of anticipated revenues at the State colleges, except Edison College, for tuitions, other student fees, School of Conservation, and miscellaneous; and dividing the remainder by the total number of budgeted full-time equivalent students at the State colleges, as stipulated in language in said Appropriation Act.

g. "Department" means the Department of Higher Education.

h. "Board" means the Board of Higher Education.

i. "Pre-budget year" means the fiscal year preceding the year in which the budget is implemented.

**C. 18A:72B-18 Payment to institutions; formula; distribution of funds.**

4. The Board of Higher Education, subject to the availability of appropriations, is authorized to contract with eligible independent colleges and universities in this State to provide educational services to New Jersey students. Payment to the institutions shall be based upon the number of full time equivalent New Jersey undergraduates enrolled during the pre-budget year in the independent institutions multiplied by 25% of the level of direct per student support for the State college sector during the pre-budget year. The total funding generated by the preceding formula shall be distributed as follows:

a. Ten percent of this total shall be divided equally among the eligible institutions. These "designated" amounts shall be awarded to each institution except in any instance where the amount of dollars designated for a particular institution under this section exceeds the total amount to be awarded to that institution under subsections b. and c. of this section. In such instances, the funds designated under subsection a. shall be reduced to equal the total of subsections b. and c., which shall be the amount awarded to the institution under this section. The difference between the amount designated and the amount awarded under this section shall be returned to the department.

b. Thirty-five percent shall be distributed on the basis of New Jersey students who received State financial aid or aid administered by such institutions of $1,000.00 or more, in all cases exclusive of loans, during the pre-budget year.

c. Fifty-five percent shall be distributed on the basis of New Jersey full-time equivalent students, as herein defined, enrolled in such institutions during the pre-budget year.

The funds granted under this act may be used by the institutions for any purposes which they deem to be appropriate to maintaining or enhancing the quality of the academic offerings available to New Jersey students, except for purposes of sectarian instruction, the construction or maintenance of sectarian facilities, or for any other sectarian purpose or activity. For the purposes of this act the number of full-time equivalent students at the eight State colleges for the 1979-80 academic year is 54,380.

**C. 18A:72B-19 Maintenance of funds; audit of records.**

5. Funds received by an institution pursuant to this act shall be maintained in a separate ledger account. Each institution shall

cause an audit of such account and of enrollment figures to be made annually by a certified public accountant and forwarded to the board. The board shall have the right to audit institutional records pertaining to this act. Each institution also shall furnish to the board a copy of its audited annual financial statement.

**C. 18A:72B-20 Suspension and recovery of funds.**

6. In the event any institution shall expend such funds in violation of the provisions of this act or the rules or regulations of the board, the board may suspend further aid to such institutions and recover any such funds theretofore misspent.

**C. 18A:72B-21 Applicability of N. J. S. 18A:62-2.**

7. The provisions of N. J. S. 18A:62–2 shall not be applicable to this act.

**C. 18A:72B-22 Rules and policies.**

8. The board shall promulgate rules and adopt policies and make all determinations necessary for the proper administration and enforcement of the provisions of this act.

9. In addition to the amount appropriated to the department for allocation under the act, an amount not to exceed $75,000.00 may be appropriated to the department for the purpose of administering this act.

**C. 18A:72B-23 Partial invalidity.**

10. If any part of this act shall be held invalid, such holding shall not affect the validity of the remaining parts of this act. If a part of this act is invalid in one or more of its applications, the remaining parts of this act shall remain in effect in all valid applications that are severable from the invalid application.

**C. 18A:72B-24 Reduction in funds.**

11. If the funds appropriated for the purposes of this act are insufficient to provide full funding under the formula contained herein, then the funds shall be distributed to eligible institutions on a pro rata basis with each eligible institution receiving a proportionate reduction in funds.

**Repealer.**

12. P. L. 1972, c. 67 (C. 18A:72B–1 et seq.) is repealed.

13. This act shall take effect immediately.

Approved July 6, 1979

## CHAPTER 133

AN ACT concerning redemption of municipal tax liens by installment payments and amending R. S. 54:5–68.

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

1. R. S. 54:5–68 is amended to read as follows:

**Payment of total sum in equal monthly payments.**

54:5–68. The resolution may provide for payment of the estimated total sum due the municipality on any one parcel in substantially equal monthly installments, over a period not exceeding 3 years.

2. This act shall take effect immediately.

Approved July 6, 1979.

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## CHAPTER 134

AN ACT to amend "An act reconstituting the Commission on Individual Liberty and Personal Privacy created by "An act creating a commission to study the matter of personal privacy," approved September 19, 1977 (P. L. 1977, c. 226), and making an appropriation," approved March 30, 1978 (P. L. 1978, c. 12).

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

1. Section 2 of P. L. 1978, c. 12 is amended to read as follows:

2. The commission shall report its findings and recommendations to the Governor and the Legislature on or before September 30, 1979 together with any legislative bills it may desire to recommend for adoption by the Legislature.

2. This act shall take effect immediately.

Approved July 6, 1979.

## CHAPTER 135

AN ACT to amend "An act concerning pensions payable to certain retired county detectives and supplementing article 2 of chapter 10 of Title 43 of the Revised Statutes," approved August 19, 1971 (P. L. 1971, c. 285).

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

1. Section 1 of P. L. 1971, c. 285 (C. 43:10–29.4) is amended to read as follows:

**C. 43:10-29.4 Counties of second class; adjustments in amounts of pension benefits.**

1. Any county of the second class which is paying pensions to retirants pursuant to the provisions of article 2 of chapter 10 of Title 43 of the Revised Statutes, may, from time to time, by resolution or ordinance, as appropriate, of the governing body of the county, make adjustments in the amounts of the pension benefits payable to said retirants so as to reflect increases or decreases in living costs and maintain the purchasing power of their pension benefits in a reasonably uniform state.

Any such adjustment may be made notwithstanding that the amount of pension benefits thereby payable will exceed the amount prescribed by R. S. 43:10–20 and R. S. 43:10–21, but no such adjustment shall be made that will reduce pension benefits below the amount so prescribed.

2. This act shall take effect immediately.

Approved July 6, 1979.

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## CHAPTER 136

AN ACT concerning motor vehicles, with respect to reexamination of certain persons as a condition of the continued validity of their driver's license privilege.

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

**C. 39:3-10e Reexamination of certain persons for continued validity of their driver's license.**

1. The holder of any motor vehicle driver's license who is involved, within any 6-month period, in two or more motor vehicle accidents resulting in death or in personal injury or damage to property of any one person in excess of $200.00 required to be reported to police pursuant to R. S. 39:4–130, and against whom there has been assessed motor vehicle points for each such accident, shall on notice to be given by the Division of Motor Vehicles, be required to submit to reexamination and successful passage of an examination of his ability as an operator and a test of his vision, by the Division or by any licensed optometrist or ophthalmologist.

Failure to pass the examination or test required by this act shall be justification for the revocation and refusal to renew the holder's driver license.

2. This act shall take effect immediately.

Approved July 6, 1979.

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## CHAPTER 137

AN ACT relating to transfer inheritance taxes, and amending R. S. 54:34–4.

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

1. R. S. 54:34–4 is amended to read as follows:

**Exemptions.**

54:34–4. The following transfers of property shall be exempt from taxation:

a. Property passing to or for the use of the State of New Jersey or to or for the use of a municipal corporation within the State or other political subdivision thereof, for exclusively public purposes.

b. Property passing to a beneficiary or beneficiaries having any present or future, vested, contingent or defeasible interest under any trust deed or agreement heretofore or hereafter executed by a resident or nonresident decedent, to the extent that the trust fund results from the proceeds of contracts of insurance heretofore or hereafter in force, insuring the life of such decedent, and paid or

payable, at or after the death of such decedent, to the trustee or trustees under such trust deed or agreement.

c. Property passing to (i) a trustee or trustees of any trust deed or agreement heretofore or hereafter executed or (ii) to a trustee or trustees of a trust created by the will of a decedent, by virtue of any contract of insurance heretofore or hereafter in force insuring the life of a resident or nonresident decedent and the proceeds of which are paid or payable at or after the death of such decedent to such trustee or trustees for the benefit of a beneficiary or beneficiaries having any present or future, vested, contingent or defeasible interest under such trust deed, agreement or will.

d. That part of the estate of any decedent which passes to, for the use of or in trust for any educational institution, church, hospital, orphan asylum, public library or Bible and tract society or to, for the use of or in trust for any institution or organization organized and operated exclusively for religious, charitable, benevolent, scientific, literary or educational purposes, including any institution instructing the blind in the use of dogs as guides, no part of the net earnings of which inures to the benefit of any private stockholder or other individual or corporation; provided, that this exemption shall not extend to transfers of property to such educational institutions and organizations of other states, the District of Columbia, territories and foreign countries which do not grant an equal, and like exemption of transfers of property for the benefit of such institutions and organizations of this State.

e. That part of the estate of any decedent who has heretofore died, or may hereafter die, received, either heretofore or hereafter, by the legal representatives of such decedent, whether directly from the United States, or through any intervening estate or estates, by reason of any war risk insurance certificate or policy, either term or converted, or any adjusted service certificate, issued by the United States. Nothing contained in this paragraph e. shall entitle any person to a refund of any tax heretofore paid on the transfer of property of the nature aforementioned; and provided further, that the exemption provided for in this paragraph e. shall not extend to that part of the estate of any decedent composed of property of the nature aforementioned, when such property was received by the decedent before death.

f. The proceeds of any contract of insurance heretofore or hereafter in force insuring the life of a resident or nonresident decedent paid or payable at or after the death of such decedent to any

beneficiary or beneficiaries other than the estate or the executor or administrator of such decedent.

g. Any transfer, relinquishment, surrender or exercise at any time or times by a resident or nonresident of any right to nominate or change the beneficiary or beneficiaries of any contract of insurance heretofore or hereafter in force insuring the life of such resident or nonresident irrespective of whether such transfer, relinquishment, surrender or exercise of such right took place or whether the proceeds of such policy were paid or payable, before or after the taking effect of this act.

h. The value of any pension, annuity, retirement allowance, return of contributions, or benefit payable by the Government of the United States pursuant to the Civil Service Retirement Act to a beneficiary or beneficiaries other than the estate or the executor or administrator of a decedent.

i. The value of any annuity payable by the Government of the United States pursuant to the Retired Serviceman's Family Protection Plan or the Survivor Benefit Plan to a beneficiary or beneficiaries other than the estate or the executor or administrator of a decedent.

2. This act shall take effect immediately.

Approved July 6, 1979.

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## CHAPTER 138

AN ACT to amend "An act concerning banking and banking institutions (Revision of 1948)," approved April 29, 1948 (P. L. 1948, c. 67).

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

1. Section 115 of P. L. 1948, c. 67 (C. 17:9A–115) is amended to read as follows:

**C. 17:9A-115 Bonding of directors, officers and employees.**

115. a. Every bank shall, at its own expense, cause to be bonded for the honest performance and discharge of his duties (1) each director who handles or has charge or custody of money, securities or other valuable property of the bank or of its customers and (2)

all officers and employees of the bank, in such amount and with such surety as shall be approved by the board of directors. The bonds may be individual bonds or may be one or more blanket bonds issued by a surety company or companies or one or more underwriters. The board of directors shall annually examine all such bonds, shall pass upon their sufficiency and may require a new bond or bonds or increases in the amounts thereof. The commissioner may from time to time order an increase in the amount of any such bonds. No bond shall be deemed to comply with the requirements of this section unless such bond contains a provision that it shall not be cancellable for any cause unless notice of intention to cancel is filed in the department at least 5 days before the day upon which cancellation shall take effect.

b. In the event a bank is unable to obtain the bond or bonds required by subsection a., the commissioner may, at his discretion, waive the requirements of subsection a. for a period not to exceed 1 year, upon such terms as he deems appropriate, if he is satisfied that such bank is adequately capitalized and that such a waiver will not otherwise endanger the financial condition of such bank.

2. This act shall take effect immediately.

Approved July 6, 1979.

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## CHAPTER 139

AN ACT permitting lending institutions to make graduated payment mortgages.

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

**C. 46:10B-12 Definitions.**

1. As used in this act, "graduated payment mortgage" means a mortgage loan with lower monthly payments of principal and interest during the early years of the mortgage and higher monthly payments during the later years of the mortgage. The graduation rate for the monthly payments, the term of graduation, and the interest rate are fixed throughout the term of the mortgage. Monthly payments of principal and interest are required in amounts sufficient to pay all interest and effect full repayment of principal within the term of the mortgage.

**C. 46:10B-13 Graduated payment mortgages.**

2. Notwithstanding any law, rule, regulation, or opinion to the contrary, it shall be lawful for any institution authorized in this State to make mortgage loans secured by a mortgage on real property to make graduated payment mortgages.

**C. 46:10B-14 Securing of mortgage; interest.**

3. Graduated payment mortgages may be secured only by real estate on which there is erected or to be erected a structure containing one, two, three, four, five, or six dwelling units, a portion of which structure may be used for nonresidential purposes, and interest thereon shall not exceed the usury rate established pursuant to R. S. 31:1–1 at any time during the term of the mortgage.

**C. 46:10B-15 Conversion to conventional level payment mortgage.**

4. At any time during the life of the graduated payment mortgage the mortgagor shall have the option without penalty to convert to a conventional level payment mortgage.

5. This act shall take effect immediately.

Approved July 6, 1979.

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## CHAPTER 140

AN ACT authorizing lending institutions to make reverse annuity mortgages and reverse direct payment mortgages.

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

**C. 46:10B-16 Short title.**

1. This act shall be known and may be cited as the "Senior Citizen Homeowner's Income Security Act."

**C. 46:10B-17 Definitions.**

2. As used in this act:

"Reverse annuity mortgage" means a mortgage loan secured by unencumbered residential property of the mortgagor which loan is used by the mortgagee to purchase annuities for the benefit of the mortgagor.

"Reverse direct payment mortgage" means a mortgage loan secured by unencumbered residential property of the mortgagor, which loan is paid directly to the mortgagor in fixed amounts over

the term of the mortgage not to exceed 10 years, or such other term as may be established by the Commissioner of Banking by regulation.

**C. 46:10B-18 Reverse annuity mortgages and reverse direct payment mortgages; conditions.**

3. Notwithstanding any law, rule, regulation, or opinion to the contrary, it shall be lawful for any institution authorized in the State to make first lien loans secured by a mortgage on real property to make reverse annuity mortgages and reverse direct payment mortgages subject to the following conditions:

a. Said mortgages shall be made to a mortgagor who is at least 60 years old; provided, however, that the Commissioner of Banking may by regulation raise or lower the age limit for eligibility. Such mortgages shall not be made in an amount to exceed 70% of the value of the mortgaged property, or such amount as is established by the commissioner by regulation.

b. Said mortgages shall be made voidable at the option of the mortgagor upon payment of the principal and interest to date, with no penalty.

c. Interest on said mortgages shall not exceed the usury rate.

**C. 46:10B-19 Option to enter into subsequent mortgages.**

4. With respect to a reverse annuity mortgage or a reverse direct payment mortgage, at the termination of the mortgage the mortgagor shall have the option to enter into a subsequent reverse annuity mortgage or a reverse direct payment mortgage with the same mortgagee, provided the mortgagee consents to the subsequent reverse annuity mortgage or the reverse direct payment mortgage and provided the mortgaged property has not depreciated significantly during the term of the initial mortgage and the subsequent mortgage does not exceed 90% of the value of the unencumbered portion of the mortgaged property, or such amount as is established by the commissioner by regulation.

**C. 46:10B-20 Income derived by mortgagors.**

5. Income derived by mortgagors from mortgages authorized pursuant to this act shall not be considered income for purposes of the "New Jersey Gross Income Tax Act".

**C. 46:10B-21 Regulations.**

6. The Commissioner of Banking may make such regulations as he deems necessary to effectuate the purposes of this act.

7. This act shall take effect immediately.

Approved July 6, 1979.

## CHAPTER 141

AN ACT to amend "An act concerning corporations and supplementing chapter 2 of Title 14A of the New Jersey Statutes," approved April 14, 1977 (P. L. 1977, c. 59).

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

1. Section 1 of P. L. 1977, c. 59 (C. 14A:2–2a) is amended to read as follows:

**C. 14A:2-2a Corporate name of domestic corporations.**

1. The corporate name of every domestic corporation hereafter incorporated shall contain as part of its corporate name one of the following: "a New Jersey corporation," "incorporated," "inc.," "corp." or "corporation."

2. This act shall take effect immediately.

Approved July 6, 1979.

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## CHAPTER 142

AN ACT concerning unpaid taxes, assessments and other municipal charges on real property, and providing for the collection thereof by the creation and enforcement of liens thereon and amending R. S. 54:5–39.

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

1. R. S. 54:5–39 is amended to read as follows:

**Land held by purchaser; assessment in owner's name; resale.**

54:5–39. When a parcel of land is held by a purchaser under a sale not redeeemed, until the right of redemption is barred, all subsequent taxes, assessments for benefits and other municipal charges shall be assessed in the name of the owner, as if no sale had been made. In the event the municipality is such purchaser, such subsequent taxes, assessments for benefits and other municipal charges, shall be additional liens on the land and be added to

the amount of the sale, and shall be paid before the land can be redeemed from the sale. No further sale of a parcel while held by the municipality shall be made for subsequent municipal liens, unless directed by resolution of the governing body of the municipality. In that case the officer shall enter the property on his tax sale list, and make up a new calculation to July first preceding the time of the proposed sale, in the manner hereinbefore directed, the amount included in the former sale to be entered in the calculation as a sale, as if it were an independent lien originating on the date of the sale, the interest thereon to be computed from that date, so that whenever a sale is held to enforce a municipal lien it shall include all municipal liens or charges against the property mentioned in the notice of sale.

2. This act shall take effect immediately.

Approved July 6, 1979.

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## CHAPTER 143

AN ACT concerning unpaid taxes, assessments and other municipal charges on real property, and providing for the collection thereof by the creation and enforcement of liens thereon 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:

**Certificate of sale held by municipality; subsequent liens included.**

54:5–59. If the certificate of sale is held by the municipality, the amount required for redemption shall include all subsequent municipal liens 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 July 6, 1979.

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## CHAPTER 144

AN ACT appropriating funds from the Institutions Construction Fund for the construction, renovation and improvement of institutional facilities.

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

1. There is hereby appropriated to the Department of Human Services, from the Institutional Construction Fund, the sum of $37,800,000.00 for the following construction projects:

DIVISION OF MENTAL HEALTH AND HOSPITALS

| | |
|---|---|
| Improvements and Renovations of Psychiatric Facilities | $2,000,000 |
| Air Conditioning of Psychiatric Facilities | 3,500,000 |
| Total Division of Mental Health and Hospitals | $5,500,000 |

DIVISION OF MENTAL RETARDATION

| | |
|---|---|
| Community Grant Program | $2,000,000 |
| Renovation of Institutional Buildings | 16,800,000 |
| New Construction of Residential Facilities | 10,000,000 |
| Renovation and Improvement of Support Facilities | 3,500,000 |
| Total Division of Mental Retardation | $32,300,000 |
| Total Department of Human Services | $37,800,000 |

2. There is also appropriated from the proceeds of the sale of the bonds hereinafter mentioned, such items as may be necessary to meet any expense incurred by the issuing officials under the act hereinafter mentioned, for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of said act.

3. The appropriations authorized by this act shall be funded from the proceeds of the sale of the Institutional Construction Bonds, the issuance and sale of which has been provided for in P. L. 1978, c. 79 and approved by the people at the general election held on November 7, 1978.

4. The State Treasurer and the State Department of Human Services are authorized and empowered to enter into agreements with the Federal Government in order to secure and receive available financial grants which are related in purpose to the above enumerated appropriations. The State Treasurer is authorized and directed to establish and maintain separate accounts in the Institutional Construction Fund for funds appropriated under this act and for financial grants received from the Federal Government. The Department of Human Services may requisition funds so established and maintained for the uses and purposes specifically enumerated under this act, subject to the same restrictions and control as are exercised over all other appropriated State funds and subject to the provisions of P. L. 1978, c. 79.

5. The Director of the Division of Budget and Accounting in the Department of the Treasury is authorized and directed to make such corrections in the title or text, or both, of any appropriation item authorized under this act necessary to make such appropriation available for the purposes for which it was intended. Such correction shall be made by a written ruling which shall set forth an explanation of the need for such correction and which shall be signed by the Director of the Division of Budget and Accounting

and shall be filed by the director in his office as an official record. Any action pursuant to such ruling, including disbursements and the audit thereof, shall be legally binding and of full force and effect.

6. The Director of the Division of Budget and Accounting is authorized to approve expenditures for predesign program planning and other related costs for capital projects authorized under this act.

7. In order to provide flexibility in administering the provisions of this act, the Commissioner of Human Services may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item to any other item within the respective department accounts in the Institutional Construction Fund. Such transfer shall be made upon the written approval of said director and of the Legislative Budget Officer in the Office of Legislative Services.

8. This act shall take effect immediately.

Approved July 6, 1979.

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## CHAPTER 145

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, 1979 and regulating the disbursement thereof," approved June 30, 1978 (P. L. 1978, c. 60).

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

1. The following sum is hereby appropriated out of the General State Fund for the purpose herein specified:

DEPARTMENT OF LAW AND PUBLIC SAFETY

11100. Regulation of Motor Vehicles

Extraordinary:

For implementing the provisions of the Bulk Commodities Transportation Act, P. L. 1977, c. 259 . . ($63,000.00)

2. This act shall take effect immediately.

Approved July 12, 1979.

## CHAPTER 146

AN ACT concerning the labeling of prescription drugs, amending R. S. 45:14–15 and amending P. L. 1970, c. 226.

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

1. R. S. 45:14–15 is amended to read as follows:

**Numbering and filing of prescriptions; removal from files of original prescriptions by board or agents.**

45:14–15. The registered pharmacist compounding, dispensing, filling or selling a prescription shall place the original written prescription in a file kept for that purpose for a period of not less than 5 years if such period is not less than 2 years after the last refilling, and affix to the container in which the prescription is dispensed, a label bearing the name and complete address of the pharmacy or drug store in which dispensed, the brand name or generic name of the product dispensed unless the prescriber states otherwise on the original written prescription, the date on which the prescription was compounded and an identifying number under which the prescription is recorded in his files, together with the name of the physician, dentist, veterinarian or other medical practitioner prescribing it and the directions for the use of the prescription by the patient, as directed on the prescription of the physician, dentist, veterinarian or other medical practitioner licensed to write prescriptions. Every registered pharmacist who fills or compounds a prescription, or who supervises the filling or compounding of a prescription by a person other than a pharmacist registered in this State, shall place his name or initials on the original prescription or on the label affixed to the container in which the prescription is dispensed or in a book kept for the purpose of recording prescriptions. The board of pharmacy or any of its agents is hereby empowered to inspect the prescription files and other prescription records of a pharmacy and to remove from said files and take possession of any original prescription; providing, that the authorized agent removing or taking possession of an original prescription shall place in the file from which it was removed a copy certified by said person to be a true copy of the original prescription thus removed; provided further, that the original copy shall be returned by the board of pharmacy to the

file from which it was removed after it has served the purpose for which it was removed.

2. 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 pharamacists; 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 and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal; the name, address and registry number of the practioner by whom the prescription was written; 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.

3. This act shall take effect 90 days after its enactment.

Approved July 16, 1979.

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## CHAPTER 147

AN ACT concerning motor vehicles, amending R. S. 39:3–10.1 and supplementing P. L. 1974, c. 162.

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

1. R. S. 39:3–10.1 is amended to read as follows:

**Transportation of passengers for hire or to or from summer camps; special license.**

39:3–10.1. No person shall drive any motor vehicle or trackless trolley with a capacity of more than six passengers used for the transportation of passengers for hire or for the transportation

of passengers to or from summer day camps or summer residence camps or any bus as defined by the director used for the intrastate transportation of passengers, except taxicabs, hotel buses, and omnibuses used for the transportation of passengers in interstate or foreign commerce, or any bus used to transport children to and from school pursuant to sections N. J. S. 18A:39–1 et seq. or when being used by a private school to transport children to and from school, unless specially licensed so to do by the director. Such license shall not be granted until the applicant therefor is at least 18 years of age and has passed a satisfactory examination in ascertainment of his driving ability and familiarity with the mechanism of said vehicle and has presented evidence, satisfactory to the director of his previous experience (including proof that he has had at least 3 years of driving experience), good character and physical fitness. Said license shall be effective until suspended or revoked by the director; provided, the special licensee is also the holder of a license as provided for in section 39:3–10 of this Title.

Every holder of a special license issued pursuant to this section shall furnish to the director satisfactory evidence of continuing physical fitness, good character and experience once in every 24 months after the issuance of the special license.

The director may suspend or revoke a license granted under authority of this section for a violation of any of the provisions of this subtitle, or on other reasonable grounds, or where, in his opinion, the licensee is either physically or morally unfit to retain the same.

The director may make such rules and regulations as he may deem necessary to carry out the provisions of this section.

**C. 39:3-19.4 Exemption from annual registration fee for certain vehicles used to transport children to or from summer day camps; inspection; insurance coverage.**

2. (New section) Notwithstanding the provisions of section 2 of P. L. 1974, c. 162 (C. 39:3–19.2) or of any other law, no annual registration fee shall be charged for any applicant for a license plate of a "School Vehicle Type II" for any vehicle with a seating capacity of 16 or less which is used to transport children to or from summer day camps or summer residence camps from May 15 to September 15 of any year; provided, however, that any such vehicle shall be inspected by the Division of Motor Vehicles prior to May 15 of any year in which the vehicle is to be used to transport children to or from summer day camps or summer residence camps for

compliance with the minimum standards for small vehicles which have been adopted by the Department of Education and shall be covered by motor vehicle liability insurance coverage insuring against loss resulting from liability imposed by law for bodily injury or death sustained by any person arising out of the ownership, maintenance, operation or use of said vehicle wherein such coverage shall be at least in: a. an amount or limit of $300,000.00, exclusive of interest and costs, on account of injury to, or death of, one person, in any one accident; and b. an amount or limit, subject to such limit for any one person so injured or killed, of $500,000.00, exclusive of interest and costs, on account of injury to or death of, more than one person, in any one accident.

3. This act shall take effect immediately.

Approved July 16, 1979.

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## CHAPTER 148

AN ACT concerning discrimination in mortgage lending and amending P. L. 1977, c. 1 (C. 17:16F–1 et seq.).

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

1. Section 2 of P. L. 1977, c. 1 (C. 17:16F–2) is amended to read as follows:

**C. 17:16F-2 Definitions.**

2. As used in this act:

a. "Depository institution" means any banking institutions as defined in section 1 of the Banking Act of 1948, P. L. 1948, c. 67 (C. 17:9A–1), any association as defined in the Savings and Loan Act (1963), P. L. 1963, c. 144 (C. 17:12B–1 et seq.), and any State or Federal credit union but the provisions of section 4 of this act shall not apply to any depository institution which had total assets of $10,000,000.00 or less as of the last day of its last full fiscal year.

b. "Mortgage loan" means a loan which is secured by residential real property or a home improvement loan.

c. "Applicant" means any person who files with a depository institution a written, or oral in-person, request containing such information as is reasonably required by the depository institution for a mortgage loan as defined in this act.

2. Section 3 of P. L. 1977, c. 1 (C. 17:16F–3) is amended to read as follows:

**C. 17:16F-3 Discrimination by depository institutions in giving mortgage loans on real properties located in certain neighborhoods or geographical area; prohibition.**

3. a. No depository institution shall discriminate by intent or in effect, on a basis that is arbitrary or unsupported by a reasonable analysis of the lending risks associated with the applicant for a given loan or the condition of the property to secure it, in the accepting of applications, granting, withholding, extending, modifying or renewing, or in the fixing of the rates, terms, conditions, or provisions of any mortgage loan on real property located in the municipality in which a depository institution has a home or branch office, or in any municipality contiguous to such municipality, merely because such property is located in a specific neighborhood or geographical area; provided, however, that it shall not be a violation of this section if the mortgage loan is made pursuant to a specific public or private program, the purpose of which is to increase the availability of mortgage loans within a specific neighborhood or geographical area.

b. No depository institution may discourage, or refuse to allow, receive, or consider, any application, request, or inquiry regarding a mortgage loan, or discriminate in imposing conditions upon, or in processing, any such application, request, or inquiry on any basis prohibited by law.

3. Section 6 of P. L. 1977, c. 1 (C. 17:16F–6) is amended to read as follows:

**C. 17:16F-6 Maintenance of information; quarterly filing.**

6. Any information required to be compiled and made available under this act shall be maintained and made available for a period of 5 years after the close of the first year during which such information is required to be maintained and made available. A copy shall be filed quarterly with the Commissioner of Banking and the Director of the Division on Civil Rights of the Department of Law and Public Safety.

4. This act shall take effect immediately.

Approved July 16, 1979.

## CHAPTER 149

AN ACT to amend "An act concerning insurance, regulating the making and applying of insurance rates, and providing for the licensing of rating organizations, and repealing sections 17:29–1, 17:29–2, 17:29–3, 17:29–4, 17:29–5, 17:29–6, 17:29–8 and 17:29–9 of the Revised Statutes," approved March 9, 1944 (P. L. 1944, c. 27).

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

1. Section 4 of P. L. 1944, c. 27 (C. 17:29A–4) is amended to read as follows:

**C. 17:29A-4 Establishment of rates; classifications.**

4. Every rating organization, and every insurer which makes its own rates, shall make rates that are not unreasonably high or inadequate for the safety and soundness of the insurer, and which do not unfairly discriminate between risks in this State involving essentially the same hazards and expense elements, and shall, in rate-making, and in making rating systems:

(a) Adopt basic classifications, which shall be used as the basis of all manual, minimum, class, schedule, experience or merit rates;

(b) Adopt reasonable standards for construction, for protective facilities, and for other conditions that materially affect the hazard or peril, which shall be applied in the determination or fixing of rates;

(c) Give consideration to past and prospective loss experience, including where pertinent, the conflagration and catastrophe hazards, if any, both within and without the State; to all factors reasonably related to the kind of insurance involved; to a reasonable profit for the insurer; and, in the case of participating insurers, to policyholders' dividends. In the case of fire insurance, consideration shall be given to the latest available experience of the fire insurance business during a period of not less than 5 years preceding the year in which rates are made or revised;

(d) Give a rate reduction, to be approved by the commissioner, for fire insurance on structures equipped with operative smoke detection devices of a design approved by the Commissioner of Insurance.

2. This act shall take effect 60 days following its enactment.

Approved July 16, 1979.

## CHAPTER 150

AN ACT creating a public corporation within the Department of Transportation empowered to acquire, operate and contract for the operation of public transportation services and facilities, prescribing its powers and duties and revising parts of the statutory law.

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

**C. 27:25-1 Short title.**

1. This act shall be known and may be cited as the "New Jersey Public Transportation Act of 1979."

**C. 27:25-2 Legislature's findings and declarations.**

2. The Legislature hereby finds and declares that:

a. The provision of efficient, coordinated, safe and responsive public transportation is an essential public purpose which promotes mobility, serves the needs of the transit dependent, fosters commerce, conserves limited energy resources, protects the environment and promotes sound land use and the revitalization of our urban centers.

b. As a matter of public policy, it is the responsibility of the State to establish and provide for the operation and improvement of a coherent public transportation system in the most efficient and effective manner.

c. In the development of public transportation policy and planning, participation by county and municipal governments, transit riders and concerned citizens should be encouraged.

d. In the provision of public transportation services, it is desirable to encourage to the maximum extent feasible the participation of private enterprise and to avoid destructive competition.

e. In furtherance of these findings and declarations, a public corporation shall be created with the necessary powers to accomplish the purposes and goals set forth in this section, including the power to acquire and operate public transportation assets.

**C. 27:25-3 Definitions.**

3. As used in this act:

a. "Corporation" means the New Jersey Transit Corporation.

b. "Motorbus regular route service" means and includes the

operation of any motorbus or motorbuses on streets, public highways or other facilities, over a fixed route and between fixed termini on a regular schedule for the purpose of carrying passengers for hire or otherwise, in this State or between points in this State and points in other states.

c. "Capital equipment and facilities" means and includes, in connection with public transportation service, passenger stations, shelters and terminals, automobile parking facilities, ramps, track connections, signal systems, power systems, information and communication systems, roadbeds, transit lanes or rights of way, equipment storage and servicing facilities, bridges, grade crossings, rail cars, locomotives, motorbus and other motor vehicles, maintenance and garage facilities, revenue handling equipment and any other equipment, facility or property useful for or related to the provision of public transportation service.

d. "Paratransit services" means and includes any service, other than motorbus regular route service and charter services, including, but not limited to, dial-a-ride, nonregular route, jitney or community minibus, and shared-ride services such as vanpools, limousines or taxicabs which are regularly available to the public. Paratransit services shall not include limousine or taxicab service reserved for the private and exclusive use of individual passengers.

e. "Public transportation or public transportation service" means rail passenger service, motorbus regular route service, paratransit service, and motorbus charter service.

f. "Motorbus charter service" means and includes subscription, tour, other special motorbus services or school bus services or charter services as set forth in section 7.

g. "Rail passenger service" means and includes the operations of a railroad, subway, street, traction or electric railway for the purpose of carrying passengers in this State or between points in this State and points in other states.

**C. 27:25-4 New Jersey Transit Corporation; establishment; governing board; membership; appointment; terms; compensation; quorum; minutes.**

4. a. There is hereby established in the Executive Branch of the State Government the New Jersey Transit Corporation, a body corporate and politic with corporate succession. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the corporation is hereby allocated within the Department of Transportation, but, notwithstanding said allocation, the corporation shall be independent of any

supervision or control by the department or by any body or officer thereof. The corporation is hereby constituted as an instrumentality of the State exercising public and essential governmental functions, and the exercise by the corporation of the powers conferred by this act shall be deemed and held to be an essential governmental function of the State.

b. The corporation shall be governed by a board which shall consist of seven members including the Commissioner of Transportation and the State Treasurer, who shall be members ex officio, another member of the Executive Branch to be selected by the Governor who shall also serve ex officio, and four other public members who shall be appointed by the Governor, with the advice and consent of the Senate, for 4 year staggered terms and until their successors are appointed and qualified. At least one public member shall be a regular public transportation rider. Each public member may be removed from office by the Governor for cause. A vacancy in the membeship of the board occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only. The first appointments shall be for 1, 2, 3 and 4 years respectively, and thereafter for terms of 4 years as stated. The board shall annually designate a vice chairman and secretary. The secretary need not be a member.

c. Board members other than those serving ex officio shall serve without compensation, but members shall be reimbursed for actual expenses necessarily incurred in the performance of their duties.

d. The Commissioner of Transportation shall serve as chairman of the board. He shall chair board meetings and shall have responsibility for the scheduling and convening of all meetings of the board. In his absence, the vice chairman shall chair the board meeting. Each ex officio member of the board may designate two employees of his department or agency, one of whom may represent him at meetings of the board. A designee may lawfully vote and otherwise act on behalf of the member for whom he constitutes the designee. Any such designation shall be in writing delivered to the board and shall continue in effect until revoked or amended by writing delivered to the board.

e. The powers of the corporation shall be vested in the members of the board thereof and four members of the board shall constitute a quorum at any meeting thereof. Actions may be taken and motions and resolutions adopted by the board at any meeting thereof by the affirmative vote of at least four members. No

vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board.

f. A true copy of the minutes of every meeting of the board shall be delivered forthwith, by and under the certification of the secretary thereof, to the Governor. No action taken at such meeting by the board shall have force or effect until approved by the Governor or until 10 days after such copy of the minutes shall have been delivered. If, in said 10-day period, the Governor returns such copy of the minutes with veto of any action taken by the board or any member thereof at such meeting, such action shall be null and of no effect. The Governor may approve all or part of the action taken at such meeting prior to the expiration of the said 10-day period.

g. The board meetings shall be subject to the provisions of the "Open Public Meetings Act," P. L. 1975, c. 231 (C. 10:4–6 et seq.).

**C. 27:25-5 Power and duties of corporation.**

5. In addition to the powers and duties conferred upon it elsewhere in this act, the corporation may do all acts necessary and reasonably incident to carrying out the objectives of this act, including but not in limitation thereof the following:

a. Sue and be sued;

b. Have an official seal and alter the same at pleasure;

c. Make and alter bylaws for its organization and internal management and for the conduct of its affairs and business;

d. Maintain an office at such place or places within the State as it may determine;

e. Adopt, amend and repeal such rules and regulations as it may deem necessary to effectuate the purposes of this act, which shall have the force and effect of law; it shall publish the same and file them in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.) with the Director of the Office of Administrative Law;

f. Call to its assistance and avail itself of the service of such employees of any Federal, State, county or municipal department or agency as it may require and as may be available to it for said purpose;

g. Apply for, accept and expend money from any Federal, State, county or municipal agency or instrumentality and from any private source; comply with Federal statutes, rules and regulations, and qualify for and receive all forms of financial assistance available under Federal law to assure the continuance of, or for the

support or improvement of public transportation and as may be necessary for that purpose to enter into agreements, including Federally required labor protective agreements;

h. Plan, design, construct, equip, operate, improve and maintain, either directly or by contract with any public or private entity, public transportation services, capital equipment and facilities or any parts or functions thereof, and other transportation projects, or any parts or functions thereof, which may be funded under section 3 of the Federal Urban Mass Transportation Act of 1964, P. L. 88-365 (49 U. S. C. § 1602), or any successor or additional Federal act having substantially the same or similar purposes or functions; the operation of the facilities of the corporation, by the corporation or any public or private entity, may include appropriate and reasonable limitations on competition in order that maximum service may be provided most efficiently to the public;

i. Apply for and accept, from appropriate regulatory bodies, authority to operate public transportation services where necessary;

j. Purchase, lease as lessee, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or any interest therein, from any public or private entity, wherever situated;

k. Lease as lessor, sell or otherwise dispose of on terms which the corporation may prescribe, 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 its powers and the performance of its duties under this act. In order to provide or encourage adequate and efficient public transportation service, the corporation may lease or otherwise permit the use or occupancy of property without cost or at a nominal rental;

l. Restrict the rights of persons to enter upon or construct any works in or upon any property owned or leased by the corporation, except under such terms as the corporation may prescribe; perform or contract for the performance of all acts necessary for the management, maintenance and repair of real or personal property leased or otherwise used or occupied pursuant to this act;

m. Establish one or more operating divisions as deemed necessary. Upon the establishment of an operating division, there shall be established a geographically coincident advisory committee to be appointed by the Governor with the advice and consent of the Senate. The committee shall consist of county and municipal

government representatives and concerned citizens, in the number and for such terms as may be fixed by the corporation, and shall advise the corporation as to the public transportation service provided in the operating division. At least two members of each advisory committee shall be public transportation riders, including but not limited to urban transit users and suburban commuters as appropriate. One public member from the board of corporation shall serve as a liaison to each advisory committee;

n. Set and collect fares and determine levels of service for service provided by the corporation either directly or by contract including, but not limited to, such reduced fare programs as deemed appropriate by the corporation; revenues derived from such service may be collected by the corporation and shall be available to the corporation for use in furtherance of any of the purposes of this act;

o. Set and collect rentals, fees, charges or other payments from the lease, use, occupancy or disposition of properties owned or leased by the corporation; such revenues shall be available to the corporation for use in furtherance of any of the purposes of this act;

p. Deposit corporate revenues in interest bearing accounts or in the State of New Jersey Cash Management Fund established pursuant to section 1 of P. L. 1977, c. 28 (C. 52:18A–90.4);

q. Delegate to subordinate officers of the corporation such powers and duties as the corporation shall deem necessary and proper to carry out the purposes of this act;

r. Procure and enter into contracts for any type of insurance and indemnify against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employees' liability, against any act of any member, officer, employee or servant of the corporation, whether part-time, full-time, compensated or noncompensated, in the performance of the duties of his office or employment or any other insurable risk. In addition, the corporation may carry its own liability insurance;

s. Promote the use of public transportation services, coordinate ticket sales and passenger information and sell, lease or otherwise contract for advertising in or on the equipment or facilities of the corporation;

t. Adopt and maintain employee benefit programs for employees of the corporation including, but not limited to, pension, deferred compensation, medical, disability, and death benefits, and which programs may utilize insurance contracts, trust funds, and any

other appropriate means of providing the stipulated benefits, and may involve new plans or the continuation of plans previously established by entities acquired by the corporation;

u. Own, vote, and exercise all other rights incidental to the ownership of shares of the capital stock of any incorporated entity acquired by the corporation pursuant to the powers granted by this act; and,

v. Enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the corporation, or to carry out any power expressly or implicitly given in this act.

**C. 27:25-6 Entering into contracts.**

6. a. The corporation may enter into contracts with any public or private entity to operate rail passenger service or portions or functions thereof. Where appropriate, payments by the corporation for services contracted for under this section shall be determined in accordance with the Federal Regional Rail Reorganization Act of 1973 (45 U. S. C. 701 et seq.), the Federal Rail Passenger Service Act of 1970 (45 U. S. C. 501 et seq.), any other applicable Federal law, and any and all rules, regulations and standards, promulgated thereunder and decisions issued pursuant thereto. In all other cases, payments shall be by agreement upon such terms and conditions as the corporation shall deem necessary.

b. The corporation may enter into contracts with any public or private entity to operate motorbus regular route, paratransit or motorbus charter services or portions or functions thereof. Payments shall be by agreement upon such terms and conditions as the corporation shall deem necessary.

**C. 27:25-7 Providing motorbus charter service; rules and regulations for hearings.**

7. a. The corporation or any public or private entity under contract to the corporation operating regular route motorbus service may provide motorbus charter service provided that the carrier complies with applicable State and Federal statutes, rules and regulations with regard to any such operations. Where the corporation acquires a public or private entity engaged in the provision of motorbus regular route service and that entity, at the time of acquisition, provides school bus services or is authorized to provide motorbus charter services, the corporation or any subsidiary thereof may continue to provide the services only to the

extent that the acquired entity is providing or is authorized to provide the services.

b. The corporation shall promulgate rules and regulations regarding procedures for hearings before the board of claims of destructive competition arising from actions of the corporation. Such claims may be brought by private entities providing motorbus regular route service.

**C. 27:25-8 Applicability of Title 48; jurisdiction of transportation department; hearing.**

8. a. The corporation or any subsidiary thereof shall not be considered a public utility as defined in R. S. 48:2–13 and except with regard to subsection c. of this section the provisions of Title 48 of the Revised Statutes shall not apply to the corporation or any subsidiary thereof.

b. The authority hereby given the corporation pursuant to section 6 of this act with respect to fares and service, shall be exercised without regard or reference to the jurisdiction vested in the Department of Transportation by sections 48:2–21, 48:2–24 and 48:4–3 of the Revised Statutes. The Department of Transportation shall resume jurisdiction over service and fares upon the termination and discontinuance of a contractual relationship between the corporation and a private or public entity relating to the provision of public transportation services operated under the authority of certificates of public convenience and necessity previously issued by the department or its predecessors; provided, however, that no private entity shall be required to restore any service discontinued or any fare changed during the existence of a contractual relationship with the corporation, unless the Department of Transportation shall determine, after notice and hearing, that the service or fare is required by public convenience and necessity.

c. Notwithstanding any other provisions of this act, all vehicles used by any public or private entity pursuant to contract authorized by this act, and all vehicles operated by the corporation directly, shall be subject to the jurisdiction of the Department of Transportation with respect to maintenance, specifications and safety to the same extent such jurisdiction is conferred upon the department by Title 48 of the Revised Statutes.

d. Before implementing any fare increase for any motorbus regular route or rail passenger services, or the substantial curtailment or abandonment of any such services, the corporation shall hold a public hearing in the area affected during evening hours.

Notice of such hearing shall be given by the corporation at least 15 days prior to such hearing to the governing body of each county whose residents will be affected and to the clerk of each municipality in the county or counties whose residents will be affected; such notice shall also be posted at least 15 days prior to such hearing in prominent places on the railroad cars and buses serving the routes to be affected.

**C. 27:25-9 Determination on petition.**

9. In any proceeding before the Department of Transportation for decreasing or abandoning service, any contract payments offered by the corporation for continuing service shall be considered as available revenues by the department, in making any determination on the petition.

**C. 27:25-10 Equipment or facilities; powers of corporation.**

10. In order to conserve, improve, and promote public transportation service necessary for public use pursuant to the provisions of this act, the corporation may purchase and improve capital equipment and facilities, including, but not limited to, the design, planning, acquisition, construction, reconstruction, relocation, installation, removal, establishment, repair or rehabilitation of such equipment or facilities. The powers herein granted shall be exercised by the corporation, notwithstanding the provisions to the contrary of P. L. 1948, c. 92 (C. 52:18A–1 et seq.) and chapters 25, 32, 33, 34 and 35 of Title 52 of the Revised Statutes, and in accordance with procedures set forth in section 11 of this act.

**C. 27:25-11 Purchases, contracts or agreements; awarding; advertising for bids.**

11. a. All purchases, contracts or agreements pursuant to this act shall be made or awarded directly by the corporation, except as otherwise provided in this act, only after public advertisement for bids therefor, in the manner provided in this act, notwithstanding the provisions to the contrary of P. L. 1948, c. 92 (C. 52:18A–1 et seq.) and chapters 25, 32, 33, 34 and 35 of Title 52 of the Revised Statutes.

b. Whenever advertising is required: (1) 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 corporation; (2) the advertisement for bids shall be in such newspaper or newspapers selected by the corporation as will best give notice thereof to bidders and shall be sufficiently in advance of the purchase or contract to promote competitive bidding; (3) the advertisement shall desig-

nate the time and place when and where sealed proposals shall be received and publicly opened and read, the amount of the cash, certified check, cashiers check or bank check, if any, which shall accompany each bid, and such other terms as the corporation may deem proper.

c. The corporation may reject any or all bids not in accord with the advertisement of specifications, or may reject any or all bids if the price of the work materials is excessively above the estimate cost or when the corporation shall determine that it is in the public interest to do so. The corporation shall prepare a list of the bids, including any rejected and the cause therefor. The corporation may accept bids containing minor informalities. Awards shall be made by the corporation with reasonable promptness by written notice to the responsible bidder whose bid, conforming to the invitation for bids, will be the most advantageous to the State, price and other factors considered.

d. A proposal bond equal to at least 50% of the bid executed by the contractor with such sureties as shall be approved by the corporation in favor of the State of New Jersey, shall accompany each bid and shall be held as security for the faithful performance of the contractor in that, if awarded the contract, the bidder will deliver the contract within 10 working days after the award, properly executed and secured by satisfactory bonds in accordance with the provisions of N. J. S. 2A:44–143 through N. J. S. 2A:44–147 and specifications for the project. The corporation may require in addition to the proposal bond such additional evidence of the ability of a contractor to perform the work required by the contract as it may deem necessary and advisable. All proposal bonds which have been delivered with the bids, except those of the two lowest responsible bidders, shall be returned within 30 working days after such bids are received.

e. If the bidder fails to provide a satisfactory proposal bond as provided in subsection d. of this section, his bid shall be rejected.

f. The corporation shall determine the terms and conditions of the various types of agreements or contracts, including provisions for adequate security, the time and amount or percentage of each payment thereon and the amount to be withheld pending completion of the contract, and it shall issue and publish rules and regulations concerning such terms and conditions, standard contract forms and such other rules and regulations concerning purchasing or procurement, not inconsistent with any applicable law, as it may deem advisable to promote competition and to protect the public interest.

g. Any purchase, contract or agreement pursuant to subsection a. hereof may be made, negotiated or awarded by the corporation without advertising under the following circumstances:

(1) When the aggregate amount involved does not exceed $7,500.00; or

(2) In all other cases when the corporation seeks:

(a) To acquire public or private entities engaged in the provision of public transportation service, used public transportation equipment or existing public transportation facilities or rights of way; or

(b) To acquire subject matter which is that described in section 4 of P. L. 1954, c. 48 (C. 52:34–9); or

(c) To make a purchase or award or make a contract or agreement under the circumstances described in section 5 of P. L. 1954, c. 48 (C. 52:34–10); or

(d) To contract pursuant to section 6 of this act.

h. The corporation shall require that all persons proposing to submit bids on improvements to capital facilities and equipment shall first be classified by the corporation as to the character and amount of work on which they shall be qualified to submit bids. Bids shall be accepted only from persons qualified in accordance with such classification.

**C. 27:25-12 Affirmative action program.**

12. a. The corporation shall formulate and abide by an affirmative-action program of equal opportunity whereby it will provide equal employment opportunity to rehabilitated offenders and members of minority groups qualified in all employment categories, including the handicapped, in accordance with the provisions of the "Law Against Discrimination," P. L. 1945, c. 169 (C. 10:5–1 et seq.), except in the case of the mentally handicapped, if it can be clearly shown that such handicap would prevent such person from performing a particular job.

b. Contracts and subcontracts to be awarded by the corporation in connection with the construction, renovation or reconstruction of any structure or facility owned or used by the corporation shall contain appropriate provisions by which contractors and subcontractors or their assignees agree to afford an equal employment opportunity to all prospective employees and to all actual employees to be employed by the contractor or subcontractor in accordance with an affirmative action program consonant with the provisions of the "Law Against Discrimination" P. L. 1945, c. 169 (C. 10:5–1 et seq.).

**C. 27:25-13 Additional powers of corporation.**

13. a. The corporation shall have the power to acquire by purchase, condemnation, lease, gift or otherwise, on terms and conditions and in the manner it deems proper, for use by the corporation or for use by any other public or private entity providing public transportation services, all or part of the facility, plant, equipment, property, shares of stock, rights of property, reserve funds, employees pension or retirement funds, special funds, franchises, licenses, patents, permits and papers, documents and records of a public or private entity providing public transportation services within the State.

b. The corporation shall also have the power to acquire by purchase, condemnation, lease, gift or otherwise, on the terms and conditions and in the manner it deems proper, any land or property real or personal, tangible or intangible which it may determine is reasonably necessary for the purposes of the corporation under the provisions of this act.

c. (1) The corporation, when acquiring property pursuant to subsections a. or b. of this section shall exercise its power of eminent domain in accordance with the provisions of the "Eminent Domain Act of 1971," P. L. 1971, c. 361 (C. 20:3–1 et seq.).

(2) For purposes of this act the definition of property in section 2 of P. L. 1971, c. 361 (C. 20:3–2) includes all property referred to in subsections a. or b. of this section, and the provisions of P. L. 1971, c. 361 shall apply to that property.

d. (1) If the corporation shall determine to acquire by condemnation all outstanding shares of corporate stock of a company and the stock is owned by 10 or more individuals or entities the court, on application of the corporation, shall appoint a trustee who shall act as representative of all stockholders for the purpose of the condemnation proceedings. Upon the appointment of a trustee the corporation may file a single condemnation action condemning all outstanding shares of stock and naming the appointed trustee as representative of all defendant owners.

(2) When a trustee has been appointed pursuant to this section the court may award the trustee a reasonable fee as payment for services rendered. Other costs, expenses and fees shall be paid from the proceeds of the condemnation award or settlement if amicably resolved.

e. A State agency, State authority, county, municipality, bistate authority, or other political subdivision of the State is authorized to donate, give, transfer or assign any asset or property it now

owns or may hereafter acquire to the corporation which may be necessary for the furtherance of the objectives of this act.

f. Upon the filing of a declaration of taking the corporation shall be entitled to the immediate possession of all property and assets named therein; and in the case of a condemnation pursuant to subsection d. or the acquisition of the entire assets of any entity, the corporation shall be entitled to immediate possession and control of all assets and facilities and shall have exclusive management authority over the entity taken.

g. Prior to the condemnation of any private entity engaged in the provision of motor bus regular route service, the corporation shall give 60 days' notice of its intent to the President of the Senate, the Speaker of the General Assembly, and the chairmen of the Senate and Assembly Transportation and Communications Committees. This subsection shall be in effect for 2 years following the enactment of this act.

h. Notwithstanding any provision to the contrary, the corporation shall not acquire by condemnation any privately owned entity providing public transportation service, which during the previous 12 months has not received operating assistance from the corporation or its predecessor, unless the corporation shall transmit a proposal for the acquisition to the Senate and General Assembly on a day on which both Houses shall be meeting in the course of a regular or special session, along with any other information or materials the Legislature may deem necessary. The provisions of any other law to the contrary notwithstanding, no such proposal shall take effect if, within 60 days of the date of its transmittal to the Senate and General Assembly, the Legislature shall pass a concurrent resolution stating in substance that the Legislature does not favor such proposed acquisition by condemnation.

**C. 27:25-14 Definitions.**

14. a. As used in this section:

"Employee" means:

(1) An employee of the corporation, or

(2) An employee of any public or private entity acquired, owned or operated by the corporation.

"Employee" does not include an employee of a public or private entity, other than as provided in subsection g. and paragraphs (1) and (2) of this subsection, which provides public transportation services pursuant to operating rights granted by a regulatory body or pursuant to authority arising from contractual agreements entered into with the corporation pursuant to section 6 of this act.

Except as provided in subsection h. of this section, "employee" does not include a supervisory employee as defined under the "Labor Management Relations Act, 1947" (29 U. S. C. 141 et seq.) or a managerial executive or confidential employee as defined under the "New Jersey Employer-Employee Relations Act," P. L. 1944, c. 100 (C. 34:13A–1 et seq.).

"Employer" means an employer of an employee.

"Acquisition by the corporation of a public or private entity which provides public transportation services," or words of like import, means an acquisition effected by a purchase or condemnation of all of or a controlling interest in the stock or other equity interest of the entity, or purchase or condemnation of all or substantially all of the assets of the entity.

b. In accordance with law, employees of the employer shall have and retain their rights to form, join or assist labor organizations and to negotiate collectively through exclusive representatives of their own choosing.

c. The enforcement of the rights and duties of the employer and employees shall be governed by the "New Jersey Employer-Employee Relations Act" P. L. 1944, c. 100 (C. 34:13A–1 et seq.) and shall be within the jurisdiction of the Public Employment Relations Commission (Commission) established pursuant to that act. In carrying out this function, the Commission shall be guided by the relevant Federal or State labor law and practices, as developed under the "Labor Management Relations Act, 1947" or under the "Railway Labor Act," (45 U. S. C. 151 et seq.), provided however that employees shall not have the right to strike except as provided by the "Railway Labor Act." Whenever negotiations between the employer and an exclusive representative concerning the terms and conditions of employment shall reach an impasse, the Commission shall, upon the request of either party, take such steps as it may deem expedient to effect a voluntary resolution of the impasse, including the assignment of a mediator. In the event of a failure to resolve the impasse by mediation, the Commission shall, at the request of either party, invoke fact finding with recommendations for settlement of all issues in dispute. Fact-finding shall be limited to those issues that are within the required scope of negotiations. In the event of a continuing failure to resolve an impasse by means of the procedure set forth above, and notwithstanding the fact that such procedures have not been exhausted, but not later than 30 days prior to the expiration of a collectively negotiated contract, the procedures set forth in paragraph (2) of

subsection d. of Section 3 and Sections 4 through 8 of C. 85, P. L. 1977 (N. J. S. A. 34:13A–16(d)(2) through 34:13A–21) shall be the sole method of dispute resolution unless the parties mutually agree upon an alternative form of arbitration; provided however, that the cost to the State of the first year portion of any arbitration award shall not exceed the appropriations permitted within the provisions of the "State Expenditures Limitation Act", P. L. 1976, c. 67 (C. 52:9H–5 et seq.) and the arbitrator, in determining such award, should consider pending supplemental appropriation bills, any pending salary negotiations for State employees and any sums which have not yet been appropriated, which would be necessary to fund any recently concluded agreements.

d. The majority representative of employees in an appropriate unit shall be entitled to act for, and negotiate successor agreements covering, all employees in the unit and shall be responsible for representing the interests of those employees without discrimination. It shall be the mutual obligation of the employer and the majority representative of any of its employees to negotiate collectively with respect to mandatorily negotiable subjects which intimately and directly affect the work and welfare of employees. These subjects include wages, hours of work, the maintenance of union security and check-off arrangements, pensions, and other terms and conditions of employment. The obligation to negotiate in good faith encompasses the responsibility to meet at reasonable times and to confer on matters properly presented for negotiations and to execute a written contract containing an agreement reached, but the obligation does not compel either party to agree to a proposal or require the making of a concession.

e. In acquiring, operating, or contracting for the operation of public transportation services, the corporation shall make provision to assure continuing representation for collective negotiations on behalf of employees, giving due consideration to preserving established bargaining relationships to the extent consistent with the purposes of this act. Such relationships may be changed only in accordance with the principles established under the "Labor Management Relations Act, 1947" and the "Railway Labor Act."

f. Upon acquisition by the corporation of a public or private entity which provides public transportation services, the corporation shall assume and observe all existing labor contracts of such entity for their remaining term. All of the employees of the acquired entity, as defined in subsection a., shall be transferred to the employment of the employer and appointed to comparable

positions without examination subject to all the rights and benefits of this act, and these employees shall be given sick leave, seniority, vacation, and pension credits in accordance with the records and labor agreements of the acquired entity.

g. For purposes of this subsection:

(1) "Employee" means an employee employed, as of the date of the first acquisition by the corporation, by any entity acquired, owned or operated by the corporation or by any other entity which provides motorbus regular route or paratransit services, but does not mean supervisory employees, managerial executive and confidential employees;

(2) "Action by the corporation" mean acquisition, contracts for motorbus regular route or paratransit services, mergers, consolidations, coordination and rearrangements of services and work forces, but does not mean:

(a) The setting of fares by contract or otherwise unless such action results in a substantial diversion of riders; or

(b) The discontinuance of motorbus regular route service by the corporation to the extent that substantially similar public transportation service does not continue to be provided; or

(c) A failure or refusal, by the corporation, to enter into a contract for all or a portion of an entity's motorbus regular route service to the extent that substantially similar public transportation service does not continue to be provided.

Except as provided herein, employees whose positions are worsened with regard to wages, hours, seniority and other terms and conditions of employment, shall be protected for a period of 5 years from the date of the first acquisition by the corporation. This time limitation does not apply to protections afforded to employees whose positions are worsened as a result of acquisitions or contracts which transfer responsibility for the provision of substantially similar motorbus regular route or paratransit service from one entity, including the corporation, to another. With regard to any acquisition or contract transferring service responsibility, only claims arising from actions taken within 18 months therefrom shall be eligible for protection.

Protections and procedures to implement such protections shall be provided in accordance with the terms of the agreement entered into between the Commuter Operating Agency and Amalgamated Transit Union on March 2, 1976; except that no protective allowances or other benefits shall exceed 3 years duration. Pursuant to this agreement, the employer of the employee shall be considered

the "assisted carrier" and actions of the corporation shall constitute the "project".

h. For purposes of this subsection, "employees" means individuals, including supervisory employees, management executives and confidential employees, who

(1) Have terminated their employment with an acquired entity with vested retirement benefits, or

(2) Are employed by the corporation or a subsidiary after accruing retirement benefits, whether or not vested, while employed by an acquired entity.

The corporation, as a condition of acquiring a public or private entity which provides public transportation services, shall ensure that employees' retirement benefits which have accrued on the basis of service to the date of the acquisition are provided for and paid as they come due. These benefits shall be provided for and paid either by the entity so acquired, the former owner or owners of the entity, an affiliate of the entity, the Pension Benefit Guaranty Corporation, another public instrumentality, the corporation itself, any other reasonable means, or any combination of the foregoing. These benefits may be provided for either through existing plans, new plans, mergers or consolidations of plans, or other appropriate or reasonable means.

**C. 27:25-15 Officers and employees; appointment; retirement coverage.**

15. The corporation may appoint an executive director, directors of operating divisions and other such additional officers, all of whom need not be members of the corporation, and may employ consulting architects, engineers, auditors, accountants, construction, management, real estate, operations and financial experts, supervisors, managers and such other professional consultants and officers and employees, and may fix their compensation, as the corporation deems advisable; and may promote and discharge such officers and employees, all without regard to the provisions of Title 11 of the Revised Statutes. In developing an employee compensation schedule, the corporation shall consult with appropriate authorities of the State and file such schedule with them upon completion. The corporation shall by October 31 of each year submit to the Governor and the presiding officers and the Transportation and Communications Committees of both Houses of the Legislature a list of all full and part-time officers and employees of the corporation and the salaries, wages and compensation received by said officers and employees during the preceding fiscal year.

The corporation may elect or appoint from among the members of its board or from its employees some or all of the members of the board of directors of any incorporated entity of which it owns part or all of the capital stock.

Employees of the corporation, or any of its subsidiary entities, shall be covered by whatever retirement plan or plans the corporation or subsidiary entity determines from time to time to maintain for those employees. However, if an individual is a member of the Public Employees' Retirement System or any other State-administered retirement system immediately prior to his initial employment by the corporation, he shall continue as or become, as the case may be, a member of the Public Employees' Retirement System for the duration of his employment by the corporation.

**C. 27:25-16 Performance of functions deemed governmental; exemption from taxation; in lieu payments.**

16. The exercise of the powers granted by this act shall be in all respects for the benefit of the people of the State, and since the improvement, operation, and maintenance of public transportation services by the corporation constitute the performance of essential governmental functions, neither the corporation nor any wholly owned business corporation or other entity shall be required to pay taxes or assessments upon any public transportation project or any property acquired or used under the provisions of this act, including, but not limited to, sales taxes, real property taxes or assessments, corporate franchise taxes or income taxes. However, any property owned by the corporation or any wholly owned business corporation or other entity shall be considered "State" property as defined in P. L. 1977, c. 272 (C. 54:4–2.2a), and shall be subject to the in lieu tax payments provided in that act.

**C. 27:25-17 Expenses incurred by corporation.**

17. All expenses incurred by the corporation in carrying out the provisions of this act shall be payable from funds available to the corporation therefor and no liability or obligation shall be incurred by the corporation beyond the extent to which moneys are available. No debt or liability of the corporation shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit of the State.

**C. 27:25-18 Exemption of stock and real property from claims of creditors.**

18. Real property and rolling stock owned or used by the corporation shall be exempt from all claims of creditors and from levy, execution or attachment.

**C. 27:25-19 Governance of contract claims and suits.**

19. Notwithstanding any of the provisions of the "New Jersey Contractual Liability Act" (N. J. S. 59:13–1 et seq.) to the contrary, contract claims and suits against the corporation shall be governed by said act.

**C. 27:25-20 Reports issued by corporation; public inspection of records; audit.**

20. a. The corporation shall, by September 15 of each year, file with the Commissioner of Transportation a report in such format and detail as the Commissioner may require setting forth the actual, operational, capital and financial results of the previous fiscal year, the operational, capital and financial plan for the current fiscal year and a proposed operational, capital and financial plan for the next ensuing fiscal year.

b. On or before October 31 of each year, the corporation shall make an annual report of its activities for the preceding fiscal year to the Governor and to the presiding officers and the Transportation and Communications Committees of both Houses of the Legislature. Each such report shall set forth a complete operating and financial statement covering its operations and capital projects during the year.

c. All records of minutes, accounts, bills, vouchers, contracts or other papers connected with or used or filed with the corporation or with any officer or employee acting for or in its behalf are hereby declared to be public records and shall be open to public inspection in accordance with P. L. 1963, c. 73 (C. 47:1A–1 et seq.) and regulations prescribed by the corporation.

d. The corporation shall cause an audit of its books and accounts to be made at least once each year by certified public accountants and the cost thereof may be treated as a cost of operation. The audit shall be filed within 4 months after the close of the fiscal year of the corporation and a certified duplicate copy thereof shall be filed with the Division of Budget and Accounting in the Department of Treasury.

e. Notwithstanding the provisions of any law to the contrary, the State Auditor or his legally authorized representative may examine the accounts and books of the corporation.

**C. 27:25-21 Corporation's property previously purchased by certain governmental bodies.**

21. All real or personal properties purchased heretofore for public transportation purposes in the name of Commuter Operating Agency, Department of Transportation, its predecessors or the Commissioner of Transportation, shall be deemed to have been

purchased in the name of the State by and through the corporation and shall henceforth be deemed to be and shall actually be the property of the corporation.

**C. 27:25-22 Construction of act.**

22. This act is intended to protect and promote the public health, safety and welfare, and shall be liberally construed to obtain the objectives and effect the purposes thereof.

**C. 27:25-23 Severability.**

23. If any provision of this act or the application thereof to any person, circumstances, or the exercise of any power, or authority thereunder is held invalid or contrary to law, such holding shall not affect other provisions or applications or affect other exercises of power or authority under said provisions not contrary to law, and to this end, the provisions of this act are declared to be severable.

**C. 27:1A-5 Functions and powers of commissioner.**

24. Section 5 of P. L. 1966, c. 301 (C. 27:1A–5) is amended to read as follows:

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 invested in him by this act or by any other law:

(a) Develop, from time to time revise and maintain a comprehensive master plan for all modes of transportation development, with special emphasis on public transportation;

(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 of 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; and

(i) Plan, design, construct, equip, operate, improve and maintain 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.

25. Section 2 of P. L. 1973, c. 126 (C. 27:1A–65) is amended to read as follows:

**C. 27:1A-65 Definitions.**

2. For the purposes of this act, unless the context clearly indicates otherwise:

a. "Commissioner" means the Commissioner of Transportation; provided, however, that he may delegate any of his powers or duties under this act to any subordinate division, agency or employee of the Department of Transportation or to the New Jersey Transit Corporation.

b. "Carrier" means any individual, copartnership, association, corporation, joint stock company, public agency, trustee or receiver operating motor buses or rail passenger service on established routes within this State or between points in this State and points in adjacent states.

c. "Motor bus" means "autobus" as defined in R. S. 48:4–1, and includes those autobuses, commonly called jitneys, as defined in R. S. 48:16–23.

d. "Offpeak times" means the hours from 9:30 a.m. to 4 p.m. and from 7 p.m. to 6 a.m. during the weekdays, and all day on Saturdays, Sundays and holidays.

e. "Senior citizen" means any individual 62 years of age or over.

f. "Handicapped citizen" means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or

temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected.

26. Section 73 of P. L. 1954, c. 84 (C. 43:15A–73) is amended to read as follows:

**C. 43:15A-73 Employees of certain authorities and commissions; State university, sports and exposition authority and New Jersey transit corporation.**

73. a. The Public Employees' Retirement System is hereby authorized and directed to enroll eligible employees of the New Jersey Turnpike Authority, the New Jersey Highway Authority, Palisades Interstate Park Commission, Interstate Sanitation Commission, the Delaware River Basin Commission and the Delaware River Joint Toll Bridge Commission.

In the case of the Delaware River Joint Toll Bridge Commission, the eligible employees shall be only those who are employed on the free bridges across the Delaware river, under the control of said commission.

The said employees shall be subject to the same membership, contribution and benefit provisions of the retirement system as State employees.

b. The State University of New Jersey, as an instrumentality of the State, shall, for all purposes of this act, be deemed an employer and its eligible employees, both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees and for all purposes of this act employment by the State University of New Jersey after April 16, 1945, and for the purposes of chapter 3 of Title 43 of the Revised Statutes any new employment after January 1, 1955, shall be deemed to be and shall be construed as service to and employment by the State of New Jersey.

c. The Compensation Rating and Inspection Bureau, created and established pursuant to the provisions of R. S. 34:15–89, shall, for all purposes of this act, be deemed an employer and its eligible employees, both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as both are applicable to State employees.

The retirement system shall certify to the Commissioner of Insurance and the Commissioner of Insurance shall direct the Com-

pensation Rating and Inspection Bureau to provide the necessary payments to the retirement system in accordance with procedures established by the retirement system. Such payments shall include (1) the contributions and charges, similar to those paid by other public agency employers, to be paid by the Compensation Rating and Inspection Bureau to the retirement system on behalf of its employee members, and (2) the contributions to be paid by the Compensation Rating and Inspection Bureau to provide the past service credits up to June 30, 1965 for these members, both veterans and nonveterans, who enroll before July 1, 1966.

d. The New Jersey Sports and Exposition Authority, created and established pursuant to the "New Jersey Sports and Exposition Authority Law," P. L. 1971, c. 137 (C. 5:10–1 et seq.) shall for all purposes of this act, be deemed an employer and its eligible employees both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees.

(1) Eligible employees as used herein shall not include persons who are not classified as salaried, or who are compensated on an hourly or per diem basis, or whose employment is normally covered by other retirement systems to which the authority makes contributions.

(2) Eligible employees previously permitted to enroll in the retirement system shall redeposit the contributions previously made by them and all service credit shall then be restored and future contributions made at the date of contribution as originally assigned. The authority shall redeposit the employer payments it had made, with interest to the date of redeposit.

e. The New Jersey Transit Corporation created and established pursuant to the "New Jersey Public Transportation Act of 1979", P. L. 19..., c. .... shall for all purposes of this act, be deemed an employer and its eligible employees both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees. Eligible employees as used herein means only those individuals who are members of the Public Employees' Retirement System or any other State-administered retirement system immediately prior to their initial employment by the corporation.

27. R. S. 48:3–10 is amended to read as follows:

**Sale or transfer of stock; board's authorization required.**

48:3–10. No public utility incorporated under the laws of this State shall sell, nor shall any such public utility make or permit to be made upon its books any transfer of any share or shares of its capital stock, to any other public utility, unless authorized to do so by the board. Nor shall any public utility incorporated under the laws of this State sell any share or shares of its capital stock or make or permit any transfer thereof to be made upon its books, to any corporation, domestic or foreign, or any person, the result of which sale or transfer in itself or in connection with other previous sales or transfers shall be to vest in such corporation or person a majority in interest of the outstanding capital stock of such public utility corporation unless authorized to do so by the board.

Every assignment, transfer, contract or agreement for assignment or transfer, by or through any person or corporation to any corporation or person in violation of any of the provisions hereof shall be void and of no effect, and no such transfer shall be made on the books of any public utility corporation. Nothing herein contained shall be construed to prevent the holding of stock lawfully acquired before March 5, 1935.

Where, by the proposed assignment, transfer, contract, or agreement for assignment or transfer of capital stock as set forth herein, it appears that the public utility or a wholly owned subsidiary thereof may be unable to fulfill its obligation to any employees thereof with respect to pension benefits previously enjoyed, whether vested or contingent, the board shall not grant its authorization unless the public utility seeking the board's authorization assumes such responsibility as will be sufficient to provide that all such obligations to employees will be satisfied as they become due.

Nothing herein shall require the approval of the Department of Transportation to any sale or transfer by any public utility of any share or shares of its capital stock to the New Jersey Transit Corporation or any subsidiary thereof for public use.

**Repealer.**

28. a. The following are repealed:

P. L. 1966, c. 301, §§ 15–27 (C. 27:1A–15 to 27:1A–27);
P. L. 1966, c. 301, §§ 29–32 (C. 27:1A–29 to 27:1A–32);
P. L. 1975, c. 371, §§ 1, 2 (C. 27:1A–18.1 and 27:1A–18.2);
P. L. 1967, c. 138, §§ 1, 2 (C. 27:1A–24.1 and 27:1A–24.2);
P. L. 1976, c. 119, §§ 1–7 (C. 27:1A–28.7 to 27:1A–28.13);
P. L. 1972, c. 210, §§ 1–3 (C. 48:3–39 to 48:3–41).

b. The repealer of these acts and parts of acts shall not in any way affect any contracts, agreements, determinations, orders, rules or regulations heretofore made or promulgated, as the case may be by the Commuter Operating Agency or the Department of Transportation pursuant to any authority heretofore granted but such contracts, agreements, determinations, orders, rules and regulations shall be continued by the corporation with full force and effect until otherwise amended, repealed or terminated in accordance with the terms thereof or pursuant to the provisions of this act.

**C. 27:25-24 References to commuter operating agency to mean transit corporation.**

29. Whenever in any law, rule, regulation, contract, document, judicial or administrative proceeding or otherwise, reference is made to the New Jersey Commuter Operating Agency, the same shall mean and refer to the New Jersey Transit Corporation.

30. Until such time as the corporation and its board are legally constituted pursuant to section 4 of this act, the Commuter Operating Agency is authorized to exercise all of the powers granted the corporation by this act. On the date that the corporation and board are legally constituted pursuant to section 4 of this act, the Commuter Operating Agency shall no longer exercise any of its powers pursuant to P. L. 1966, c. 301 as amended and supplemented by P. L. 1976, c. 119.

Anticipatory actions appropriate and necessary to effect the establishment of the corporation and the implementation of its duties are authorized to be accomplished as promptly as possible by the Commuter Operating Agency in advance of the date that the corporation and its board are legally constituted, including the making of authorized appointments and within the limits of applicable appropriations to the Department of Transportation, the expenditure of funds for payment of salaries and expenses incident thereto.

31. This act shall take effect immediately, but section 28 shall remain inoperative for 180 days after enactment.

Approved July 17, 1979.

## CHAPTER 151

AN ACT concerning municipal appropriations for fire protection in certain cases and amending N. J. S. 40A:14–34.

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

1. N. J. S. 40A:14–34 is amended to read as follows:

**Appropriations for equipment to boards of fire commissioners of fire districts and volunteer fire companies.**

40A:14–34. The governing body of any municipality may raise and appropriate funds to be granted to the boards of fire commissioners of any fire district or volunteer fire companies located therein, up to a total appropriation of $45,000.00 annually. In any municipality in which there are more than three such boards or companies, or both, the governing body may raise and appropriate an additional $15,000.00 annually for each such additional board or company. Any such board or company shall use not less than 50% of the funds received pursuant to this section for the purchase of fire equipment, materials and supplies. All funds appropriated under this section shall be accounted for to the governing body annually.

Any municipality may appropriate such additional sums as it may deem necessary for the purchase of fire equipment, supplies and materials for use by fire companies or boards, the title to which shall remain with the municipality, provided that the funds shall be controlled and disbursed by the municipality.

2. This act shall take effect immediately.

Approved July 19, 1979.

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## CHAPTER 152

A SUPPLEMENT to the "Local Public Contracts Law," approved June 9, 1971 (P. L. 1971, c. 198, C. 40A:11–1 et seq.).

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

**C. 40A:11-16.1 Withholding of payment of percentage of contract amount; deposit; return to contractor.**

1. Whenever any contract, the total price of which exceeds $100,000.00, entered into by a contracting unit, for the construction, reconstruction, alteration or repair of any building, structure, facility or other improvement to real property, requires the withholding of payment of a percentage of the amount of the contract, the contractor may agree to the withholding of payments in the manner prescribed in the contract, or may deposit with the contracting unit negotiable bearer bonds of the State of New Jersey, or negotiable bearer bonds or notes of any political subdivision of the State, the value of which is equal to the amount necessary to satisfy the amount that otherwise would be withheld pursuant to the terms of the contract. The nature and amount of the bonds or notes to be deposited shall be subject to approval by the contracting unit. For purposes of this section, "value" shall mean par value or current market value, whichever is lower.

If the contractor agrees to the withholding of payments, the amount withheld shall be deposited, with a banking institution or savings and loan association insured by an agency of the Federal government, in an account bearing interest at the rate currently paid by such institutions or associations on time or savings deposits. The amount withheld, or the bonds or notes deposited, and any interest accruing on such bonds or notes, shall be returned to the contractor upon fulfillment of the terms of the contract relating to such withholding. Any interest accruing on cash payments withheld shall be credited to the contracting unit.

2. This act shall take effect 30 days after enactment.

Approved July 19, 1979.

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## CHAPTER 153

AN ACT to amend "An act concerning county prosecutors and assistant county prosecutors of certain counties and supplementing chapter 158 of Title 2A of the New Jersey Statutes," approved February 9, 1970 (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 Assistant prosecutors in certain counties; part-time employment.**

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 for the education of law enforcement officers, 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 July 19, 1979.

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## CHAPTER 154

AN ACT to amend "An act to provide for the further coordination, facilitation, promotion, preservation and protection of trade and commerce in and through the Port of New York District through the financing and effectuation of industrial development projects therein by the Port Authority of New York and New Jersey, and agreeing with the state of New York with respect thereof," approved ..... (P. L. 1978, c. .....).

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

1. Section 20 of P. L. 1978, c. .... (C. .....) is amended to read as follows:

**C. 32:1-35.91 Minutes of meetings; filing; waiver.**

20. The port authority shall file with the temporary President and Minority Leader of the Senate and the Speaker and Minority Leader of the Assembly of the State of New York and the President, Minority Leader and Secretary of the Senate and the Speaker, Minority Leader and Clerk of the General Assembly of the State of New Jersey a copy of the minutes of any action taken at any

meeting of the port authority in connection with any of the purposes of this act. Such filing must be made at least 10 calendar days before such minutes are transmitted to the Governor of each state for review; and notice of such filing shall be provided to the Governor of each state at the same time.

The temporary President and Minority Leader of the Senate and the Speaker and Minority Leader of the Assembly of the State of New York and the Speaker and Minority Leader of the General Assembly and the President and the Minority Leader of the Senate of the State of New Jersey, or their representatives designated by them in writing for this purpose, may by certificate filed with the secretary of the port authority waive the foregoing filing requirement with respect to any specific minutes.

2. This act shall take effect upon the enactment into law by the State of New York of legislation having an identical effect with this act, but if the State of New York has already enacted such legislation, this act shall take effect immediately.

Approved July 19, 1979.

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## CHAPTER 155

AN ACT concerning the practice of ophthalmic dispensing, and amending and supplementing P. L. 1952, c. 336.

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

1. Section 9 of P. L. 1952, c. 336 (C. 52:17B–41.9) is amended to read as follows:

**C. 52:17B-41.9 Meetings of board; qualifications of candidate.**

9. The board shall meet at least twice annually, at which time candidates applying for certification shall be examined and their qualifications determined; and the board may meet at such other times and places as the board may prescribe. A candidate shall qualify for examination and licensure as an ophthalmic dispenser upon providing the board with proof that he:

a. Holds a high school diploma or equivalent; and

b. Has fulfilled either of the following requirements;

(1) Holds an associate degree in ophthalmic science or its equivalent from an accredited institution and has worked full-time as an apprentice ophthalmic dispenser under the supervision of a licensed ophthalmic dispenser for not less than 4 months nor more than 1 year prior to taking the examination; or

(2) Has served not less than 36 calendar months as an apprentice dispenser during which time he has satisfactorily completed not less than the requisite number of school hours of board-approved courses in ophthalmic science, said number of hours to be determined by the board.

**C. 52:17B-41.9a Apprenticeship; service and educational requirements.**

2. (New section) No one may apprentice pursuant to section 5 of P. L. 1952, c. 336 (C. 52:17B–41.5) unless he is registered with the board. Subsequent to registration, an apprentice dispenser who does not hold an associate degree in ophthalmic science or its equivalent from an accredited institution shall serve a minimum of 36 months of apprenticeship during which time he shall accumulate not less than the requisite number of school hours in board-approved courses in ophthalmic science, which service and education shall be completed in the following manner:

a. During the first 12 months of the apprenticeship, an apprentice dispenser shall serve not less than one-half of his time in technical optical procedures and satisfactorily complete not less than the requisite number of school hours of board-approved courses.

b. Upon completion of the first 12 months as an apprentice dispenser and the requisite educational requirements, an apprentice shall be required to take and pass a qualifying technical examination established and administered by the board. In the event the apprentice dispenser fails such examination, he shall not thereafter directly serve the public in the dispensing of ophthalmic products until he passes the qualifying technical examination. Such apprentice dispenser who fails examination may take two subsequent examinations for a total limit of three. An apprentice dispenser shall be required to take the first available qualifying technical examination for which he is eligible.

c. Upon successful completion of the qualifying technical examination, an apprentice shall satisfactorily complete the remainder of the school hours of board-approved courses while continuing to work full-time as an apprentice under the supervision of a licensed dispenser for such additional period as necessary for the apprentice dispenser to have accumulated the remainder

of the required 36 months of work. Upon accumulation of not less than the requisite number of school hours and the required supervised employment, the apprentice shall be eligible to take the examination for licensure. Employment as an apprentice dispenser shall require supervision by a licensed ophthalmic dispenser who may supervise the number of apprentices that the board permits by regulation.

3. (New section) Any person who shall have been registered as an apprentice dispenser prior to the effective date of this act shall be permitted to elect either to participate in the apprentice program as set forth in this act or continue to participate in the apprentice program as established prior to the effective date of this act. Any person making such an election shall notify the board in writing of his election. In the event no election is filed on or before 60 days after the effective date of this act, an apprentice dispenser shall be deemed to have elected to participate in the apprenticeship program as set forth in this act.

**C. 52:17B-41.9b Qualifications for examination and licensure.**

4. (New section) A candidate shall qualify for examination and licensure as an ophthalmic technician upon providing the board with proof that he has served not less than 12 calendar months as an apprentice technician.

No one may apprentice pursuant to section 5 of P. L. 1952, c. 336 (C. 52:17B–41.5) unless he is registered with the board. Employment as an apprentice technician shall require supervision by a licensed ophthalmic dispenser or licensed ophthalmic technician who may supervise the number of apprentices that the board permits by regulation. Any person who holds or obtains an ophthalmic technician license shall be eligible to register with the board as an apprentice dispenser, notwithstanding the failure of such applicant to possess a high school diploma or its equivalent. Subsequent to such registration, such person shall be deemed eligible to take the examination for licensure as an ophthalmic dispenser upon completion of 36 calendar months as an apprentice dispenser during which time he has satisfactorily completed not less than the requisite number of school hours of board-approved courses in ophthalmic science.

**C. 52:17B-41.9c Filing of examinations; inspection by candidate.**

5. (New section) The board shall maintain all examinations of candidates for licensure as ophthalmic dispensers and of candidates for licensure as ophthalmic technicians on file for at least

1 year. Upon written request to the board by a candidate, the board shall make his examination available for inspection by the candidate.

**C. 52:17B-41.6a License renewal requirements.**

6. (New section) The board may require all ophthalmic dispensers now or hereafter licensed in this State to take board-approved courses of study relating to the practice of the profession of opticianry or to maintain proficiency in some other alternative manner to be prescribed and established by the board in order to qualify for license renewal.

7. This act shall take effect on the sixtieth day following its enactment.

Approved July 19, 1979.

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## CHAPTER 156

AN ACT concerning interest and usury and supplementing Title 31 of the Revised Statutes.

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

**C. 31:1-1.1 Establishment of interest rate.**

1. Notwithstanding any provisions of R. S. 31:1–1 to the contrary, the commissioner may by regulation establish a rate of interest which may be charged by any person on loans made by them equal to the rate allowed by Federal law or regulation to be charged by national banking associations at any time when the rate so allowed by Federal law exceeds 8% per annum. Nothing herein shall authorize any person to make any loan which he is not authorized by law to make, nor shall anything in this act apply to loans secured by a first lien on real estate on which there is erected or to be erected a structure containing one, two, three, four, five or six dwelling units, a portion of which structure may also be used for nonresidential purposes.

Where in any other law a rate of interest applicable to loans regulated by this section is referred to as that established by R. S. 31:1–1, the rate applicable shall be as established herein.

2. This act shall take effect immediately.

Approved July 19, 1979.

## CHAPTER 157

AN ACT to amend and supplement the "Condominium Act," approved January 7, 1970 (P. L. 1969, c. 257).

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

1. Section 3 of P. L. 1969, c. 257 (C. 46:8B–3) is amended to read as follows:

**C. 46:8B-3 Definitions.**

3. Definitions. The following words and phrases as used in this act shall have the meanings set forth in this section unless the context clearly indicates otherwise:

a. "Assigns" means any person to whom rights of a unit owner have been validly transferred by lease, mortgage or otherwise.

b. "Association" means the entity responsible for the administration of a condominium, which entity may be incorporated or unincorporated.

c. "Bylaws" means the governing regulations adopted under this act for the administration and management of the property.

d. "Common elements" means:

(i) the land described in the master deed;

(ii) as to any improvement, the foundations, structural and bearing parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways, elevators, entrances, exits and other means of access, excluding any specifically reserved or limited to a particular unit or group of units;

(iii) yards, gardens, walkways, parking areas and driveways, excluding any specifically reserved or limited to a particular unit or group of units;

(iv) portions of the land or any improvement or appurtenance reserved exclusively for the management, operation or maintenance of the common elements or of the condominium property;

(v) installations of all central services and utilities;

(vi) all apparatus and installations existing or intended for common use;

(vii) all other elements of any improvement necessary or convenient to the existence, management, operation, mainte-

nance and safety of the condominium property or normally in common use; and

(viii) such other elements and facilities as are designated in the master deed as common elements.

e. "Common expenses" means expenses for which the unit owners are proportionately liable, including but not limited to:

(i) all expenses of administration, maintenance, repair and replacement of the common elements;

(ii) expenses agreed upon as common by all unit owners; and

(iii) expenses declared common by provisions of this act or by the master deed or by the bylaws.

f. "Common receipts" means:

(i) rent and other charges derived from leasing or licensing the use of common elements;

(ii) funds collected from unit owners as common expenses or otherwise; and

(iii) receipts designated as common by the provisions of this act or by the master deed or the bylaws.

g. "Common surplus" means the excess of all common receipts over all common expenses.

h. "Condominium" means the form of ownership of real property under a master deed providing for ownership by one or more owners of units of improvements together with an undivided interest in common elements appurtenant to each such unit.

i. "Condominium property" means the land covered by the master deed, whether or not contiguous and all improvements thereon, all owned either in fee simple or under lease, and all easements, rights and appurtenances belonging thereto or intended for the benefit thereof.

j. "Developer" means the person or persons who create a condominium or lease, sell or offer to lease or sell a condominium or units of a condominium in the ordinary course of business, but does not include an owner or lessee of a unit who has acquired his unit for his own occupancy.

k. "Limited common elements" means those common elements which are for the use of one or more specified units to the exclusion of other units.

l. "Majority" or "majority of the unit owners" means the owners of more than 50% of the aggregate in interest of the undivided ownership of the common elements as specified in the master deed. If a different percentage of unit owners is required

to be determined under this act or under the master deed or bylaws for any purpose, such different percentage of owners shall mean the owners of an equal percentage of the aggregate in interest of the undivided ownership of the common elements as so specified.

m. "Master deed" means the master deed recorded under the terms of section 8 of this act, as such master deed may be amended or supplemented from time to time, being the instrument by which the owner in fee simple or lessee of the property submits it to the provisions of this chapter.

n. "Person" means an individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

o. "Unit" means a part of the condominium property designed or intended for any type of independent use, having a direct exit to a public street or way or to a common element or common elements leading to a public street or way or to an easement or right of way leading to a public street or way, and includes the proportionate undivided interest in the common elements and in any limited common elements assigned thereto in the master deed or any amendment thereof.

p. "Unit deed" means a deed of conveyance of a unit in recordable form.

q. "Unit owner" means the person or persons owning a unit in fee simple.

**C. 46:8B-12.1 Administration of association; election of members of governing board; relinquishing control of association by developer.**

2. (New section) a. When unit owners other than the developer own 25% or more of the units in a condominium that will be operated ultimately by an association, the unit owners other than the developer shall be entitled to elect not less than 25% of the members of the governing board or other form of administration of the association. Unit owners other than the developer shall be entitled to elect not less than 40% of the members of the governing board or other form of administration upon the conveyance of 50% of the units in a condominium. Unit owners other than the developer shall be entitled to elect all of the members of the governing board or other form of administration upon the conveyance of 75% of the units in a condominium. However, when some of the units of a condominium have been conveyed to purchasers and none of the others are being constructed or offered for sale by the developer in the ordinary course of business, the unit owners other than the

developer shall be entitled to elect all of the members of the governing board or other form of administration.

Notwithstanding any of the provisions of subsection a. of this section, the developer shall be entitled to elect at least one member of the governing board or other form of administration of an association as long as the developer holds for sale in the ordinary course of business one or more units in a condominium operated by the association.

b. Within 30 days after the unit owners other than the developer are entitled to elect a member or members of the governing board or other form of administration of an association, the association shall call, and give not less than 20 days nor more than 30 days' notice of, a meeting of the unit owners to elect the members of the governing board or other form of administration. The meeting may be called and the notice given by any unit owner if the association fails to do so.

c. If a developer holds one or more units for sale in the ordinary course of business, none of the following actions may be taken without approval in writing by the developer:

(1) Assessment of the developer as a unit owner for capital improvements.

(2) Any action by the association that would be detrimental to the sales of units by the developer. However, an increase in assessments for common expenses without discrimination against the developer shall not be deemed to be detrimental to the sales of units.

d. Prior to, or not more than 60 days after, the time that unit owners other than the developer elect a majority of the members of the governing board or other form of administration of an association, the developer shall relinquish control of the association, and the unit owners shall accept control. Simultaneously, the developer shall deliver to the association all property of the unit owners and of the association held or controlled by the developer, including, but not limited to, the following items, if applicable, as to each condominium operated by the association:

(1) A photocopy of the master deed and all amendments thereto, certified by affidavit of the developer, or an officer or agent of the developer, as being a complete copy of the actual master deed.

(2) A certified copy of the association's articles of incorporation, or if not incorporated, then copies of the documents creating the association.

(3) A copy of the bylaws.

(4) The minute books, including all minutes, and other books and records of the association, if any.

(5) Any house rules and regulations which have been promulgated.

(6) Resignations of officers and members of the governing board or other form of administration who are required to resign because the developer is required to relinquish control of the association.

(7) An accounting for all association funds, including capital accounts and contributions.

(8) Association funds or control thereof.

(9) All tangible personal property that is property of the association, represented by the developer to be part of the common elements or ostensibly part of the common elements, and an inventory of that property.

(10) A copy of the plans and specifications utilized in the construction or remodeling of improvements and the supplying of equipment to the condominium and in the construction and installation of all mechanical components serving the improvements and the site, with a certificate in affidavit form of the developer, his agent, or an architect or engineer authorized to practice in this State that such plans and specifications represent, to the best of their knowledge and belief, the actual plans and specifications utilized in the construction and improvement of the condominium property and for the construction and installation of the mechanical components serving the improvements. If the condominium property has been declared a condominium more than 3 years after the completion of construction or remodeling of the improvements, the requirements of this paragraph shall not apply.

(11) Insurance policies.

(12) Copies of any certificates of occupancy which may have been issued for the condominium property.

(13) Any other permits issued by governmental bodies applicable to the condominium property in force or issued within 1 year prior to the date the unit owners other than the developer take control of the association.

(14) All written warranties of the contractor, subcontractors, suppliers, and manufacturers, if any, that are still effective.

(15) A roster of unit owners and their addresses and telephone numbers, if known, as shown on the developer's records.

(16) Leases of the common elements and other leases to which the association is a party.

(17) Employment contracts, management contracts, maintenance contracts, contracts for the supply of equipment or materials, and service contracts in which the association is one of the contracting parties and maintenance contracts and service contracts in which the association or the unit owners have an obligation or responsibility, directly or indirectly to pay some or all of the fee or charge of the person or persons performing the service.

(18) All other contracts to which the association is a party.

**C. 46:8B-12.2 Contracts made by or on behalf of association.**

3. (New section) Any management, employment, service or maintenance contract or contract for the supply of equipment or material, which is directly or indirectly made by or on behalf of the association, prior to the unit owners having elected at least 75% of the members of the governing board or other form of administration of the association, shall not be entered into for a period in excess of 2 years. Any such contract or lease may not be renewed or extended for periods in excess of 2 years and at the end of any 2-year period, the association may terminate any further renewals or extensions thereof.

4. This act shall take effect immediately.

Approved July 19, 1979.

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## CHAPTER 158

**AN ACT concerning group health insurance and supplementing chapter 27 of Title 17B of the New Jersey Statutes.**

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

**C. 17B:27-51.8 Reimbursement for services.**

1. Notwithstanding any provision of a policy or contract of group health insurance hereafter delivered, issued for delivery, amended, renewed or ratified in this State whenever such a policy or contract provides for reimbursement for any service which is within the lawful scope of practice of a duly licensed dentist, the following provisions shall apply:

a. A person covered under such group health policy or contract shall be entitled to reimbursement for such service regardless of whether the service is performed by a duly licensed physician or duly licensed dentist.

b. Equal reimbursement rates shall be paid for services performed, regardless of the discipline of the provider of the service.

**C. 17B:27-51.9 Application of act's provisions.**

2. The provisions of section 1 of this act shall also apply to any policy or contract of group health insurance already delivered or issued for delivery in this State, if such policy or contract does not limit reimbursement to specific types of duly licensed health care professionals other than dentists.

**C. 17B:27-51.10 Renewal of policy.**

3. For the purposes of this act, a policy or contract in which the company has reserved the right to change the premium shall be considered renewed as of the date on which the premium is changed or is subject to change.

4. This act shall take effect immediately.

Approved July 19, 1979.

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## CHAPTER 159

AN ACT concerning general powers of counties and amending R. S. 40:23–6.

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

1. R. S. 40:23–6 is amended to read as follows:

**County's contribution to certain associations.**

40:23–6. A county may agree to contribute and expend in any 1 year, for membership in and the service of the New Jersey Association of Counties and the County Officers Association of New Jersey, such sums as said county may determine.

2. This act shall take effect immediately.

Approved July 19, 1979.

CHAPTER 160

AN ACT to amend and supplement "An act imposing an excise tax upon savings banks, savings and loan associations and building and loan associations; defining certain words for the purpose of the act; prescribing the method of collecting the tax imposed; providing penalties for violations; and making an appropriation therefor," approved February 16, 1973 (P. L. 1973, c. 31).

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

1. Section 2 of P. L. 1973, c. 31 (C. 54:10D–2) is amended to read as follows:

**C. 54:10D-2 Definitions.**

2. Definitions. For the purposes of this act, unless the context requires a different meaning:

a. "Director" means the Director of the Division of Taxation of the Department of Treasury, State of New Jersey.

b. "Savings institution" means any State or Federally-chartered building and loan association, savings and loan association or savings bank.

c. "Subsidiary investment" means ownership (1) of at least 80% of the total combined voting power of all classes of stock of the subsidiary entitled to vote and (2) of at least 80% of each class, if any, of nonvoting stock.

d. "Net income" means total income from all sources, whether within or without the United States, and shall include the gain or loss derived from the employment of capital or labor, or from both combined, as well as profits gained or losses realized through sale or conversion of capital assets, less costs, bad debts, ordinary and necessary business expenses or other expenses incurred in the production of such income. For the purpose of this act, the amount of a taxpayer's net income shall be deemed prima facie to be equal in amount to the taxable income, before net operating loss deduction and special deductions, which the taxpayer is required to report to the United States Treasury Department for the purpose of computing its Federal income tax; provided, however, that in the determination of such net income,

(1) (a) Net income shall exclude 100% of dividends which were included in computing such taxable income for Federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of 80% or more ownership of investment described in subsection c. of this section. With respect to other dividends, net income shall not include 50% of gross dividends included in computing such taxable income for Federal income tax purposes.

(b) Deleted by amendment.

(2) In arriving at net income for purposes of this act, savings institutions shall be allowed the same deductions for bad debts as allowed in computing their Federal taxable income.

(3) Net income shall be determined without the exclusion, deduction or credit of:

(a) The amount of any specific exemption or credit allowed in any law of the United States imposing any tax on or measured by the income of savings institutions;

(b) Any part of any income from dividends or interest on any kind of stock, securities or indebtedness, except as provided in subsection d.(1) of this section;

(c) Taxes paid or accrued to the United States on or measured by profits or income, or the tax imposed by this act, or any tax paid or accrued with respect to subsidiary dividends excluded from net income as provided in subsection d.(1) of this section;

(d) Net operating losses sustained during any year or period other than that covered by the report;

(4) The director may, whenever necessary to properly reflect the net income of any taxpayer, determine the year or period in which any item of income or deduction shall be included, without being limited to the method of accounting employed by the taxpayer.

e. "Tax year" means the calendar or fiscal year on the basis of which the taxpayer is required to report for Federal income tax purposes.

f. "Taxpayer" means savings institution, as herein defined, subject to taxation under this act.

g. "Financial business" means all business enterprise which employs moneyed capital with the object of making profit by its use as money; buying and selling exchange; making of or dealing in secured loans and discounts or either of them; dealing in securities and shares of corporate stock by purchasing and selling such securities and stock without recourse, either upon the order and for the account of customers or for its own account; receiving

moneys for deposit and payment of interest thereon; and all other business in which financial institutions as such generally engage in.

2. Section 3 of P. L. 1973, c. 31 (C. 54:10D–3) is amended to read as follows:

**C. 54:10D-3 Excise tax imposed.**

3. Excise tax imposed. There is hereby imposed upon every savings institution, as herein defined, for the privilege of doing a financial business, in this State, an annual excise tax, payable in the years 1973 through 1979 at the rate of 5% and payable in the year 1980 and in each year thereafter at the rate of 3% upon its net income as of the close of its preceding tax year, but in no event less than $50.00 for savings institutions with assets under one million dollars and no less than $250.00 for savings institutions with assets of one million dollars or more. Such tax shall be in lieu of any State franchise tax or of any State or local taxation of, upon or measured by tangible personal property.

3. Section 4 of P. L. 1973, c. 31 (C. 54:10D–4) is amended to read as follows:

**C. 54:10D-4 When tax payable; returns.**

4. a. When tax payable; returns. The tax imposed by this act upon savings banks, savings and loan associations and building and loan associations, shall be due and payable with respect to any fiscal or calendar accounting years ending in 1973 and thereafter to be computed as herein provided, on a report which shall be filed on or before the fifteenth day of the fourth month after the close of such fiscal or calendar accounting year or 105 days after the effective date of this act whichever is later. In the case of a taxpayer whose fiscal accounting period ends at any time during the calendar year 1973, its first return due under this act, shall be based upon its net income from January 1, 1973 to the end of said fiscal year, and shall be filed on or before the fifteenth day of the fourth month after the close of such fiscal year and the tax thereunder shall be due and payable at said time. Each taxpayer shall, together with the payment of tax due hereunder, duly execute and file a tax return with the director, in such form and containing such information as he may prescribe, which return shall truly and accurately set forth its liability under this act.

b. Partial payments. With respect to its fiscal or calendar accounting years ending after September 30, 1979, every taxpayer shall annually pay as a partial payment of excise tax in addition to the tax payable under subsection a. of this section, an amount

equal to 80% of the tax payable under said subsection a. In the calculation of the tax pertaining to each succeeding accounting period, due in accordance with subsection a. hereof, every taxpayer shall be entitled to a credit in the amount of the tax paid under this subsection b. as a partial payment and shall be entitled to the return of any amount so paid which shall be found to be in excess of the total amount payable in accordance with said subsection a. and this subsection b.

4. Transition provisions. For purposes of this act, the Director of the Division of Taxation shall be empowered to promulgate such rules and regulations as may be necessary to assure the proper calculation of tax with respect to those taxpayers which have accounting period which begin before and end after the effective dates of sections 1 and 2.

5. This act shall take effect immediately except that section 1 shall be retroactive to January 1, 1979.

Approved July 19, 1979.

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## CHAPTER 161

AN ACT concerning certain health insurance contracts and supplementing chapter 26 of Title 17B of the New Jersey Statutes.

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

**C. 17B:26-44.1 Reimbursement for services; provisions.**

1. Notwithstanding any provision of a policy or individual health insurance contract hereafter delivered, issued for delivery, amended, renewed or ratified in this State, whenever such a policy or contract provides for reimbursement for any service which is within the lawful scope of practice of a duly licensed dentist, the following provisions shall apply:

a. A person covered under such policy or contract shall be entitled to reimbursement for such service regardless of whether the service is performed by a duly licensed physician or duly licensed dentist.

b. Equal reimbursement rates shall be paid for services performed, regardless of the discipline of the provider of the service.

**C. 17B:26-44.2 Application of act's provisions.**

2. The provisions of section 1 of this act shall also apply to any policy or contract of individual health insurance already delivered or issued for delivery in this State, if such policy or contract does not limit reimbursement to specific types of duly licensed health care professionals other than dentists.

**C. 17B:26-44.3 Renewal of policy.**

3. For the purposes of this act, a policy or contract in which the company has reserved the right to change the premium shall be considered renewed as of the date on which the premium is changed or is subject to change.

4. This act shall take effect immediately.

Approved July 19, 1979.

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## CHAPTER 162

AN ACT concerning motor vehicle registrations in certain cases and amending R. S. 39:3–20.

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

1. R. S. 39:3–20 is amended to read as follows:

**Commercial motor and motor drawn vehicles other than omnibuses; registration year; fees; gross weight defined; violations.**

39:3–20. For the purpose of this act gross weight means the weight of both the vehicle and its load. a. The director is authorized to issue registrations for commercial motor vehicles other than omnibuses or motor-drawn vehicles upon application therefor and payment of a fee based on the gross weight of the vehicle including the gross weight of all vehicles in any combination of vehicles of which the commercial motor vehicle is the drawing vehicle. The gross weight of a disabled commercial vehicle or combination of disabled commercial vehicles being removed from a highway shall not be included in the calculation of the registration fee for the drawing vehicle.

The registration year for a commercial motor vehicle other than an omnibus or motor-drawn vehicle shall be April 1 to the following March 31 and the minimum registration fee shall be $50.00 plus

$8.50 for each 1,000 pounds or portion thereof in excess of 5,000 pounds.

b. The director is also authorized to issue registration for commercial motor vehicles having three or more axles and a gross weight over 40,000 pounds but not exceeding 70,000 pounds, upon application therefor and proof to the satisfaction of the director that the applicant is actually engaged in construction work or in the business of supplying material, transporting material, or using such registered vehicle for construction work.

The registration year for such commercial motor vehicles shall be July 1 to the following June 30 and the registration fee shall be $16.00 for each 1,000 pounds or portion thereof of gross weight including the gross weight of all vehicles in any combination of which such commercial motor vehicle is the drawing vehicle. "Constructor" registrations issued prior to the effective date of this act which expire March 31, 1977 shall be renewed at 1¼ times the fee set forth herein and shall expire June 30, 1978.

Such commercial motor vehicle shall be operated in compliance with the speed limitations of Title 39 of the Revised Statutes and shall not be operated at a speed greater than 30 miles per hour when one or more of its axles has a load which exceeds the limitations prescribed in R. S. 39:3–84.

c. The director is also authorized to issue registrations for each of the following solid waste vehicles: two-axle vehicles having a gross weight not exceeding 42,000 pounds; tandem three-axle and four-axle vehicles having a gross weight not exceeding 60,000 pounds; four-axle tractor-trailer combination vehicles having a gross weight not exceeding 60,000 pounds. Registration is based upon application to the director and proof to his satisfaction that the applicant is actually engaged in the performance of solid waste disposal or collection functions and holds a certificate of convenience and necessity therefor issued by the Board of Public Utilities.

The registration year for such "solid waste" vehicles shall be July 1 to the following June 30 and the registration fee shall be $50.00 plus $8.50 for each 1,000 pounds or portion thereof in excess of 5,000 pounds.

Solid waste vehicles for which commercial motor vehicles registrations had been issued prior to the effective date of this act and which expire March 31, 1980 shall be issued solid waste registrations upon surrender to the director's agent of the commercial vehicle registration certificate and payment of 1¼ the fee set forth herein and shall expire June 30, 1980.

d. The director is also authorized to issue registrations for commercial motor-drawn vehicles upon application therefor. The registration year for commercial motor-drawn vehicles shall be April 1 to the following March 31 and the fee therefor shall be $18.00 for each such vehicle.

At the discretion of the director, an applicant for registration for a commercial motor-drawn vehicle may be provided the option of registering such vehicle for a period of 4 years. In the event that the applicant for registration exercises the 4-year option, a fee of $64.00 for each such vehicle shall be paid to the director in advance.

If any commercial motor-drawn vehicle registered for a 4-year period is sold or withdrawn from use on the highways, the director may, upon surrender of the vehicle registration and plate, refund $16.00 for each full year of unused prepaid registration.

e. It shall be unlawful for any vehicle or combination of vehicles registered under this act having gross weight in excess of the gross weight provided on the registration certificate to be operated on the highways of this State.

In the event that a commercial motor vehicle registered under this act is found on a highway in combination with a commercial motor-drawn vehicle properly registered in any other state, Federal district or Canadian province which imposes registration weight fees on such commercial motor-drawn vehicles, the drawing vehicle registered under this act shall have a gross weight registration equal to at least one-half of the gross weight of the combination of vehicles. If it does not, the operation of said vehicles on the highways of this State shall be unlawful.

The 5% allowance provided by section 5 of P. L. 1950, c. 142 (C. 39:3–84.3) shall be applicable as heretofore to all registered weight limitations provided in this section, except that in no event shall the gross weight of any vehicle or combination of vehicles exceed the Federal maximum as such may be amended from time to time established for vehicles operated on the National System of Interstate and Defense Highways. In the case of a commercial motor vehicle registered under this act in combination with a commercial motor-drawn vehicle properly registered in any other state, Federal district or Canadian province which imposes registration weight fees on such commercial motor-drawn vehicles, the 5% allowance shall be applied and added to the registered weight of the drawing vehicle registered under this act. If the resulting sum is equal at least to one-half of the combined gross

weight of the mixed combination, then the mixed combination shall be in compliance with the registration requirements of this section.

Moneys realized from the increase of the fees for registrations issued pursuant to the provisions of this act shall be paid into the State Treasury and credited to the General State Fund and available for general State purposes.

This section shall not be construed to supersede or repeal the provisions of sections 39:3–84, 39:4–75, or 39:4–76 of this Title.

2. This act shall take effect immediately.

Approved July 19, 1979.

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## CHAPTER 163

A SUPPLEMENT to the "Optional Municipal Charter Law," approved June 8, 1950 (P. L. 1950, c. 210; C. 40:69A–1 et seq.).

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

**C. 40:69A-60.7 Appointment of police chief in certain cities; removal of persons from office pursuant to provisions of act.**

1. a. Notwithstanding the provisions of any other law to the contrary, the governing body of any city of the first class, which has adopted or shall hereafter adopt the form of government designated as "Mayor-Council Plan C" provided for in article 5 of the act to which this act is a supplement, may provide, by ordinance, that the mayor shall appoint a police chief, who shall have served as a superior police officer and possess at least 5 years administrative and supervisory police experience, who shall serve during the term of office of the mayor appointing him, and until the appointment and qualification of his successor, and who shall serve in the unclassified service of the civil service of the city and shall receive such salary as shall be fixed by ordinance.

b. The mayor of any first class city adopting the provisions of this supplementary act may in his discretion remove any person appointed pursuant to the provisions of this act, after notice and an opportunity to be heard. Prior to removing such person the mayor shall first file written notice of his intention to do so with the council, and such removal shall become effective on the twentieth

day after the filing of such notice unless the council shall prior thereto have adopted a resolution disapproving such removal by at least a ⅔ vote of the membership of the council.

2. This act shall take effect immediately.

Approved August 6, 1979.

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## CHAPTER 164

AN ACT to amend the "Transportation Act of 1966," approved December 12, 1966 (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 Functions and powers of commissioner.**

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 invested 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 5 years;

(b) Develop and promote programs to foster efficient and economical transportation services in the State;

(c) Prepare plans for the preservation and improvement of the railroad system, with special emphasis on commuter railroads;

(d) Develop plans for more efficient public transportation service by railroads and motor bus operators; develop statistics, analyses, and other data of use to railroad and bus operators in the provision of public transportation service; facilitate more effective coordination between bus service and other forms of public transportation, particularly the commuter railroads; review petitions for motor bus franchises in areas served by the commuter railroad system and make appropriate recommendations on such petitions;

(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 of 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; and

(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.

2. This act shall take effect immediately.

Approved August 6, 1979.

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## CHAPTER 165

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 $475,000,000.00 for the purpose of improving the transportation system of the State, including the improvement of State highways, county and municipal roads, and the improvement of public transportation facilities, providing the ways and means to pay and discharge the principal thereof and interest thereon; providing for the submission of this act to the people at a general election; and making an appropriation.

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

1. This act shall be known and may be cited as the "New Jersey Transportation Rehabilitation and Improvement Bond Act of 1979."

2. The Legislature hereby finds and determines that:

a. New Jersey is a highly urbanized corridor State with annual traffic volumes on its highways and roads which are far in excess of the national average and which will continue to increase in future years. In the most congested traffic regions of the State, the existing commuter rail and bus networks provide an essential measure of relief to over-taxed highway capacity by removing from the State's highways, during the most heavily traveled periods of the day, more than 400,000 daily commuters.

b. There exists a substantial backlog of projects on the State highway system, which are designed to improve safety, relieve congestion, and rehabilitate deteriorating roads and structures.

c. There exists a substantial backlog of improvements to county and municipal roads which are designed to improve safety, relieve congestion and rehabilitate deteriorating roads and structures.

d. Prospects for increased petroleum prices and reduced petroleum availability, as well as policies favoring urban revitalization and air pollution control, require an accelerated investment in the public transportation facilities useful to our State for which a substantial backlog of improvements also exists.

e. It is in the public interest that these essential improvements to the transportation system be provided in the shortest possible time and on a simultaneous basis, thereby saving on the anticipated increased construction costs as well as providing a safer, more effective transportation system.

f. New Jersey's transportation capital requirements greatly exceed the funds that can be provided from regular State appropriations, the Federal Government, and other sources for the State highway system, county and municipal roads and public transportation facilities. This essential program of transportation improvements can only be initiated through the authorization of the bond issue provided for herein.

3. As used in this act:

a. "Transportation system" means State highways, public transportation facilities and all other methods of ground or surface transportation for the movement of people and goods on rights-of-way available to the public.

b. "State highway" means any public highway, road, street, expressway, freeway, parkway or motorway constructed or maintained by the State.

c. "Improvement of State highways" means, but is not limited to, the construction, reconstruction, improvement or rebuilding of

State highways, including bridges, tunnels, overpasses, underpasses, interchanges, rest areas, express bus roadways, bus pull-outs and turnarounds, park-ride facilities, traffic circles, grade separations, traffic control devices, and the elimination of railroad crossings of State highways at road grade, or the improvement of any such existing grade crossing elimination, and includes the acquisition of property, rights-of-ways, easements and interests therein necessary to the construction and improvement of State highways and their maintenance.

d. "County and municipal roads" means roads under the jurisdiction of counties or municipalities and bridges over railroads connecting the roads even if owned by other entities.

e. "Improvement of county and municipal roads" means but is not limited to the construction, reconstruction, improvement or rebuilding of county and municipal roads, including bridges, tunnels, overpasses, underpasses, interchanges, express bus roadways, bus pull-outs and turnarounds, park-ride facilities, access roads to public transportation facilities, traffic circles, grade separations, traffic control devices, and the elimination of railroad crossings of county or municipal roads at road grade, or the improvement of any such existing grade crossing elimination, and includes the acquisition of property, rights-of-way, easements and interests therein necessary to the construction and improvement of county and municipal roads and their maintenance.

f. "Public transportation facilities" means, in connection with public transportation services, passenger stations, shelters and terminals, automobile parking facilities, ramps, access roads, track connections, signal systems, power systems, information and communication systems, road beds, transit lanes or rights-of-way, equipment storage and servicing facilities, bridges, grade crossings, rail cars, locomotives, motorbus and other motor vehicles, maintenance and garage facilities, revenue handling equipment and any other equipment, facility or property useful for or related to the provision of public transportation services which the department is or may be authorized by law to acquire.

g. "Improvement of public transportation facilities" means but is not limited to the development, acquisition by purchase, lease or otherwise, the construction, reconstruction, improvement, rebuilding, relocation, renewal, establishment, or rehabilitation of public transportation facilities and also includes the elimination of railroad crossings of roads other than State highways at road grade, or the improvement of any such existing grade crossing

elimination and includes the acquisition of all property, rights-of-way, easements and interests therein necessary for the improvement of public transportation facilities.

h. "Cost" means, but is not limited to, costs and expenses in the acquisition of facilities and equipment and other property, real and personal, tangible and intangible; costs and expenses incurred in the study, planning, research and development of methods, facilities or equipment for improving the States transportation system; costs and expenses incurred in the preparation of plans, the design, the construction or improvement of State highways, county and municipal roads and public transportation facilities.

i. "Department" means the Department of Transportation established by the "Transportation Act of 1966, P. L. 1966, c. 301 (C. 27:1A–1 et seq.)" or any agency or department successor to its powers. With respect to the improvement of public transportation facilities, the "Department of Transportation" also means the Commuter Operating Agency or any successor thereof.

j. "Fund" means the Transportation Rehabilitation and Improvement Fund established in section 15 of this act.

k. "Commission" means the Commission on Capital Budgeting and Planning.

4. Bonds of the State of New Jersey in the sum of $475,000,000.00 are hereby authorized for the purpose of capital expenditure for the cost of providing an improved transportation system for the State. Of such total, the proceeds from the sale of $150,000,000.00 of bonds shall be reserved for the improvement of public transportation facilities, the proceeds from the sale of $80,000,000.00 of bonds shall be reserved for the improvement of county and municipal roads and the proceeds of $245,000,000.00 of bonds shall be reserved for the improvement of State highways. The proceeds from the sale of such bonds shall not be used to purchase or acquire bus companies.

5. The department shall issue and promulgate rules and regulations to carry out the provisions of this act as it pertains to the improvement of county and municipal roads. The department shall review and consider the findings and recommendations of the commission in the administration of the provisions of this act.

6. Said bonds shall be serial bonds and known as "Transportation Rehabilitation and Improvement Bonds" and, as to each series, the last annual installment thereof, subject to redemption prior to maturity, shall mature and be paid not later than 35 years from

the date of its issuance, but may be issued in whole or in part for a shorter term.

7. Said bonds shall be issued from time to time as the issuing officials herein named shall determine.

8. The Governor, State Treasurer and Comptroller of the Treasury or any two of such officials, hereinafter referred to as "the issuing officials", are hereby authorized to carry out the provisions of this act relating to the issuance of said bonds, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

9. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

10. Said bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the Great Seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury.

Interest coupons attached to said bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall cease to hold office at the time of such issue or at the time of the delivery of such bonds to the purchaser.

11. a. Such bonds shall recite that they are issued for the purpose set forth in section 4 of this act and that they are issued in pursuance of this act, that this act was submitted to the people of the State at the general election held in the month of November, 1979, and that it was approved by a majority of the legally qualified voters of the State voting thereon at such election. Such recital in said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully autho-

rized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

b. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

12. 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; provided, that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

13. Said bonds shall be issued and sold at such price not less than the par value thereof and accrued interest thereon, and under such terms, conditions and regulations, as the issuing officials may prescribe, after notice of said sale, published at least once in at least three newspapers published in the State of New Jersey, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in the city of New York or in New Jersey, the first notice to be at least 5 days prior to the day of bidding. The said notice of sale may contain a provision to the effect that any or all bids in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale at such price not less than the par value thereof and accrued interest thereon 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 private sale, without advertisement.

14. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of such permanent bonds temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

15. The proceeds from the sale of the bonds shall be paid to the State Treasurer and be held by him in a separate fund, and be

deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the "Transportation Rehabilitation and Improvement Fund of 1979."

16. a. The moneys in the said fund are hereby specifically dedicated and shall be applied to the cost of the transportation purpose set forth in section 4 of this act and all of such moneys are appropriated to the department for such purpose, and no such moneys shall be expended for such purpose, except as otherwise authorized, without specific appropriation thereof by the Legislature, but bonds may be issued as herein provided notwithstanding that the Legislature shall not have then adopted an act making a specific appropriation of any of said moneys.

Moneys in the Transportation Rehabilitation and Improvement Fund may be appropriated or expended for the purpose of providing the non-Federal share of any Federal program which finances the improvement of State highways, county and municipal roads and public transportation facilities except that no moneys provided for the improvement of State highways may be appropriated or expended for the purpose of providing the non-Federal share for the construction of highways included in the Federal Interstate Highway System as described in 23 U.S.C. Sect. 103 (e) (1).

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is hereby authorized to transfer from any available money in the Treasury of the State to the credit of the "Transportation Rehabilitation and Improvement Fund" such sum as he may deem necessary. Said sum so transferred shall be returned to the Treasury of the State by the Treasurer 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 State Transportation Rehabilitation and Improvement Fund may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. New earnings received from the investment or deposit of such fund shall be paid into the general treasury and become a part of the General State Fund.

17. In case any coupon bonds or coupons thereunto appertaining or any registered bond shall become lost, mutilated or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of such loss, mutilation or destruction, proof of

ownership and such security and indemnity and reimbursement for expenses as the issuing officials may require.

18. Accrued interest received upon the sale of said bonds shall be applied to the discharge of a like amount of interest upon said bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, 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 said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid.

19. Bonds of each series issued hereunder shall mature in annual installments commencing not later than the tenth year and ending not later than the thirty-fifth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, and the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

20. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, provided such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of interest which would be paid on the bonds refunded if such bonds were not so refunded. Refunding bonds shall constitute direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except as to the maturities thereof and to the extent herein otherwise expressly provided.

21. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

a. Revenues derived from the tax collected upon the sale of motor fuels under and by virtue of the tax upon the sale of motor fuels (Title 54, chapter 39 of the Revised Statutes as amended and supplemented), or so much thereof as may be required; and

b. If in any year or at any time funds, as herein above appropriated, necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not available, then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on 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 such bonds as it is proposed to issue under this act in the calendar year in which such 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 thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such 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 said tax to the State Treasurer on or before December 20 in each year.

On or before December 31 in any year the issuing officials shall determine that there are moneys in the General State 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, then and in that event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from the taxes specified in subsection a. of this section shall thereupon be considered and treated as part of the General State Fund, available for general purposes.

22. Should the State Treasurer, by December 31 of any year, deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to meet the interest and principal payments for the year after the ensuing

year, then the treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case the Comptroller of the Treasury shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculations shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said 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.

23. 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, 1979, 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 the said 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 (×), plus (+), or check (√) mark in the square opposite the word "Yes." If you disapprove the act entitled below, make a cross (×), 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. | NEW JERSEY TRANSPORTATION REHABILITATION AND IMPROVEMENT BOND ISSUE<br><br>Shall the following act be approved: "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 $475,000,000.00 for the purpose of improving the transportation system of the State, including the improvement of State highways, county and municipal roads and public transportation facilities; providing the ways and means to pay and discharge the principal thereof and interest thereon; providing for the submission of this act to the people at a general election; and making an appropriation?" |
| | No. | INTERPRETIVE STATEMENT<br><br>Approval of this act would provide $150 million for public transportation improvements, $80 million for State aid to county and municipal roads and $245 million for improvements to State highways for a total of $475 million in State Bonds. These funds are essential to make necessary repairs and improvements which cannot be financed by State and local budgets. These moneys, used in combination with Federal and other funds, will generate approximately $2 billion towards financing a rehabilitation and improvement program for New Jersey's deteriorating transportation system. |

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 said 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 said 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 such 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 such an election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

24. The commissioner shall submit to the State Treasurer and the New Jersey Commission on Capital Budgeting and Planning with the department's annual budget request a plan for the expenditure of funds from the "Transportation Rehabilitation and Improvement Fund of 1979" 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 operation of programs that are financed, in part or in whole, by funds from the "Transportation Rehabilitation and Improvement Fund of 1979"; and an estimate of expenditures for the upcoming fiscal year.

25. Immediately following the submission to the Legislature of the Governor's Annual Budget Message the commissioner shall submit to the Transportation and Communications Committees of the Senate and General Assembly or their designated successors and the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature, as reconstituted and continued by the Legislature from time to time, a copy of the plan called for under section 24 of this act, together with such changes therein as may have been required by the Governor's budget message.

26. Not less than 30 days prior to the commissioner entering into any contract, lease, obligation or agreement which involves a transaction of more than $300,000.00 to effectuate the purposes of this act the commissioner shall report to and consult with the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature as reconstituted and continued from time to time by the Legislature.

27. There is hereby appropriated the sum of $5,000.00 to the Secretary of State for expenses in connection with the publication of notice pursuant to section 23 of this act.

28. This section and sections 15, 16, 23, and 27 of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in section 23 of this act.

Approved August 6, 1979.

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## CHAPTER 166

AN ACT concerning persons who are authorized to solemnize marriages, amending R. S. 37:1–13 and supplementing Title 37 of the Revised Statutes.

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

1. R. S. 37:1–13 is amended to read as follows:

**Persons authorized to solemnize marriages.**

37:1–13. Each judge of a Federal district court, judge of a county district court, magistrate of a municipal court, judge of the superior court and any mayor, or chairman of any township committee or village president of this State, and every minister of every religion, and judges of the criminal judicial district courts in counties wherein such courts are or may be established and judges of the juvenile and domestic relations courts in counties in which such courts are or may be established, are hereby authorized to solemnize marriage between such persons as may lawfully enter into the matrimonial relation; and every religious society, institution or organization in this State may join together in marriage such persons according to the rules and customs of the society, institution or organization.

**Validating provision.**

2. (New section) Any marriage heretofore performed by a religious society, institution or organization in this State where neither person was a member of such society, institution or organization is hereby ratified, validated and confirmed.

3. This act shall take effect immediately.

Approved August 6, 1979.

# CHAPTER 167

AN ACT to provide for the simplification of language used in life and health insurance policies and making an appropriation.

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

**C. 17B:17-17 Short title.**

1. This act shall be known and may be cited as the "Life and Health Insurance Policy Language Simplification Act."

**C. 17B-17-18 Purpose and intent of act.**

2. The purpose of this act is to establish minimum standards for language used in policies, contracts and certificates of life insurance, health insurance, annuity, credit life insurance and credit health insurance, delivered or issued for delivery in this State, to facilitate ease of reading by insureds.

This act is not intended to increase the risk assumed by insurance companies or other entities subject to this act or to supersede their obligation to comply with the substance of other insurance legislation applicable to life, health, credit life or credit health insurance or annuity policies. This act is not intended to impede flexibility and innovation in the development of policy forms or content or to lead to the standardization of policy forms or content.

**C. 17B:17-19 Definitions.**

3. As used in this act:

a. "Policy" or "policy form" means any policy, contract, certificate, or agreement of life or health insurance, including credit life insurance and credit health insurance, or annuity, delivered or issued for delivery in this State by any company subject to this act; any certificate, contract, or policy issued by a fraternal benefit society; and any certificate issued pursuant to a group insurance policy delivered or issued for delivery in this State.

b. "Company" or "insurer" means any life or health insurance company, fraternal benefit society, nonprofit health service corporation, nonprofit hospital service corporation, nonprofit medical service corporation, nonprofit dental service corporation, mutual benefit association, and all similar type organizations.

c. "Commissioner" means the Commissioner of Insurance.

**C. 17B:17-20 Application of act.**

4. a. This act shall apply to all policies delivered or issued for delivery in this State by any company on or after the dates such forms must be filed or approved under this act, but nothing in this act shall apply to:

(1) Any policy which is a security subject to Federal jurisdiction;

(2) Any group policy covering a group of 50 or more lives at date of issue, other than a group credit life insurance policy or a group credit health insurance policy; however, this shall not exempt any certificate issued pursuant to a group policy delivered or issued for delivery in this State;

(3) Any group annuity contract which serves as a funding vehicle for pension, profit-sharing, or deferred compensation plans;

(4) Any form used in connection with, as a conversion from, as an addition to, or in exchange pursuant to a contractual provision for, a policy delivered or issued for delivery on a form filed, approved or permitted to be issued prior to the dates such forms must be filed or approved under this act; or

(5) The renewal of a policy delivered or issued for delivery prior to the dates such forms must be filed or approved under this act.

b. No other law of this State setting language simplification standards shall apply to any policy form.

c. Any non-English language policy delivered or issued for delivery in this State shall be deemed to be in compliance with this act if the insurer certifies that such policy is translated from an English language policy which does comply with this act.

**C. 17B:17-21 Policy form; approval; filing; reading ease test.**

5. a. In addition to any other requirements of law, no policy forms, except as stated in section 4, shall be delivered or issued for delivery in this State on or after the dates such forms must be filed or approved under this act, unless:

(1) The text achieves a minimum score of 40 on the Flesch reading ease test or an equivalent score on any other comparable test as provided in subsection c. of this section;

(2) It is printed, except for specification pages, schedules and tables, in not less than ten point type, one point leaded;

(3) The style, arrangement, and overall appearance of the policy give no undue prominence to any portion of the text of the policy or to any endorsements or riders; and

(4) It contains a table of contents or an index of the principal sections of the policy, if the policy has more than 3,000 words printed on three or fewer pages of text, or if the policy has more than three pages regardless of the number of words.

b. For the purposes of this section, a Flesch reading ease test score shall be measured by the following method:

(1) For policy forms containing 10,000 words or less of text, the entire form shall be analyzed. For policy forms containing more than 10,000 words, the readability of two 200 word samples per page may be analyzed instead of the entire form. The samples shall be separated by at least 20 printed lines.

(2) The number of words and sentences in the text shall be counted and the total number of words divided by the total number of sentences. The figure obtained shall be multiplied by a factor of 1.015.

(3) The total number of syllables shall be counted and divided by the total number of words. The figure obtained shall be multiplied by a factor of 84.6.

(4) The sum of the figures computed under paragraphs (2) and (3) subtracted from 206.835 equals the Flesch reading ease score for the policy form.

(5) For purposes of paragraphs (2), (3), and (4), the following procedures shall be used:

(a) A contraction, hyphenated word, or numbers and letters, when separated by spaces, shall be counted as one word;

(b) A unit of words ending with a period, semicolon, or colon, but excluding headings and captions, shall be counted as a sentence; and

(c) A syllable means a unit of spoken language consisting of one or more letters of a word as divided by an accepted dictionary. Where the dictionary shows two or more equally acceptable pronunciations of a word, the pronunciation containing fewer syllables shall be used.

(6) The term "text" as used in this section shall include all printed matter except the following:

(a) The name and address of the insurer; the name, number, or title of the policy; the table of contents or index; captions and subcaptions; specification pages, schedules, or tables; and

(b) Any policy language which is drafted to conform to the requirements of any Federal law, regulation, or agency interpretation; any policy language required by any collectively

bargained agreement; any medical terminology; any words which are defined in the policy; and any policy language required by law or regulation; provided, however, the insurer identifies the language or terminology excepted by this subparagraph (b) and certifies, in writing, that the language or terminology is entitled to be excepted by subparagraph (b).

c. Any other reading test may be approved by the commissioner for use as an alternative to the Flesch reading ease test if it is comparable in result to the Flesch reading ease test.

d. Filings subject to this section shall be accompanied by a certificate signed by an officer of the insurer stating that it meets the minimum reading ease score on the test used or stating that the score is lower than the minimum required but should be approved in accordance with section 7 of this act. To confirm the accuracy of any certification, the commissioner may require the submission of further information to verify the certification in question.

e. At the option of the insurer, riders, endorsements, applications, and other forms made a part of the policy may be scored as separate forms or as part of the policy with which they may be used.

**C. 17B:17-22 Issuance of policy form after specified time period.**

6. Nothing in this act shall be construed to negate any law of this State permitting the issuance of any policy form after it has been on file for the time period specified.

**C. 17B:17-23 Authorization for lower score.**

7. The commissioner may authorize a lower score than the Flesch reading ease score required in section 5 a. (1) whenever, in his sole discretion, he finds that a lower score: a. will provide a more accurate reflection of the readability of a policy form; b. is warranted by the nature of a particular policy form or type or class of policy forms; or c. is caused by certain policy language which is drafted to conform to the requirements of any State law, regulation, or agency interpretation.

**C. 17B:17-24 Policy form; filing or approval.**

8. A policy form meeting the requirements of section 5 a. shall be filed or approved notwithstanding the provisions of any other law which specifies the content of policies, if the policy form provides the policyholders and claimants protection no less favorable than they would be entitled to under such law.

**C. 17B:17-25 Application of act on policy forms.**

9. a. Except as provided in section 4, this act applies to all policy forms filed on or after 2 years after the effective date of this act. No policy form shall be delivered or issued for delivery in this State on or after 5 years after the effective date of this act unless filed or approved by the commissioner or permitted to be issued under this act. Any policy form which has been filed or approved or permitted to be issued prior to 5 years after the effective date of this act and which meets the standards set by this act need not be resubmitted for filing or approval but may continue to be lawfully delivered or issued for delivery in this State upon the filing with the commissioner of a list of such forms identified by form number and accompanied by a certificate as to each such form in the manner provided in section 5 d.

b. The commissioner may, in his sole discretion, extend the dates in subsection a. of this section.

10. There is hereby appropriated the sum of $25,000.00 to the Department of Insurance to administer this act.

11. This act shall take effect immediately.

Approved August 6, 1979.

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## CHAPTER 168

AN ACT concerning certain pensions, and amending R. S. 43:10–39.

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

1. R. S. 43:10–39 is amended to read as follows:

**Pension to widow, children or parent of deceased retired member.**

43:10–39. The widow of any retired member of such police department, who was married to her deceased husband before the date of his retirement and before he reached the age of 50 years, shall, if he paid into the fund the full amount of his annual assessments or contributions and continued so to do after his retirement until his death, which death shall have been from causes other than injuries received in the performance of duty, receive a pension equal to one-half of the pay of her deceased husband at the time of his retirement, not exceeding $2,000.00, for so long as she remains

unmarried. This pension shall be for the use of herself and any children of her deceased husband under 16 years of age.

If a retired deceased member leaves no widow but leaves three or more children under 16 years of age, the pension shall be paid, in equal shares, to those of his children who have not attained the age of 16 years; if there be only two such children, they shall be paid $20.00 each monthly; and if only one such child, he shall be paid $25.00 monthly, until the age of 16 years is reached.

If there is no widow and no child under 16 years of age, the pension shall be paid to the sole dependent parent of the deceased member.

All retirements hereunder shall be made and pensions allowed by the pension commission hereinafter created.

2. This act shall take effect immediately.

Approved August 9, 1979.

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## CHAPTER 169

AN ACT to amend the "Motor Vehicle Security-Responsibility Law," approved May 10, 1952 (P. L. 1952, c. 173) and repealing sections 9 through 12, 18 and 19 and 21 through 25 thereof.

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

1. Section 13 of P. L. 1952, c. 173 (C. 39:6–35) is amended to read as follows:

**C. 39:6-35 Procedure upon failure to satisfy judgment.**

13. If a person fails to pay and satisfy every judgment rendered against him for damages because of personal injury or death, or damage to property in excess of $100.00, resulting from the ownership, maintenance, use or operation of a motor vehicle and every judgment based on an agreement or contract made in settlement of damages arising out of a motor vehicle accident, within 60 days after its entry, or if an appeal is taken therefrom within that time, within 60 days after the judgment as entered or modified becomes final, the operator's license and all registration certificates of any such person, other than a chauffeur or operator employed by the

owner of a motor vehicle and so acting at the time of the damage, injuries or death resulting in the judgment, shall, upon receiving a certified copy of a transcript of the final judgment from the court in which it was rendered showing it to have been still unsatisfied more than 60 days after it became final, be forthwith suspended by the director.

If the director is satisfied that a judgment debtor or his insurance carrier was, within the said 60-day period, ready, willing and able to pay the said judgment but was prevented from so doing by reason of the refusal or legal inability of the judgment creditor to accept payment, or that the failure to pay said judgment within the said 60-day period was due to the act or neglect of the judgment debtor's insurance carrier and not to any fault of the judgment debtor then the director may, in his discretion, extend the 60-day limitation herein prescribed for any reasonable time necessary to complete the formality of payment of the judgment and shall not suspend the judgment debtor's driver's license, operating privilege or certificate of registration.

The judgment herein mentioned shall be a judgment of a court of competent jurisdiction of this State or any other state or of a District Court of the United States.

The license and registration certificates shall remain so suspended and shall not be renewed, nor shall a motor vehicle be thereafter registered in the name of that person while the judgment remains unstayed, unsatisfied, subsisting and until every such judgment is satisfied or discharged, except that in event that the judgment debtor shall be relieved of liability for payment of said judgment by an adjudication of the court in which the same was entered, or if the right to enforce said judgment by docketing and revival, or by revival, or by bringing an action thereon, shall have expired without such revival or the bringing of any such action thereon, the judgment debtor's license shall be restored to him, and one or more motor vehicles may be registered in his name, upon application to the Division of Motor Vehicles.

A discharge in bankruptcy shall relieve the judgment debtor from any of the requirements of this act, provided that the underlying judgment was not based on a willful or malicious tort.

The clerk of the court in which the judgment is rendered, or the court where it has no clerk, shall forward to the director, at the request of the judgment creditor or his attorney, after the expiration of the 60 days a certified copy of the judgment or a transcript thereof, as aforesaid.

Upon the filing with the court of proof of satisfaction or discharge of a judgment, the nonpayment of which has been previously certified to the director, the clerk of the court, or the court where it has no clerk shall immediately forward notice of such satisfaction or discharge to the director.

If the defendant is a nonresident the director shall transmit to the officer in charge of the issuance of driver licenses and registration certificates of the State of which the defendant is a resident a certified copy of the judgment.

If after proof is given, another such judgment is recovered against that person for an accident occurring before the proof was given, the license and certificate shall again be and remain suspended, and no other license or certificate shall be issued to him while the judgment so remains unsatisfied and subsisting.

2. Section 14 of P. L. 1952, c. 173 (C. 39:6–36) is amended to read as follows:

**C. 39:6-36 Nonresident's privileges withdrawn.**

14. While a final judgment against a nonresident motor vehicle owner or operator is so unstayed, unsatisfied and subsisting for more than 60 days, his privilege of operating a motor vehicle, whether owned by him or not, in this State, shall be withdrawn and shall not be renewed. No operator's or chauffeur's license shall be issued to him nor shall a motor vehicle be registered in his name until every such judgment is stayed, satisfied or discharged as herein provided.

3. Section 15 of P. L. 1952, c. 173 (C. 39:6–37) is amended to read as follows:

**C. 39:6-37 Not to suspend license if insurance carrier fails.**

15. Whenever it appears to the satisfaction of the director that; at the time of a motor vehicle accident resulting in the death of or injury to any person, or damage to property to the extent of $100.00, the judgment debtor, against whom a judgment has been obtained as a result of such accident, was insured in an insurance company, authorized to do business in this State, against public liability for injuries or death to one person to the extent of $15,000.00 and for injuries or death to more than one person to the extent of $30,000.00 and for damage to property to the extent of $5,000.00 arising out of a single motor vehicle accident and with respect to an automobile, as defined in P. L. 1972, c. 70, registered or princi-

pally garaged in New Jersey; personal injury protection coverage as provided in the "New Jersey Automobile Reparation Reform Act," P. L. 1972, c. 70, and that the judgment has not been paid or the personal injury protection benefits have not been paid because, subsequent to the date of such accident, such insurance company has become insolvent or bankrupt, or the Commissioner of Insurance has undertaken control hereof for the purpose of liquidation, he shall not suspend the operator's license and the registration certificates of such judgment debtor.

4. Section 17 of P. L. 1952, c. 173 (C. 39:6–39) is amended to read as follows:

**C. 39:6-39 Installment payment of judgment.**

17. A judgment debtor to whom this chapter applies may, for the sole purpose of giving authority to the director to authorize the judgment debtor to operate a motor vehicle thereafter, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained for the privilege of paying the judgment in installments. The court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order, fixing the amounts and times of payment of the installments. The director may, in his discretion, while the judgment debtor is not in default in paying the installments, restore, or refrain from suspending his license or registration certificate or certificates, or either or both of them. The license or certificate or certificates, or either or both or all of them, shall be suspended as hereinbefore provided when the director is satisfied that the judgment debtor has failed to comply with the terms of the court order.

**Repealer.**

5. Sections 9 through 12 (C. 39:6–31 to 39:6–34), 18 and 19 (C. 39:6–40 and 39:6–41) and 21 through 25 (C. 39:6–43 to 39:6–47) of P. L. 1952, c. 173 are repealed.

6. This act shall take effect immediately.

Approved August 9, 1979.

## CHAPTER 170

AN ACT to amend the "Sales and Use Tax Act," approved April 27, 1966 (P. L. 1966, c. 30).

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

1. Section 3 of P. L. 1966, c. 30 (C. 54:32B–3) is amended to read as follows:

**C. 54:32B-3 Imposition of sales tax.**

3. Imposition of sales tax. On and after July 1, 1966 and continuing through February 28, 1970 there is hereby imposed and there shall be paid a tax of 3%, and on and after March 1, 1970 there is hereby imposed and there shall be paid a tax of 5% upon:

(a) The receipts from every retail sale of tangible personal property, except as otherwise provided in this act.

(b) The receipts from every sale, except for resale, of the following services:

(1) Producing, fabricating, processing, printing or imprinting tangible personal property, performed for a person who directly or indirectly furnishes the tangible personal property, not purchased by him for resale, upon which such services are performed.

(2) Installing tangible personal property, or maintaining, servicing, repairing tangible personal property not held for sale in the regular course of business, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction therewith, except (i) such services rendered by an individual who is engaged directly by a private homeowner or lessee in or about his residence and who is not in a regular trade or business offering his services to the public, (ii) such services rendered with respect to personal property exempt from taxation hereunder pursuant to subsection (a) of section 8, (iii) services rendered with respect to trucks, tractors, trailers or semitrailers by a person who is not engaged, directly or indirectly through subsidiaries, parents, affiliates or otherwise, in a regular trade or business offering such services to the public, (iv) any receipts from laundering, dry cleaning, tailoring, weaving, pressing, shoe repairing and shoeshining, and (v) services rendered in

installing property which, when installed, will constitute an addition or capital improvement to real property, property or land.

(3) Storing all tangible personal property not held for sale in the regular course of business and the rental of safe deposit boxes or similar space.

(4) Maintaining, servicing or repairing real property, other than a residential heating system unit serving not more than three families living independently of each other and doing their cooking on the premises, whether the services are performed in or outside of a building, as distinguished from adding to or improving such real property, by a capital improvement, but excluding services rendered by an individual who is not in a regular trade or business offering his services to the public, and excluding interior cleaning and maintenance services, garbage removal and sewer services performed on a regular contractual basis for a term of not less than 30 days, other than window cleaning, and rodent and pest control.

(5) Advertising services except advertising services for use directly and primarily for publication in newspapers and magazines.

Wages, salaries and other compensation paid by an employer to an employee for performing as an employee the services described in this subsection are not receipts subject to the taxes imposed under this subsection (b).

Services otherwise taxable under paragraph (1) or (2) of this subsection (b) are not subject to the taxes imposed under this subsection where the tangible personal property upon which the services were performed is delivered to the purchaser outside this State for use outside this State.

(c) Receipts from the sale of food and drink except alcoholic beverages as defined in the Alcoholic Beverage Tax Law, in or by restaurants, taverns or other establishments in this State, or by caterers, including in the amount of such receipts any cover, minimum, entertainment or other charge made to patrons or customers:

(1) In all instances where the sale is for the consumption on the premises where sold;

(2) In those instances where the vendor or any person whose services are arranged for by the vendor, after the delivery of the food or drink by or on behalf of the vendor for consumption off the premises of the vendor, serves or assists in serving, cooks, heats or provides other services with respect to the food or drink, except for meals especially prepared for and delivered to home-

bound elderly, age 60 or older, and to disabled persons, or meals prepared and served at a group-sitting at a location outside of the home to otherwise homebound elderly persons, age 60 or older, and otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization; and

(3) In those instances where the sale is for consumption off the premises of the vendor, and consists of a meal, or food prepared and ready to be eaten, of a kind obtainable in restaurants as the main course of a meal, including a sandwich, except where food other than sandwiches is sold in an unheated state and is of a type commonly sold in the same form and condition in food stores other than those which are principally engaged in selling prepared foods.

The tax imposed by this subsection (c) shall not apply to food or drink which is sold to an air line for consumption while in flight.

(d) The rent for every occupancy of a room or rooms in a hotel in this State, except that the tax shall not be imposed upon (1) a permanent resident, or (2) where the rent is not more than at the rate of $2.00 per day.

(e) (1) Any admission charge where such admission charge is in excess of $0.75 to or for the use of any place of amusement in the State, including charges for admission to race tracks, baseball, football, basketball or exhibitions, dramatic or musical arts performances, motion picture theatres, except charges for admission to boxing, sparring, or wrestling matches or exhibitions which charges are taxed under any other law of this State or under R. S. 5:2–12, and, except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or a lease or a license, other than a season ticket, for the use of a box or seat at place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

(2) The amount paid as charge of a roof garden, cabaret or other similar place in this State, to the extent that a tax upon such charges has not been paid pursuant to subsection (c) hereof.

2. This act shall take effect July 1, 1979.

Approved August 23, 1979.

# CHAPTER 171

AN ACT concerning boxing, wrestling and sparring exhibitions and performances, and amending section 5:2–12 of the Revised Statutes.

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

1. R. S. 5:2–12 is amended to read as follows:

**Written report after exhibition or performance; tax on gross receipts; determination of amount; actions on failure to pay.**

5:2–12. Every person who shall hold any boxing, wrestling or sparring exhibition or performance shall, within 24 hours after the conclusion thereof, furnish to the commissioner at such place as he may prescribe, a duly verified written report of the exact amount of tickets sold for such exhibition or performance, the amount of the gross proceeds thereof, and such other matters as the commissioner may prescribe, and shall also, within the said time, pay to the commissioner, at such place as he may prescribe, a tax of 10% of the total gross receipts from the sale of tickets of admission to such exhibition or performance and in addition thereto a tax of 5% on any moneys received by reason of the lease or sale of television, moving picture or radio rights in connection with any such exhibition or performance to the extent only that such moneys shall be attributable to transmissions received or exhibited in this State; provided, however, that when a boxing or wrestling performance is held, at which a championship title is at stake, the commissioner, at his discretion, may reduce the aforementioned tax of 10% of the total gross receipts from the sale of tickets of admission to such exhibition or performance to 5% of the total gross receipts. The commissioner shall forthwith pay the tax into the State Treasury.

The total amount of gross receipts from any such exhibition or performance including those derived from the sale or lease of television, moving picture and radio rights and the total amount of tax due hereunder shall be determined by the commissioner, and for this purpose the commissioner may examine, or cause to be examined, the books and records of any person and hold hearings as provided by section 5:2–6 of this Title. The finding and determination of the commissioner as to the amount of such tax shall be deemed

prima facie to be correct in all matters and proceedings in which the same may be called into question.

Should any person being liable for the tax hereby imposed, fail to pay the same, an action therefor may be maintained in any court of competent jurisdiction, in the name of the commissioner, to be prosecuted by the Attorney General, in addition to any remedies given by the bond filed in accordance with section 5:2–9 of this Title, which actions and remedies may be pursued simultaneously or in any other order which the commissioner may see fit.

2. This act shall take effect immediately.

Approved August 23, 1979.

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## CHAPTER 172

AN ACT concerning boards of education with respect to membership in certain voluntary associations 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:11-3 Membership in voluntary associations.**

1. A board of education may join one or more voluntary associations which regulate the conduct of student activities between and among their members, whose membership may include private and public schools. Any such membership shall be by resolution of the board of education, adopted annually. No such voluntary association shall be operative without approval of its charter, constitution, bylaws, and rules and regulations by the Commissioner of Education. Upon the adoption of said resolution the board, its faculty, and students shall be governed by the rules and regulations of that association. The said rules and regulations shall be deemed to be the policy of the board of education and enforced first by the internal procedures of the association. In matters involving only public school districts and students, faculty, administrators and boards thereof, appeals shall be to the commissioner and thereafter the Superior Court. In all other matters, appeals shall be made directly to the Superior Court. The commissioner shall have authority to direct the association to conduct an inquiry by hearing or

otherwise on a particular matter or, alternatively, direct that particular matter be heard directly by him. The association shall be a party to any proceeding before the commissioner or in any court.

**C. 18A:11-4 Minutes of meetings; report.**

2. The minutes of every meeting of any association functioning under this act which shall oversee activities associated with Statewide interscholastic sports programs in this State shall be transmitted by and under certification thereof to the commissioner or his designee who shall acknowledge the receipt of the minutes by his signature. The commissioner or his designee shall prepare a report detailing all programs and fiscal activities of the Statewide associations and such other associations functioning under this act as he feels may be necessary. This report shall be based upon annual reports submitted to him by the associations operating under this act and shall detail any developments contrary to the public interest and shall indicate whether or not the intent of the Legislature in its grant of statutory authority to boards of education to join such associations is faithfully being executed.

3. Any existing association shall submit its charter, constitution, bylaws, rules and regulations to the commissioner within 90 days after the effective date of this act. Such charter, constitution, bylaws, rules and regulations shall be deemed approved unless the commissioner disapproves them, in whole or in part, within 90 days of their submission.

**C. 18A:11-5 Effective date of amendments.**

4. Any amendment to the charter, constitution, bylaws, rules or regulations of the association shall be effective not less than 20 days after its submission to the commissioner. No such amendment shall take effect if the commissioner in said 20-day period returns to the secretary of the association his disapproval of the amendment.

5. This act shall take effect immediately.

Approved August 26, 1979.

## CHAPTER 173

AN ACT concerning motor vehicles and amending R. S. 39:3–38.

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

1. R. S. 39:3–38 is amended to read as follows:

**Counterfeiting or using other markers prohibited; penalty.**

39:3–38. No person shall counterfeit a number plate or marker or make a substitute or temporary marker, under penalty or revocation of such person's driver's license for a period not to exceed 6 months, or a fine of not less than $50.00 nor more than $100.00.

No person shall use a marker other than the one issued to him by the commissioner, except as provided in R. S. 39:3–15, under penalty of a fine of not less than $25.00 nor more than $50.00.

No person shall cause to be placed a forged or counterfeit license plate on any motor vehicle, under penalty of revocation of such person's driver's license for a period not to exceed 6 months, or a fine of not less than $50.00 nor more than $100.00, or both.

2. This act shall take effect immediately.

Approved August 27, 1979.

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## CHAPTER 174

AN ACT to amend "An act providing for the escheat of unclaimed bank deposits," approved April 20, 1945 (P. L. 1945, c. 199).

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

1. Section 4 of P. L. 1945, c. 199 (C. 17:9–21) is amended to read as follows:

**C. 17:9-21 Unclaimed bank deposit; advertisement of notice.**

4. For advertisement purposes, an unclaimed bank deposit shall be deemed to be one in which no transaction has occurred for the preceding 5 consecutive years. Every bank having any such

unclaimed bank deposits shall cause to be advertised on 1 day during the second week of the month of October and on 1 day during the second week of the month of November, printed in 8-point size type in a newspaper published in New Jersey which circulates in the county in which the bank has its principal office, and if it has offices in more than one county then in such a newspaper published or circulating in each county in which the bank has an office, a notice entitled "notice of the names of persons appearing as the owners of unclaimed amounts held by (name of bank)." After initial publication of the name of an owner of such unclaimed deposit, the bank shall publish the name at the time such deposit escheats to the State pursuant to section 3 of the act to which this act is amendatory. Such notice shall be in such form as shall be approved by the State Treasurer and shall set forth the name and address of the bank and where the name of the bank has been changed by merger, reorganization, consolidation or otherwise, shall also set forth the original name and address of the bank in which the deposit originated, and shall list in alphabetical order the name of each person to whose credit an unclaimed bank deposit stands, the last address of the depositor appearing on the records of the bank, the identification number, if any, of each account but not the amount to the credit of each account, but no account shall be advertised in which the unpaid balance is less than $50.00. Any amount paid to a newspaper for such publication shall be charged by the bank equally against the unclaimed bank deposits so advertised.

2. This act shall take effect immediately.

Approved August 27, 1979.

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## CHAPTER 175

AN ACT to authorize the Cedar Grove Board of Education to sell a portion of its lands for development of a senior citizen housing project and to authorize the township of Cedar Grove in the county of Essex to waive certain deed restrictions.

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

1. The Cedar Grove Board of Education having determined that a portion of its vacant lands are no longer needed for school purposes and that there is a recognized shortage of senior citizen housing in the township of Cedar Grove, and with the township of Cedar Grove in the county of Essex and the Cedar Grove Senior Citizen Housing Association, having jointly petitioned the Legislature for a special law pursuant to Article 4, section 7, paragraph 8 of the New Jersey Constitution and R. S. 1:6–1 et seq., the Cedar Grove Board of Education is hereby authorized, to privately sell, by resolution, a 10 acre parcel of land, hereinafter described, to the Cedar Grove Senior Citizen Housing Association, a nonprofit corporation, for a consideration of $225,000.00 for the purpose of constructing housing for senior citizens qualified in accordance with the bylaws of the Cedar Grove Senior Citizen Housing Association; provided, however, that the contract of sale between the Cedar Grove Board of Education and the Cedar Grove Senior Citizen Housing Association shall contain and be subject to the following conditions:

a. That the Senior Citizen Housing Association secure financing from the New Jersey Housing Finance Agency in an amount sufficient to satisfy project requirements; and

b. That the Senior Citizen Housing Association obtain the necessary variances and approvals for the construction of senior citizen housing from the appropriate local boards having jurisdiction thereover; except that in the event conditions a. and b. of this section cannot be satisfied by the Senior Citizen Housing Association within the time prescribed in the contract, the contract of sale shall be rescinded, whereupon said lands shall revert to their former status.

2. The township of Cedar Grove in the county of Essex is further authorized to waive by ordinance any deed restrictions and any expressed or implied reverter that may apply to the sale of the said 10 acre parcel of land located on the easterly side of Ridge Road between Pompton and Bradford Avenues in the township of Cedar Grove, which lands were deeded to the Cedar Grove Board of Education by the township of Cedar Grove for use for school purposes, and are described as follows:

TOWNSHIP OF CEDAR GROVE, COUNTY OF ESSEX, STATE OF NEW JERSEY:

Beginning at a point in the southerly boundary line of lands now or formerly of Alfred Jacobus; said point being the following two courses from the center line of Ridge Road and Bradford Avenue; thence running

a. Southwesterly measured along said center line of Ridge Road, 865.50 feet from its intersection with the centerline of Bradford Avenue; thence

b. Along the lands now or formerly of Alfred Jacobus South 58 degrees 3 minutes East a distance of 780.00 feet to place of beginning; thence

(1) Still along the lands now or formerly Alfred Jacobus South 58 degrees 3 minutes East distance of 800.00 feet to a point; thence

(2) South 32 degrees 05 minutes West a distance of 350.00 feet to a point; thence

(3) South 59 degrees 22 minutes 45 seconds West a distance of 305.88 feet to a point; thence

(4) North 58 degrees 03 minutes West a distance of 327.50 feet to a point; thence

(5) North 14 degrees 49 minutes 53 seconds West a distance of 454.89 feet to a point; thence

(6) North 32 degrees 05 minutes East a distance of 310.00 feet to the southerly boundary line now or formerly of Alfred Jacobus to a place or beginning; being approximately 10 acres and part of a 27 acre parcel, more or less.

3. This act shall take effect immediately.

Approved August 27, 1979.

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## CHAPTER 176

AN ACT concerning the regulation of gambling devices, and amending sections 2C:21–18, 2C:37–1, 2C:37–7 and 2C:37–9 of the New Jersey Statutes.

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

1. N. J. S. 2C:21–18 is amended to read as follows:

**Slugs.**

2C:21–18. Slugs. A person is guilty of a petty disorderly persons offense when, other than under such circumstances as would constitute a violation of any of the provisions of the "Casino Control Act" (P. L. 1977, c. 110):

(1) He inserts or deposits a slug in a coin machine with purpose to defraud; or

(2) He makes, possesses or disposes of a slug with purpose to enable a person to insert or deposit it in a coin machine.

"Slug" means an object or article which, by virtue of its size, shape or any other quality is capable of being inserted or deposited in a coin machine as an improper substitute for money.

2. N. J. S. 2C:37–7 is amended to read as follows:

**Possession of a Gambling Device.**

2C:37–7. Possession of a Gambling Device. A person except a player is guilty of possession of a gambling device when, with knowledge of the character thereof, he manufactures, sells, transports, places or possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody or use of:

a. A slot machine; or

b. Any other gambling device, believing that the same is to be used in the advancement of unlawful gambling activity.

Possession of a gambling device other than under such circumstances as would constitute a violation of section 116 of the "Casino Control Act" (P. L. 1977, c. 110; C. 5:12–1 et seq.) is a disorderly persons offense; provided, however, that possession of not more than one gambling device other than a slot machine for social use within the home shall not be an offense under this section; and provided further, however that possession of one or more antique slot machines shall not be an offense under this section or under section 116 of the "Casino Control Act" (P. L. 1977, c. 110; C. 5:12–1 et seq.). As used in this section, "antique slot machine" means a slot machine which was manufactured prior to 1941. Nothing herein contained shall be construed to authorize the use of an antique slot machine for any unlawful purpose or for gaming.

3. N. J. S. 2C:37–9 is amended to read as follows:

**Nonapplicability.**

2C:37–9. Nonapplicability. Nothing in this chapter shall be construed to prohibit any activity authorized by the "Casino Control Act" (P. L. 1977, c. 110; C. 5:12–1 et seq.), or to supersede any provision of said act.

4. N. J. S. 2C:37–1 is amended to read as follows:

**Definitions.**

2C:37–1. Definitions. The following definitions apply to this chapter and to chapter 64:

a. ''Contest of chance'' means any contest, game, pool, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants or some other persons may also be a factor therein.

b. ''Gambling'' means staking or risking something of value upon the outcome of a contest of chance or a future contingent event not under the actor's control or influence, upon an agreement or understanding that he will receive something of value in the event of a certain outcome.

c. ''Player'' means a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity. A person who gambles at a social game of chance on equal terms with the other participants therein does not thereby render material assistance to the establishment, conduct or operation of such game if he performs, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor or supplying cards or other equipment used therein. A person who engages in ''bookmaking'' as defined in this section is not a ''player.''

d. ''Something of value'' means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

e. ''Gambling device'' means any device, machine, paraphernalia or equipment which is used or usable in the playing phases of any gambling activity, whether such activity consists of gambling between persons or gambling by a person involving the playing of a machine. Notwithstanding the foregoing, lottery tickets, policy slips and other items used in the playing phases of lottery and policy schemes are not gambling devices.

f. ''Slot machine'' means any mechanical, electrical or other device, contrivance or machine which, upon insertion of a coin, token or similar object therein, or upon payment of any consideration whatsoever, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or

application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash or tokens to be exchanged for cash, whether the payoff is made automatically from the machine or in any other manner whatsoever. A device so constructed, or readily adaptable or convertible to such use, is no less a slot machine because it is not in working order or because some mechanical act of manipulation or repair is required to accomplish its adaptation, conversion or workability.

g. "Bookmaking" means advancing gambling activity by unlawfully accepting bets from members of the public upon the outcome of future contingent events as a business.

h. "Lottery" means an unlawful gambling scheme in which (a) the players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other media, one or more of which chances are to be designated the winning ones; and (b) the winning chances are to be determined by a drawing or by some other method based upon the element of chance; and (c) the holders of the winning chances are to receive something of value.

i. "Policy" or "the numbers game" means a form of lottery in which the winning chances or plays are not determined upon the basis of a drawing or other act on the part of persons conducting or connected with the scheme, but upon the basis of the outcome or outcomes of a future contingent event or events otherwise unrelated to the particular scheme.

j. "Gambling resort" means a place to which persons may resort for engaging in gambling activity.

k. "Unlawful" means not specifically authorized by law.

5. This act shall take effect upon the effective date of P. L. 1978, c. 95.

Approved August 29, 1979.

# CHAPTER 177

AN ACT to amend "An act to amend and supplement 'An act concerning medical service corporations and regulating the establishment, maintenance and operation of medical service corporations and medical service plans, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled "Medical Service Corporations",' approved May 29, 1940 (P. L. 1940, c. 74)," approved June 26, 1970 (P. L. 1970, c. 114).

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

1. Section 1 of P. L. 1970, c. 114, (C. 17:48A–7.9) is amended to read as follows:

**C. 17:48A-7.9 Adjustment of premium rates; experience rating formula; approval.**

1. Group contracts, covering at least 50 employees or members, may provide for the adjustment of the rate of premium at the end of the first year or any subsequent year of insurance thereunder based on the experience thereunder both past and contemplated. No medical service corporation shall use any form of experience rating plan until it shall have filed with the commissioner the formulas to be used and the classes of groups to which they are to apply. The commissioner may disapprove the formulas or classes at any time if he finds that the rates produced thereby are excessive, inadequate or unfairly discriminatory or that the rates, formulas or classes are such as to prejudice the interests of persons who are eligible for medical services under contracts with the medical service corporation which are not subject to experience rating. Excluding those rating formulas applicable to groups the employees or members of which are located in more than one State and which are underwritten in participation with other corporation(s) of other State(s), no rating formula shall be approved by the commissioner unless it provides that the groups with better than average experience will be assessed a reasonable community charge. Any such rating formula may provide for the allowance of an equitable discount in the event the policyholder agrees to perform certain administrative and record keeping functions in connection with the routine maintenance of the group account.

Nothing in this section shall preclude the medical service corporation from incorporating in the rate formula such claim cost and utilization trend factors as it deems necessary in its discretion so long as the rates produced are self-supporting and the formulas for classes do not prejudice the interests of persons who are eligible for medical services under contracts with the medical service corporation which are not subject to experience rating.

For experience rated groups of 50 to 99 employees or members, the commissioner will have the authority to determine that rates charged depart from community rates in such a way as to assure continuity of rating principles with the community rated and experience rated groups of 100 or more.

2. This act shall take effect immediately.

Approved August 29, 1979.

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## CHAPTER 178

AN ACT concerning the "New Jersey Code of Criminal Justice" (P. L. 1978, c. 95), revising parts of the statutory law, supplementing Title 2C of the New Jersey Statutes, enacting an additional chapter 52, Expungement of Records, and repealing N. J. S. 2C:27–8, 2C:30–1, 2C:47–6, 2C:51–4, 2C:58–6, 2C:58–11 and P. L. 1970, c. 226, s. 28 (C. 24:21–28).

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

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

**Short title; rules of construction.**

2C:1–1. Short Title; Rules of Construction. a. This Title shall be known and may be cited as the "New Jersey Code of Criminal Justice."

b. Except as provided in subsections c. and d. of this section, the code does not apply to offenses committed prior to its effective date and prosecutions and dispositions for such offenses shall be governed by the prior law, which is continued in effect for that purpose, as if this code were not in force. For the purposes of this section, an offense was committed after the effective date of the

code if any of the elements of the offenses occurred subsequent thereto.

c. In any case pending on or initiated after the effective date of the code involving an offense committed prior to such date:

(1) The procedural provisions of the code shall govern, insofar as they are justly applicable and their application does not introduce confusion or delay;

(2) The court, with the consent of the defendant, may impose sentence under the provisions of the code applicable to the offense and the offender.

(3) The court shall, if the offense committed is no longer an offense under the provisions of the code, dismiss such prosecution.

d. (1) The provisions of the code governing the treatment and the release or discharge of prisoners, probationers and parolees shall apply to persons under sentence for offenses committed prior to the effective date of the code, except that the minimum or maximum period of their detention or supervision shall in no case be increased.

(2) Any person who is under sentence of imprisonment on the effective date of the code for an offense committed prior to the effective date which has been eliminated by the code or who has been sentenced to a maximum term of imprisonment for an offense committed prior to the effective date which exceeds the maximum established by the code for such an offense and who, on said effective date, has not had his sentence suspended or been paroled or discharged, may move to have his sentence reviewed by the sentencing court and the court may impose a new sentence, for good cause shown as though the person had been convicted under the code, except that no period of detention or supervision shall be increased as a result of such resentencing.

e. The provisions of the code not inconsistent with those of prior laws shall be construed as a continuation of such laws.

f. The classification and arrangement of the several sections of the code have been made for the purpose of convenience, reference and orderly arrangement, and therefore no implication or presumption of a legislative construction is to be drawn therefrom.

g. In the construction of the code, or any part thereof, no outline or analysis of the contents of said title or of any subtitle, chapter, article or section, no cross-reference or cross-reference note and no headnote or source note to any section shall be deemed to be a part of the code.

h. If said title or any subtitle, chapter, article or section of the code, or any provision thereof, shall be declared to be unconstitutional, invalid or inoperative in whole or in part, by a court of competent jurisdiction, such title, subtitle. chapter, article, section or provision shall, to the extent that it is not unconstitutional, invalid or inoperative, be enforced and effectuated, and no such determination shall be deemed to invalidate or make ineffectual the remaining provisions of the title, or of any subtitle, chapter. article or section of the code.

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

**Purposes; principles of construction.**

2C:1–2. Purposes; Principles of Construction. a. The general purposes of the provisions governing the definition of offenses are:

(1) To forbid, prevent, and condemn conduct that unjustifiably and inexcusably inflicts or threatens serious harm to individual or public interests;

(2) To insure the public safety by preventing the commission of offenses through the deterrent influence of the sentences authorized, the rehabilitation of those convicted, and their confinement when required in the interests of public protection;

(3) To subject to public control persons whose conduct indicates that they are disposed to commit offenses;

(4) To give fair warning of the nature of the conduct proscribed and of the sentences authorized upon conviction;

(5) To differentiate on reasonable grounds between serious and minor offenses; and

(6) To define adequately the act and mental state which constitute each offense, and limit the condemnation of conduct as criminal when it is without fault.

b. The general purposes of the provisions governing the sentencing of offenders are:

(1) To prevent and condemn the commission of offenses;

(2) To promote the correction and rehabilitation of offenders;

(3) To insure the public safety by preventing the commission of offenses through the deterrent influence of sentences imposed and the confinement of offenders when required in the interest of public protection;

(4) To safeguard offenders against excessive, disproportionate or arbitrary punishment;

(5) To give fair warning of the nature of the sentences that may be imposed on conviction of an offense;

(6) To differentiate among offenders with a view to a just individualization in their treatment; and

(7) To advance the use of generally accepted scientific methods and knowledge in sentencing offenders.

c. The provisions of the code shall be construed according to the fair import of their terms but when the language is susceptible of differing constructions it shall be interpreted to further the general purposes stated in this section and the special purposes of the particular provision involved. The discretionary powers conferred by the code shall be exercised in accordance with the criteria stated in the code and, insofar as such criteria are not decisive, to further the general purposes stated in this section.

d. Nothing contained in this code shall limit the right of a defendant and, subject only to the Federal and State constitutions, the right of the State to appeal or seek leave to appeal pursuant to law and Rules of Court.

3. N. J. S. 2C:1–4 is amended to read as follows:

**Classes of offenses.**

2C:1–4. Classes of Offenses. a. An offense defined by this code or by any other statute of this State, for which a sentence of imprisonment in excess of 6 months is authorized, constitutes a crime within the meaning of the Constitution of this State. Crimes are designated in this code as being of the first, second, third or fourth degree.

b. An offense is a disorderly persons offense if it is so designated in this code or in a statute other than this code. An offense is a petty disorderly persons offense if it is so designated in this code or in a statute other than this code. Disorderly persons offenses and petty disorderly persons offenses are petty offenses and are not crimes within the meaning of the Constitution of this State. There shall be no right to indictment by a grand jury nor any right to trial by jury on such offenses. Conviction of such offenses shall not give rise to any disability or legal disadvantage based on conviction of a crime.

c. An offense defined by any statute of this State other than this code shall be classified as provided in this section or in section 2C:43–1 and, except as provided in section 2C:1–5b and chapter 43, the sentence that may be imposed upon conviction thereof shall hereafter be governed by this code. Insofar as any provision outside the code declares an offense to be a misdemeanor

when such offense specifically provides a maximum penalty of 6 months imprisonment or less, whether or not in combination with a fine, such provision shall constitute a disorderly persons offense.

4. N. J. S. 2C:1–5 is amended to read as follows:

**Abolition of common law crimes; all offenses defined by statute; application of general provisions of the code; limitation of local government laws.**

2C:1–5. Abolition of Common Law Crimes; All Offenses Defined by Statute; Application of General Provisions of the Code; Limitation of Local Government Laws. a. Common law crimes are abolished and no conduct constitutes an offense unless the offense is defined by this code or another statute of this State.

b. The provisions of subtitle 1 of the code are applicable to offenses defined by other statutes. The provisions of subtitle 3 are applicable to offenses defined by other statutes but the maximum penalties applicable to such offenses, if specifically provided in the statute defining such offenses, shall be as provided therein, rather than as provided in this code, except that if the non-code offense is a misdemeanor with a maximum penalty of more than 18 months imprisonment, the provisions of section 2C:43–1b shall apply.

c. This section does not affect the power to punish for contempt, either summarily or after indictment, or to employ any sanction authorized by law for the enforcement of an order or a civil judgment or decree.

d. Notwithstanding any other provision of law, the local governmental units of this State may neither enact nor enforce any ordinance or other local law or regulation conflicting with, or preempted by, any provision of this code or with any policy of this State expressed by this code, whether that policy be expressed by inclusion of a provision in the code or by exclusion of that subject from the code.

5. 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 5 years after it is committed;

(2) A prosecution for a disorderly persons offense or petty disorderly persons offense must be commenced within 1 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:27–8, 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 7 years after the commission of the offense.

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 non-indictable 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 5 years after such actions accrues.

6. N. J. S. 2C:1–8 is amended to read as follows:

**Method of prosecution when conduct constitutes more than one offense.**

2C:1–8. Method of Prosecution When Conduct Constitutes More Than One Offense.

a. Prosecution for multiple offenses; limitation on convictions. When the same conduct of a defendant may establish the commission of more than one offense, the defendant may be prosecuted for each such offense. He may not, however, be convicted of more than one offense if:

(1) One offense is included in the other, as defined in subsection d. of this section;

(2) One offense consists only of a conspiracy or other form of preparation to commit the other;

(3) Inconsistent findings of fact are required to establish the commission of the offenses; or

(4) The offenses differ only in that one is defined to prohibit a designated kind of conduct generally and the other to prohibit a specific instance of such conduct.

b. Limitation on separate trials for multiple offenses. Except as provided in subsection c. of this section, a defendant shall not be subject to separate trials for multiple criminal offenses based on the same conduct or arising from the same episode, if such offenses are known to the appropriate prosecuting officer at the time of the commencement of the first trial and are within the jurisdiction and venue of a single court.

c. Authority of court to order separate trials. When a defendant is charged with two or more criminal offenses based on the same conduct or arising from the same episode, the court may order any such charge to be tried separately in accordance with the Rules of Court.

d. Conviction of included offense permitted. A defendant may be convicted of an offense included in an offense charged whether or not the included offense is an indictable offense. An offense is so included when:

(1) It is established by proof of the same or less than all the facts required to establish the commission of the offense charged; or

(2) It consists of an attempt or conspiracy to commit the offense charged or to commit an offense otherwise included therein; or

(3) It differs from the offense charged only in the respect that a less serious injury or risk of injury to the same person, property or public interest or a lesser kind of culpability suffices to establish its commission.

e. Submission of included offense to jury. The court shall not charge the jury with respect to an included offense unless there is a rational basis for a verdict convicting the defendant of the included offense.

7. N. J. S. 2C:1–13 is amended to read as follows:

**Proof beyond a reasonable doubt; affirmative defenses; burden of proving fact when not an element of an offense.**

2C:1–13. Proof Beyond a Reasonable Doubt; Affirmative Defenses; Burden of Proving Fact When Not an Element of an Offense. a. No person may be convicted of an offense unless each element of such offense is proved beyond a reasonable doubt. In the absence of such proof, the innocence of the defendant is assumed.

b. Subsection a. of this section does not:

(1) Require the disproof of an affirmative defense unless and until there is evidence supporting such defense; or

(2) Apply to any defense which the code or another statute requires the defendant to prove by a preponderance of evidence or such other standard as specified in this code.

c. A defense is affirmative, within the meaning of subsection b. (1) of this section, when:

(1) It arises under a section of the code which so provides; or

(2) It relates to an offense defined by a statute other than the code and such statute so provides; or

d. When the application of the code depends upon the finding of a fact which is not an element of an offense, unless the code otherwise provides:

(1) The burden of proving the fact is on the prosecution or defendant, depending on whose interest or contention will be furthered if the finding should be made; and

(2) The fact must be proved to the satisfaction of the court or jury, as the case may be.

e. When the code or other statute defining an offense establishes a presumption with respect to any fact which is an element of an offense, it has the meaning accorded it by the law of evidence.

f. In any civil action commenced pursuant to any provision of this code the burden of proof shall be by a preponderance of the evidence.

8. N. J. S. 2C:1–14 is amended to read as follows:

**General definitions.**

2C:1–14. General Definitions. In this code, unless a different meaning plainly is required:

a. "Statute" includes the Constitution and a local law or ordinance of a political subdivision of the State;

b. "Act" or "action" means a bodily movement whether voluntary or involuntary;

c. "Omission" means a failure to act;

d. "Conduct" means an action or omission and its accompanying state of mind, or, where relevant, a series of acts and omission;

e. "Actor" includes, where relevant, a person guilty of an omission;

f. "Acted" includes, where relevant, "omitted to act";

g. "Person," "he," and "actor" include any natural person and, where relevant, a corporation or an unincorporated association;

h. "Element of an offense" means (1) such conduct or (2) such attendant circumstances or (3) such a result of conduct as

(a) Is included in the description of the forbidden conduct in the definition of the offense;

(b) Establishes the required kind of culpability;

(c) Negatives an excuse or justification for such conduct;

(d) Negatives a defense under the statute of limitations; or

(e) Establishes jurisdiction or venue;

i. "Material element of an offense" means an element that does not relate exclusively to the statute of limitations, jurisdiction, venue or to any other matter similarly unconnected with (1) the harm or evil, incident to conduct, sought to be prevented by the law defining the offense, or (2) the existence of a justification or excuse for such conduct;

j. "Reasonably believes" or "reasonable belief" designates a belief the holding of which does not make the actor reckless or criminally negligent.

k. "Offense" means a crime, a disorderly persons offense or a petty disorderly persons offense unless a particular section in this code is intended to apply to less than all three.

l. "County Court" shall mean the Superior Court after December 7, 1978.

m. "Amount involved," "benefit," and other terms of value. Where it is necessary in this act to determine value, for purposes of fixing the degree of an offense, that value shall be the fair market value at the time and place of the operative act.

9. N. J. S. 2C:2–12 is amended to read as follows:

**Entrapment.**

2C:2–12. Entrapment. a. A public law enforcement official or a person engaged in cooperation with such an official or one acting as an agent of a public law enforcement official perpetrates an entrapment if for the purpose of obtaining evidence of the commission of an offense, he induces or encourages and, as a direct result, causes another person to engage in conduct constituting such offense by either:

(1) Making knowingly false representations designed to induce the belief that such conduct is not prohibited; or

(2) Employing methods of persuasion or inducement which create a substantial risk that such an offense will be committed by persons other than those who are ready to commit it.

b. Except as provided in subsection c. of this section, a person prosecuted for an offense shall be acquitted if he proves by a preponderance of evidence that his conduct occurred in response to an entrapment. The issue of entrapment shall be tried by the trier of fact.

c. The defense afforded by this section is unavailable when causing or threatening bodily injury is an element of the offense charged and the prosecution is based on conduct causing or threatening such injury to a person other than the person perpetrating the entrapment.

10. N. J. S. 2C:3–7 is amended to read as follows:

**Use of force in law enforcement.**

2C:3–7. Use of Force in Law Enforcement. a. Use of force justifiable to effect an arrest. Subject to the provisions of this section and of section 2C:3–9, the use of force upon or toward the person of another is justifiable when the actor is making or assisting in making an arrest and the actor reasonably believes that such force is immediately necessary to effect a lawful arrest.

b. Limitations on the use of force.

(1) The use of force is not justifiable under this section unless:

(a) The actor makes known the purpose of the arrest or reasonably believes that it is otherwise known by or cannot reasonably be made known to the person to be arrested; and

(b) When the arrest is made under a warrant, the warrant is valid or reasonably believed by the actor to be valid.

(2) The use of deadly force is not justifiable under this section unless:

(a) The actor effecting the arrest is authorized to act as a peace officer or has been summoned by and is assisting a person whom he reasonably believes to be authorized to act as a peace officer; and

(b) The actor reasonably believes that the force employed creates no substantial risk of injury to innocent persons; and

(c) The actor reasonably believes that the crime for which the arrest is made was homicide, kidnapping, an offense under 2C:14–2 or 2C:14–3, arson, robbery, burglary of an occupied dwelling, or an attempt to commit one of these crimes; and

(d) The actor reasonably believes:

(i) There is an imminent threat of deadly force to himself or a third party; or

(ii) The use of deadly force is necessary to thwart the commission of a crime as set forth in subparagraph (c) of this paragraph; or

(iii) The use of deadly force is necessary to prevent an escape.

c. Use of force to prevent escape from custody. The use of force to prevent the escape of an arrested person from custody is justifiable when the force could, under subsections a. and b. of this section, have been employed to effect the arrest under which the person is in custody. A correction officer or other person authorized to act as a peace officer is, however, justified in using any force including deadly force, which he reasonably believes to be immediately necessary to prevent the escape of a person committed to a jail, prison, or other institution for the detention of persons charged with or convicted of an offense so long as the actor believes that the force employed creates no substantial risk of injury to innocent persons.

d. Use of force by private person assisting an unlawful arrest. (1) A private person who is summoned by a peace officer to assist in effecting an unlawful arrest is justified in using any force which he would be justified in using if the arrest were lawful, provided that he does not believe the arrest is unlawful.

(2) A private person who assists another private person in effecting an unlawful arrest, or who, not being summoned, assists a peace officer in effecting an unlawful arrest, is justified in using any force which he would be justified in using if the arrest were lawful, provided that (a) he reasonably believes the arrest is lawful, and (b) the arrest would be lawful if the facts were as he believes them to be and such belief is reasonable.

e. Use of force to prevent suicide or the commission of a crime. The use of force upon or toward the person of another is justifiable when the actor reasonably believes that such force is immediately necessary to prevent such other person from committing suicide, inflicting serious bodily harm upon himself, committing or consummating the commission of a crime involving or threatening bodily harm, damage to or loss of property or a breach of the peace, except that:

(1) Any limitations imposed by the other provisions of this chapter on the justifiable use of force in self-protection, for the

protection of others, the protection of property, the effectuation of an arrest or the prevention of an escape from custody shall apply notwithstanding the criminality of the conduct against which such force is used; and

(2) The use of deadly force is not in any event justifiable under this subsection unless the actor reasonably believes that it is likely that the person whom he seeks to prevent from committing a crime will endanger human life or inflict serious bodily harm upon another unless the commission or the consummation of the crime is prevented and that the use of such force presents no substantial risk of injury to innocent persons.

11. N. J. S. 2C:3–11 is amended to read as follows:

**Definitions.**

2C:3–11. Definitions. In this chapter, unless a different meaning plainly is required: a. "Unlawful force" means force, including confinement, which is employed without the consent of the person against whom it is directed and the employment of which constitutes an offense or actionable tort or would constitute such offense or tort except for a defense (such as the absence of intent, negligence, or mental capacity; duress, youth, or diplomatic status) not amounting to a privilege to use the force. Assent constitutes consent, within the meaning of this section, whether or not it otherwise is legally effective, except assent to the infliction of death or serious bodily harm.

b. "Deadly force" means force which the actor uses with the purpose of causing or which he knows to create a substantial risk of causing death or serious bodily harm. Purposely firing a firearm in the direction of another person or at a vehicle, building or structure in which another person is believed to be constitutes deadly force. A threat to cause death or serious bodily harm, by the production of a weapon or otherwise, so long as the actor's purpose is limited to creating an apprehension that he will use deadly force if necessary, does not constitute deadly force.

c. "Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is for the time being the actor's home or place of lodging.

d. "Serious bodily harm" means bodily harm which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ or which results from aggravated sexual assault or sexual assault.

11A. N. J. S. 2C:4–1 is amended to read as follows:

**Insanity defense.**

2C:4–1. Insanity Defense. A person is not criminally responsible for conduct if at the time of such conduct he was laboring under such a defect of reason, from disease of the mind as not to know the nature and quality of the act he was doing, or if he did know it, that he did not know what he was doing was wrong. Insanity is an affirmative defense which must be proved by a preponderance of the evidence.

11B. N. J. S. 2C:4–2 is amended to read as follows:

**Evidence of mental disease or defect admissible when relevant to element of the offense.**

2C:4–2. Evidence of Mental Disease or Defect Admissible When Relevant to Element of the Offense. Evidence that the defendant suffered from a mental disease or defect is admissible whenever it is relevant to prove that the defendant did not have a state of mind which is an element of the offense. In the absence of such evidence, it may be presumed that the defendant had no mental disease or defect which would negate a state of mind which is an element of the offense.

12. N. J. S. 2C:4–3 is amended to read as follows:

**Requirement of notice.**

2C:4–3. Requirement of Notice. a. If a defendant intends to claim insanity pursuant to section 2C:4–1 or the absence of a requisite state of mind pursuant to section 2C:4–2, he shall serve notice of such intention upon the prosecuting attorney in accordance with the Rules of Court.

b. When a defendant is acquitted on the ground of insanity, the verdict and judgment shall so state.

13. N. J. S. 2C:4–4 is amended to read as follows:

**Mental incompetence excluding fitness to proceed.**

2C:4–4. Mental Incompetence Excluding Fitness to Proceed.

a. No person who lacks capacity to understand the proceedings against him or to assist in his own defense shall be tried, convicted or sentenced for the commission of an offense so long as such incapacity endures.

b. A person shall be considered mentally competent to stand trial on criminal charges if the proofs shall establish:

(1) That the defendant has the mental capacity to appreciate his presence in relation to time, place and things; and

(2) That his elementary mental processes are such that he comprehends:

(a) That he is in a court of justice charged with a criminal offense;

(b) That there is a judge on the bench;

(c) That there is a prosecutor present who will try to convict him of a criminal charge;

(d) That he has a lawyer who will undertake to defend him against that charge;

(e) That he will be expected to tell to the best of his mental ability the facts surrounding him at the time and place where the alleged violation was committed if he chooses to testify and understands the right not to testify;

(f) That there is or may be a jury present to pass upon evidence adduced as to guilt or innocence of such charge or, that if he should choose to enter into plea negotiations or to plead guilty, that he comprehend the consequences of a guilty plea and that he be able to knowingly, intelligently, and voluntarily waive those rights which are waived upon such entry of a guilty plea; and

(g) That he has the ability to participate in an adequate presentation of his defense.

13A. N. J. S. 2C:4–5 is amended to read as follows:

**Psychiatric examination of defendant with respect to fitness to proceed.**

2C:4–5. Psychiatric Examination of Defendant With Respect to Fitness to Proceed. a. Whenever there is reason to doubt the defendant's fitness to proceed, the court may on motion by the prosecutor, the defendant or on its own motion, appoint at least one qualified psychiatrist to examine and report upon the mental condition of the defendant. The psychiatrist so appointed shall be either:

(1) From a list agreed to by the court, the prosecutor and the defendant; or

(2) Agreed to by the court, prosecutor and defendant. The court may order the defendant to be committed to a hospital or other suitable facility for the purpose of the examination for a period of not exceeding 30 days. A qualified psychiatrist retained by the defendant or by the prosecution shall, if requested, be permitted to examine the defendant. Upon showing of particular need, upon motion, the court may order commitment for an additional period not exceeding 15 days.

b. The report of the examination shall include at least the following: (1) a description of the nature of the examination; (2) a diagnosis of the mental condition of the defendant; (3) an opinion as to the defendant's capacity to understand the proceedings against him and to assist in his own defense. The examining psychiatrist or psychiatrists may ask questions respecting the crime charged when such questions are necessary to enable formation of an opinion as to a relevant issue, however, the evidentiary character of any inculpatory statement shall be limited expressly to the question of competency and shall not be admissible on the issue of guilt.

c. If the examination cannot be conducted by reason of the unwillingness of the defendant to participate therein, the report shall so state and shall include, if possible, an opinion as to whether such unwillingness of the defendant was the result of mental incompetence. Upon the filing of such a report, the court may permit examination without cooperation, may appoint a different psychiatrist, or may commit the defendant for observation for a period not exceeding 30 days except on good cause shown, or exclude or limit testimony by the defense psychiatrist.

d. The report of the examination shall be sent by the psychiatrist to the court, the prosecutor and counsel for the defendant.

13B. N. J. S. 2C:4–6 is amended to read as follows:

**Determination of fitness to proceed; effect of finding of unfitness; proceedings if fitness is regained; post-commitment hearing.**

2C:4–6. Determination of Fitness to Proceed; Effect of Finding of Unfitness; Proceedings if Fitness is Regained; Post-Commitment Hearing. a. When the issue of the defendant's fitness to proceed is raised, the issue shall be determined by the court. If neither the prosecutor nor counsel for the defendant contests the finding of the report filed pursuant to section 2C:4–5, the court may make the determination on the basis of such report. If the finding is contested or if there is no report, the court shall hold a hearing on the issue. If the report is received in evidence upon such hearing, either party shall have the right to summon and examine the psychiatrists who joined in the report and to offer evidence upon the issue.

b. If the court determines that the defendant lacks fitness to proceed, the proceeding against him shall be suspended, except as provided in subsection c. of this section. At this time, the court may commit him to the custody of the Commissioner of Human Services to be placed in an appropriate institution if it is found

that the defendant is so dangerous to himself or others as to require institutionalization, or it shall proceed to determine whether placement in an out-patient setting or release is appropriate; provided, however, that no commitment to any institution shall be in excess of such period of time during which it can be determined whether it is substantially probable that the defendant could regain his competence within the foreseeable future.

c. If the defendant has not regained his fitness to proceed within such time as the court may deem adequate from the time that it was determined that the defendant lacked such fitness, the court shall after a hearing, if one is requested, dismiss the charges and either order the defendant discharged, or, subject to law governing civil commitment, order the defendant committed to an appropriate institution. When the charges are not dismissed, each defendant's case shall be specifically reviewed by the court at 6-month intervals until an order is made by the court that the defendant stand trial or that the charges be dismissed.

d. When the court, on its own motion or upon application of the commissioner, his designee or either party, determines after a hearing, if a hearing is requested, that the defendant has regained fitness to proceed, the proceedings shall be resumed.

e. When the court, on its own motion or upon application to the commissioner, his designee, or either party, determines after a hearing, if a hearing is requested, that the defendant has not regained fitness to proceed, the court may order the institution of civil commitment proceedings, or, if it is found that the defendant may be paroled or released on condition without danger to himself or to others, the court may so order. If it is determined that it is not substantially probable that the defendant will regain his competence in the foreseeable future, the court may dismiss the charge and either order the defendant to be discharged, or, subject to the law governing the civil commitment, order the defendant committed to an appropriate institution.

f. The fact that the defendant is unfit to proceed does not preclude determination of any legal objection to the prosecution which is susceptible of fair determination prior to trial and without the personal participation of the defendant.

14. Blank.

15. N. J. S. 2C:4–8 is amended to read as follows:

**Commitment of a person by reason of insanity.**

2C:4–8. Commitment of a Person by Reason of Insanity. a. After acquittal by reason of insanity, the court shall order that the defendant undergo a psychiatric examination by a psychiatrist of the prosecutor's choice. If the examination cannot take place because of the unwillingness of the defendant to participate, the court shall proceed as in section 2C:4–5c. The defendant, pursuant to this section, may also be examined by a psychiatrist of his own choice.

b. The court shall dispose of the defendant in the following manner:

(1) If the court finds that the defendant may be released without danger to the community or himself without supervision, the court shall so release the defendant; or

(2) If the court finds that the defendant may be released without danger to the community or to himself under supervision or under conditions, the court shall so order; or

(3) If the court finds that the defendant cannot be released with or without supervision or conditions without posing a danger to the community or to himself, it shall commit the defendant to a mental health facility approved for this purpose by the Commissioner of Human Services to be treated as a person civilly committed. In all proceedings conducted pursuant to this section, including any periodic review proceeding, the prosecuting attorney shall have the right to appear and be heard.

c. No person committed under this section shall be confined within any penal or correctional institution or any part thereof.

16. N. J. S. 2C:4–9 is amended to read as follows:

**Release of persons committed by reason of insanity.**

2C:4–9. Release of Persons Committed by Reason of Insanity. a. If a person has been committed pursuant to this chapter and if the commissioner, or his designee, or the superintendent of the institution to which the person has been committed, is of the view that a person committed to his custody, pursuant to section 2C:4–8, may be discharged or released on condition without danger to himself or to others, or that he may be transferred to a less restrictive setting for treatment, the commissioner or superintendent shall make application for the discharge or release of such person in a report to the court by which such person was committed and shall transmit a copy of such application and report to the prosecutor, the court, and defense counsel. The court may, in its discretion,

appoint at least two qualified psychiatrists, neither of whom may be on the staff of the hospital to which the defendant had been committed, to examine such person and to report within 30 days, or such longer period as the court determines to be necessary for the purpose, their opinion as to his mental condition.

b. If the court is satisfied by the report filed pursuant to subsection a. of this section and such testimony of the reporting psychiatrists as the court deems necessary that the committed person may be discharged, released on condition without danger to himself or others, or treated as in civil commitment the court shall order his discharge, his release on such conditions as the court determines to be necessary or his transfer. If the court is not so satisfied, it shall promptly order a hearing to determine whether such person may safely be discharged, released or transferred. Any such hearing shall be deemed a civil proceeding. According to the determination of the court upon the hearing, the court shall proceed as in section 2C:4–8b. (1), (2) or (3).

c. A committed person may make application for his discharge or release to the court by which he was committed, and the procedure to be followed upon such application shall be the same as that prescribed above in the case of an application by the commissioner.

d. Each defendant's case shall be specifically reviewed as provided by the law governing civil commitment.

17. N. J. S. 2C:5–2 is amended to read as follows:

**Conspiracy.**

2C:5–2. Conspiracy. a. Definition of conspiracy. A person is guilty of conspiracy with another person or persons to commit a crime if with the purpose of promoting or facilitating its commission he:

(1) Agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime; or

(2) Agrees to aid such other person or persons in the planning or commission of such crime or of an attempt or solicitation to commit such crime.

b. Scope of conspiratorial relationship. If a person guilty of conspiracy, as defined by subsection a. of this section, knows that a person with whom he conspires to commit a crime has conspired with another person or persons to commit the same crime, he is

guilty of conspiring with such other person or persons, whether or not he knows their identity, to commit such crime.

c. Conspiracy with multiple objectives. If a person conspires to commit a number of crimes, he is guilty of only one conspiracy so long as such multiple crimes are the object of the same agreement or continuous conspiratorial relationship. It shall not be a defense to a charge under this section that one or more of the objectives of the conspiracy was not criminal provided that one or more of its objectives or the means of promoting or facilitating an objective of the conspiracy is criminal.

d. Overt act. No person may be convicted of conspiracy to commit a crime, other than a crime of the first or second degree, unless an overt act in pursuance of such conspiracy is proved to have been done by him or by a person with whom he conspired.

e. Renunciation of purpose. It is an affirmative defense which the actor must prove by a preponderance of the evidence that he, after conspiring to commit a crime, informed the authority of the existence of the conspiracy and his participation therein, and thwarted or caused to be thwarted the commission of any offense in furtherance of the conspiracy, under circumstances manifesting a complete and voluntary renunciation of criminal purpose as defined in 2C:5–1 (d), provided, however, that an attempt as defined in 2C:5–1 shall not be considered an offense for purposes of renunciation under this subsection.

f. Duration of conspiracy. For the purpose of section 2C:1–6 d.:

(1) Conspiracy is a continuing course of conduct which terminates when the crime or crimes which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he conspired; and

(2) Such abandonment is presumed with respect to a crime other than one of the first or second degree if neither the defendant nor anyone with whom he conspired does any overt act in pursuance of the conspiracy during the applicable period of limitation; and

(3) If an individual abandons the agreement, the conspiracy is terminated as to him only if and when he advises those with whom he conspired of his abandonment or he informs the law enforcement authorities of the existence of the conspiracy and of his participation therein.

18. 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 conspiracy to commit a crime of the first degree is a crime of the second 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.

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.

18A. N. J. S. 2C:5–5 is amended to read as follows:

**Burglar's tools.**

2C:5–5. Burglar's Tools. a. Any person who manufactures or possesses any engine, machine, tool or implement adapted, designed or commonly used for committing or facilitating offenses involving forcible entry into premises, larceny by a physical taking, or theft of services

(1) Knowing the same to be so adapted or designed or commonly used; and

(2) With either a purpose so to use or employ it, or with a purpose to provide it to some person who he knows has such a purpose to use or employ it, is guilty of an offense.

b. Any person who publishes plans or instructions dealing with the manufacture or use of any burglar tools as defined above, with the intent that such publication be used for committing or facilitating offenses involving forcible entry into premises, larceny by a physical taking, or theft of services is guilty of an offense.

The offense under a. or b. of this section is a crime of the fourth degree if the defendant manufactured such instrument or implements or published such plans or instructions; otherwise it is a disorderly persons offense.

19. N. J. S. 2C:11–1 is amended to read as follows:

**Definitions.**

2C:11–1. Definitions. In chapters 11 through 15, unless a different meaning plainly is required:

a. "Bodily injury" means physical pain, illness or any impairment of physical conditions;

b. "Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ;

c. "Deadly weapon" means any firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or is intended to be used, is known to be capable of producing death or serious bodily injury.

20. N. J. S. 2C:11-2 is amended to read as follows:

**Criminal homicide.**

2C:11-2. Criminal Homicide. a. A person is guilty of criminal homicide if he purposely, knowingly, recklessly or, under the circumstances set forth in section 2C:11-5, causes the death of another human being.

b. Criminal homicide is murder, manslaughter or death by auto.

21. N. J. S. 2C:11-3 is amended to read as follows:

**Murder.**

2C:11-3. Murder. a. Except as provided in section 2C:11-4 criminal homicide constitutes murder when:

(1) The actor purposely causes death or serious bodily injury resulting in death; or

(2) The actor knowingly causes death or serious bodily injury resulting in death; or

(3) It is committed when the actor, acting either alone or with one or more other persons, is engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit robbery, sexual assault, arson, burglary, kidnapping or criminal escape, and the course of and in furtherance of such crime or of immediate flight therefrom, any person causes the death of a person other than one of the participants; except that in any prosecution under this subsection, in which the defendant was not the only participant in the underlying crime, it is an affirmative defense that the defendant:

(a) Did not commit the homicidal act or in any way solicit, request, command, importune, cause or aid the commission thereof; and

(b) Was not armed with a deadly weapon, or any instrument, article or substance readily capable of causing death or serious

physical injury and of a sort not ordinarily carried in public places by law-abiding persons; and

(c) Had no reasonable ground to believe that any other participant was armed with such a weapon, instrument, article or substance; and

(d) Had no reasonable ground to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

b. Murder is a crime of the first degree but a person convicted of murder may, notwithstanding the provisions of 2C:44–1 f., be sentenced by the court (1) to a term of 30 years of which the person must serve 15 years before being eligible for parole, or (2) as in a crime of the first degree except that the maximum term for such a crime of the first degree shall be 30 years. Nothing contained in this subsection shall prohibit the court from imposing an extended term pursuant to 2C:43–7 for the crime of murder.

21A. 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 other than purposely or knowingly 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. Manslaughter is a crime of the second degree.

22. N. J. S. 2C:12–1 is amended to read as follows:

**Assault.**

2C:12–1. Assault. a. Simple assault. A person is guilty of assault if he:

(1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or

(2) Negligently causes bodily injury to another with a deadly weapon; or

(3) Attempts by physical menace to put another in fear of imminent serious bodily injury.

Simple assault is a disorderly persons offense unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty disorderly persons offense.

b. Aggravated assault. A person is guilty of aggravated assault if he:

(1) Attempts to cause serious bodily injury to another, or causes such injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life; or

(2) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon; or

(3) Recklessly causes bodily injury to another with a deadly weapon; or

(4) Knowingly under circumstances manifesting extreme indifference to the value of human life points a firearm, as defined in section 2C:39–1 f., at or in the direction of another, whether or not the actor believes it to be loaded; or

(5) Commits a simple assault as defined in subsections a. (1) and (2) of this section upon

(a) Any law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority; or

(b) Any paid or volunteer fireman acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of the duties of a fireman; or

(c) Any person engaged in emergency first-aid or medical services acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of emergency first-aid or medical services.

Aggravated assault under subsection b. (1) is a crime of the second degree; under subsection b. (2) is a crime of the third degree; under subsection b. (3) and b. (4) is a crime of the fourth degree; and under subsection b. (5) is a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree.

23. 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. Kidnapping is a crime of the first degree and upon conviction therefor a person may, notwithstanding the provisions of 2C:44–1 f., 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.

d. "Unlawful" removal or confinement. A removal or confinement is unlawful within the meaning of this section and of sections 2C:13–2 and 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.

24. N. J. S. 2C:13–3 is amended to read as follows:

**False imprisonment.**

2C:13–3. False Imprisonment. A person commits a disorderly persons offense if he knowingly restrains another unlawfully so as to interfere substantially with his liberty. In any prosecution under this section, it is an affirmative defense that the person restrained was a child less than 18 years old and that the actor was a relative or legal guardian of such child and that his sole purpose was to assume control of such child.

25. N. J. S. 2C:13–4 is amended to read as follows:

**Interference with custody.**

2C:13–4. Interference with Custody. a. Custody of children. A person commits an offense if he knowingly takes or entices any child under the age of 18 from the custody of the parent, guardian or other lawful custodian of the child, when he has no privilege to do so, or he does so in violation of a court order. It is an affirmative defense that:

(1) The actor believed that his action was necessary to preserve the child from danger to his welfare; or

(2) The child, being at the time not less than 14 years old, was taken away at his own volition and without purpose to commit a criminal offense with or against the child.

Proof that the child was below the critical age gives rise to a presumption that the actor knew the child's age.

The offense is a crime of the fourth degree if the actor is neither a parent of or person in equivalent relation to the child and if he acted with knowledge that his conduct would cause serious alarm for the child's safety or in reckless disregard of a likelihood of causing such alarm. In all other cases it is a disorderly persons offense.

b. Custody of committed persons. A person is guilty of a crime of the fourth degree if he knowingly takes or entices any committed person away from lawful custody when he is not privileged to do so. "Committed person" means, in addition to anyone committed under judicial warrant, any orphan, neglected or delinquent child, mentally defective or insane person, or other dependent or incompetent person entrusted to another's custody by or through a recognized social agency or otherwise by authority of law.

26. N. J. S. 2C:14–2 is amended to read as follows:

**Sexual assault.**

2C:14–2. Sexual Assault. a. An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The victim is less than 13 years old;

(2) The victim is at least 13 but less than 16 years old and

(a) The actor is related to the victim by blood or affinity to the third degree, or

(b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or

(c) The actor is a foster parent, a guardian, or stands in loco parentis within the household;

(3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape;

(4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;

(5) The actor is aided or abetted by one or more other persons and either of the following circumstances exists:

(a) The actor uses physical force or coercion, or

(b) The victim is one whom the actor knew or should have known was physically helpless, mentally defective or mentally incapacitated;

(6) The actor uses physical force or coercion and severe personal injury is sustained by the victim.

Aggravated sexual assault is a crime of the first degree.

b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least 4 years older than the victim.

c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury;

(2) The victim is one whom the actor knew or should have known was physically helpless, or mentally incapacitated;

(3) The victim is on probation or parole, or is detained in a hospital, prison or other institution or is mentally defective and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status;

(4) The victim is at least 16 but less than 18 years old and the actor is a member of the victim's household with supervisory or disciplinary power over the victim;

(5) The victim is at least 13 but less than 16 years old and the actor is at least 4 years older than the victim.

Sexual assault is a crime of the second degree.

27. N. J. S. 2C:14–3 is amended to read as follows:

**Criminal sexual contact.**

2C:14–3. Criminal Sexual Contact. a. An actor is guilty of aggravated criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in 2C:14–2a. (2) through (6).

Aggravated criminal sexual contact is a crime of the third degree.

b. An actor is guilty of criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in section 2C:14–2c. (1) through (5).

Criminal sexual contact is a crime of the fourth degree.

**Juveniles in need of supervision (J. I. N. S.) law not affected.**

27A. (New section) 2C:14–8. Juveniles In Need of Supervision (J. I. N. S.) Law Not Affected. Nothing in this chapter shall be deemed to limit the jurisdiction of the court under P. L. 1973, c. 306 (C. 2A:4–42 et seq.).

28. An additional chapter 15, Robbery, is added to Part 1 of Subtitle 2 of Title 2C as follows:

CHAPTER 15. ROBBERY

Section

2C:15–1. Robbery.

**Robbery.**

2C:15–1. Robbery. a. Robbery defined. A person is guilty of robbery if, in the course of committing a theft, he:

(1) Inflicts bodily injury upon another; or

(2) Threatens another with or purposely puts him in fear of immediate bodily injury; or

(3) Commits or threatens immediately to commit any crime of the first or second degree.

An act shall be deemed to be included in the phrase "in the course of committing a theft" if it occurs in an attempt to commit theft or in immediate flight after the attempt or commission.

b. Grading. Robbery is a crime of the second degree, except that it is a crime of the first degree if in the course of committing the theft the actor attempts to kill anyone, or purposely inflicts or attempts to inflict serious bodily injury, or is armed with, or uses or threatens the immediate use of a deadly weapon.

Source: N. J. S. 2A:90–2 and 2A:90–3; C. 2A:119–5.4 (1965, c. 52, s. 4); 2A:141–1; 2A:151–5 amended 1959, c. 148, s. 1; 1963, c. 160; 1966, c. 60, s. 4; Model Penal Code: 222.1.

29. N. J. S.2C:17–1 is amended to read as follows:

**Arson and related offenses.**

2C:17–1. Arson and Related Offenses. a. Aggravated arson. A person is guilty of aggravated arson, a crime of the second degree, if he starts a fire or causes an explosion, whether on his own property or another's:

(1) Thereby purposely or knowingly placing another person in danger of death or bodily injury; or

(2) With the purpose of destroying a building or occupied structure of another; or

(3) With the purpose of collecting insurance for the destruction or damage to such property under circumstances which recklessly place any other person in danger of death or bodily injury.

b. Arson. A person is guilty of arson, a crime of the third degree, if he purposely starts a fire or causes an explosion, whether on his own property or another's:

(1) Thereby recklessly placing another person in danger of death or bodily injury; or

(2) Thereby recklessly placing a building or occupied structure of another in danger of damage or destruction; or

(3) With the purpose of collecting insurance for the destruction or damage to such property.

c. Failure to control or report dangerous fire. A person who knows that a fire is endangering life or a substantial amount of property of another and either fails to take reasonable measure to put out or control the fire, when he can do so without substantial risk to himself, or to give prompt fire alarm, commits a crime of the fourth degree if:

(1) He knows that he is under an official, contractual, or other legal duty to prevent or combat the fire; or

(2) The fire was started, albeit lawfully, by him or with his assent, or on property in his custody or control.

d. Any person who, directly or indirectly, pays or accepts any form of consideration including, but not limited to, money or any other pecuniary benefit, for the purpose of starting a fire or causing an explosion in violation of this section commits a crime of the first degree.

e. Definitions. "Occupied structure" is defined in section 2C:18–1. Property is that of another, for the purpose of this section, if any one other than the actor has a possessory or proprietary interest therein. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an occupied structure of another.

29A. N. J. S. 2C:17–2 is amended to read as follows:

**Causing or risking widespread injury or damage.**

2C:17–2. Causing or Risking Widespread Injury or Damage. a. A person who, purposely or knowingly, unlawfully causes an explosion, flood, avalanche, collapse of a building, release or abandonment of poison gas, radioactive material or any other harmful or destructive substance, including but not limited to hazardous waste as defined in section 1 of P. L. 1976, c. 99, (C.

13:1E–38) and toxic pollutant as defined in section 3 of P. L. 1977, c. 74, (C. 58:10A–3), commits a crime of the second degree. A person who, purposely or knowingly, unlawfully causes widespread injury or damage in any manner commits a crime of the second degree.

b. A person who recklessly causes widespread injury or damage is guilty of a crime of the third degree.

c. A person who recklessly creates a risk of widespread injury or damage commits a crime of the fourth degree even if no such injury or damage occurs.

d. A person who knowingly or recklessly fails to take reasonable measures to prevent or mitigate widespread injury or damage commits a crime of the fourth degree if:

(1) He knows that he is under an official, contractual or other legal duty to take such measures; or

(2) He did or assented to the act causing or threatening the injury or damage.

e. For purposes of this section, widespread injury or damage means serious bodily injury to 10 or more people or damage to 10 or more habitations or to a building which would normally have contained 50 or more persons at the time of the offense.

30. N. J. S. 2C:17–3 is amended to read as follows:

**Criminal mischief.**

2C:17–3. Criminal Mischief. a. Offense defined. A person is guilty of criminal mischief if he:

(1) Damages tangible property of another purposely, recklessly, or negligently in the employment of fire, explosives, or other dangerous means listed in section 2C:17–2a; or

(2) Purposely or recklessly tampers with tangible property of another so as to endanger person or property.

b. Grading. Criminal mischief is a crime of the third degree if the actor purposely causes pecuniary loss of $2,000.00 or more, or a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service. It is a crime of the fourth degree if the actor causes pecuniary loss in excess of $500.00 but less than $2,000.00, or a disorderly persons offense if he causes pecuniary loss of $500.00 or less.

31. N. J. S. 2C:17–4 is amended to read as follows:

**Endangering pipes transmitting certain gases.**

2C:17–4. Endangering Pipes Transmitting Certain Gases.

(a) No person shall discharge explosives in the ground or shall any person excavate in a street, highway, public place, or private property, without having first ascertained in the applicable manner prescribed herein whether any pipe distributing or transmitting manufactured, mixed or natural gas, or synthetic natural gas, liquefied natural gas or propane gas is located within 200 feet of the place of discharge or within the area to be excavated. The terms "excavate," "excavating" or "excavation," as used in this act, shall not include the opening of the surface and the disturbance of the subsoil thereunder of any street, highway, public place or private property for the purpose of installing or replacing poles and their appurtenances used or to be used in connection with the supplying to the public of electricity for light, heat or power or of communication services. This act shall not apply to any work performed by or on behalf of the New Jersey Department of Transportation, New Jersey Highway Authority or New Jersey Turnpike Authority or by any person excavating with nonpowered hand tools on private property to a depth not to exceed 18 inches.

(b) Except as provided in subsections (c), (d) and (e) hereof, the person responsible for the discharge of explosives or the excavation shall serve a written notice of intention either personally or by registered or certified mail, return receipt requested, or shall serve a telephone notice of intention on a One Number to Call System to which the person engaged in the distribution or transmission of the aforesaid gases may subscribe, not more than 10 and not less than 3 full working days (excluding Saturdays, Sundays and holidays) prior to the discharge of explosives or commencement of any excavation on the person engaged in the distribution or transmission of manufactured, mixed or natural gas, or synthetic natural gas, liquefied natural gas or propane gas in the area. The said notice of intention shall contain the name of the person responsible, the date, place and type of discharge or excavation to be conducted. Service of a single notice of intention shall constitute compliance with this section when the discharge of explosives or the excavations take place on more than 1 day provided either or both are part of a single continuing project. In such cases, the said single notice of intention shall include a time schedule of work to be done on each of the days involved. Within 3 days after receipt of the notice of intention, the person engaged in the distribution or transmission of the aforesaid gases shall advise, in writing or otherwise, the person named in the said notice of the location of all such pipes within 200 feet of the place of discharge or within the area to be excavated.

(c) In the event of an emergency involving danger to life, health or property it shall be lawful to excavate without using explosives if such notice and advice, in writing or otherwise, are given as soon as reasonably possible.

(d) In the event of an emergency involving an immediate and substantial danger of death or serious personal injury it shall be lawful to discharge explosives in the ground if such notice and advice, in writing or otherwise are given at any time before any such discharge is undertaken.

(e) In the event that a public utility, as defined in R. S. 48:2–13; proposes to excavate in any public or private place, the notice provisions of subsection (b) hereof shall be inapplicable where said public utility has entered into a written agreement with a person engaged in the distribution or transmission of manufactured, mixed or natural gas, or synthetic natural gas, liquefied natural gas or propane gas with respect to the securing of information as to the location of its transmission or distribution pipes within such place.

(f) Any person who violates any provision of this section is guilty of a disorderly persons offense.

32. Chapter 19. [Reenacted as Chapter 15 of Title 2C by P. L. 1979, c. 178]

33. N. J. S. 2C:20–2 is amended to read as follows:

**Consolidation of theft offenses; grading; provisions applicable to theft generally.**

2C:20–2. Consolidation of Theft Offenses; Grading; Provisions Applicable to Theft Generally. a. Consolidation of Theft Offenses. Conduct denominated theft in this chapter constitutes a single offense, but each episode or transaction may be the subject of a separate prosecution and conviction. A charge of theft may be supported by evidence that it was committed in any manner that would be theft under this chapter, notwithstanding the specification of a different manner in the indictment or accusation, subject only to the power of the court to ensure fair trial by granting a bill of particulars, discovery, a continuance, or other appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise.

b. Grading of theft offenses.

(1) Theft constitutes a crime of the second degree if the property is taken by extortion.

(2) Theft constitutes a crime of the third degree if:

(a) The amount involved exceeds $500.00;

(b) The property stolen is a firearm, automobile, boat, horse or airplane;

(c) The property stolen is a controlled dangerous substance as defined in P. L. 1970, c. 226 (C. 24:21–1 et seq.);

(d) It is from the person of the victim;

(e) It is in breach of an obligation by a person in his capacity as a fiduciary;

(f) It is by threat not amounting to extortion; or

(g) It is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant.

(3) Theft constitutes a crime of the fourth degree if the amount involved is at least $200.00 but does not exceed $500.00. If the amount involved was less than $200.00 the offense constitutes a disorderly persons offense.

(4) The amount involved in a theft shall be determined by the trier of fact. Amounts involved in thefts committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense.

c. Claim of right. It is an affirmative defense to prosecution for theft that the actor:

(1) Was unaware that the property or service was that of another;

(2) Acted under an honest claim of right to the property or service involved or that he had a right to acquire or dispose of it as he did; or

(3) Took property exposed for sale, intending to purchase and pay for it promptly, or reasonably believing that the owner, if present, would have consented.

d. Theft from spouse. It is no defense that theft was from the actor's spouse, except that misappropriation of household and personal effects, or other property normally accessible to both spouses, is theft only if it occurs after the parties have ceased living together.

34. N. J. S. 2C:20–5 is amended to read as follows:

**Theft by extortion.**

2C:20–5. Theft by Extortion. A person is guilty of theft by extortion if he purposely and unlawfully obtains property of

another by extortion. A person extorts if he purposely threatens to:

a. Inflict bodily injury on or physically confine or restrain anyone or commit any other criminal offense;

b. Accuse anyone of an offense or cause charges of an offense to be instituted against any person;

c. Expose or publicize any secret or any asserted fact, whether true or false, tending to subject any person to hatred, contempt or ridicule, or to impair his credit or business repute;

d. Take or withhold action as an official, or cause an official to take or withhold action;

e. Bring about or continue a strike, boycott or other collective action, if the property is not demanded or received for the benefit of the group in whose interest the actor purports to act;

f. Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

g. Inflict any other harm which would not substantially benefit the actor but which is calculated to materially harm another person.

It is an affirmative defense to prosecution based on paragraphs b, c, d or f that the property obtained was honestly claimed as restitution or indemnification for harm done in the circumstances or as lawful compensation for property or services.

35. N. J. S. 2C:20–7 is amended to read as follows:

**Receiving stolen property.**

2C:20–7. Receiving Stolen Property. a. Receiving. A person is guilty of theft if he purposely receives or brings into this State movable property of another knowing that it is been stolen, or believing that it is probably stolen. It has an affirmative defense that the property was received with purpose to restore it to the owner. "Receiving" means acquiring possession, control or title, or lending on the security of the property.

b. Presumption of knowledge. The requisite knowledge or belief is presumed in the case of a person who:

(1) Is found in possession or control of two or more items of property stolen on two or more separate occasions; or

(2) Has received stolen property in another transaction within the year preceding the transaction charged; or

(3) Being a person in the business of buying or selling property of the sort received, acquires the property without having ascertained by reasonable inquiry that the person from whom he obtained it had a legal right to possess and dispose of it.

35A. N. J. S. 2C:20–10 is amended to read as follows:

**Unlawful taking of means of conveyance.**

2C:20–10. Unlawful Taking of Means of Conveyance. a. A person commits a disorderly persons offense if, with purpose to withhold temporarily from the owner, he takes, operates, or exercises control over any means of conveyance without consent of the owner or other person authorized to give consent. "Means of conveyance" includes but is not limited to motor vehicles, motorcycles, motorbikes, bicycles, boats, horses, vessels, surfboards, rafts, skimobiles, airplanes, trains, trams and trailers. It is an affirmative defense to prosecution under this section that the actor reasonably believed that the owner or any other person authorized to give consent would have consented to the operation had he known of it.

b. A person commits a petty disorderly persons offense if he knowingly rides in a vehicle described in subsection a. which at the time he entered he knew or had been informed that it had been taken, or was being operated or controlled in violation of subsection a.

35B. N. J. S. 2C:20–11 is amended to read as follows:

**Shoplifting.**

2C:20–11. Shoplifting. a. Definitions. The following definitions apply to this section:

(1) "Shopping cart" means those push carts of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store;

(2) "Store or other retail mercantile establishment" means a place where merchandise is displayed, held, stored or sold or offered to the public for sale;

(3) "Merchandise" means any goods, chattels, foodstuffs or wares of any type and description, regardless of the value thereof;

(4) "Merchant" means any owner or operator of any store or other retail mercantile establishment, or any agent, servant, employee, lessee, consignee, officer, director, franchisee or independent contractor of such owner or proprietor;

(5) "Person" means any individual or individuals, including an agent, servant or employee of a merchant where the facts of the situation so require;

(6) "Conceal" means to conceal merchandise so that, although there may be some notice of its presence, it is not visible through ordinary observation;

(7) "Full retail value" means the merchant's stated or advertised price of the merchandise;

(8) "Premises of a store or retail mercantile establishment" means and includes but is not limited to, the retail mercantile establishment; any common use areas in shopping centers and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of such retail mercantile establishment;

(9) "Under-ring" means to cause the cash register or other sale recording device to reflect less than the full retail value of the merchandise.

b. Shoplifting. Shoplifting shall consist of any one or more of the following acts:

(1) For any person purposely to take possession of, carry away, transfer or cause to be carried away or transferred, any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment with the intention of depriving the merchant of the possession, use or benefit of such merchandise or converting the same to the use of such person without paying to the merchant the full retail value thereof.

(2) For any person purposely to conceal upon his person or otherwise any merchandise offered for sale by any store or other retail mercantile establishment with the intention of depriving the merchant of the processes, use or benefit of such merchandise or converting the same to the use of such person without paying to the merchant the value thereof.

(3) For any person purposely to alter, transfer or remove any label, price tag or marking indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment and to attempt to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of all or some part of the value thereof.

(4) For any person purposely to transfer any merchandise displayed, held, stored or offered for sale by any store or other retail merchandise establishment from the container in or on which the same shall be displayed to any other container with intent to deprive the merchant of all or some part of the retail value thereof.

(5) For any person purposely to under-ring with the intention of depriving the merchant of the full retail value thereof.

(6) For any person purposely to remove a shopping cart from the premises of a store or other retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of permanently depriving the merchant of the possession, use or benefit of such cart.

c. Gradation. Any person found guilty of an offense under subsection b. is a disorderly person, except that notwithstanding the fine provided under 2C:43-3, such person shall be sentenced to pay a fine of not more than $500.00 for a first offense; to pay a fine of not less than $100.00, nor more than $500.00 for a second offense and to pay a fine of not less than $250.00, nor more than $1,000.00 for a third and any subsequent offense. Additionally, notwithstanding the term of imprisonment provided in 2C:43-8, any person convicted of a third or subsequent shoplifting offense shall serve a minimum term of not less than 30 days.

d. Presumptions. Any person purposely concealing unpurchased merchandise of any store or other retail mercantile establishment, either on the premises or outside the premises of such store or other retail mercantile establishment, shall be prima facie presumed to have so concealed such merchandise with the intention of depriving the merchant of the possession, use or benefit of such merchandise without paying the full retail value thereof, and the finding of such merchandise concealed upon the person or among the belongings of such person shall be prima facie evidence of purposeful concealment; and if such person conceals, or causes to be concealed, such merchandise upon the person or among the belongings of another, the finding of the same shall also be prima facie evidence of willful concealment on the part of the person so concealing such merchandise.

e. A law enforcement officer, or a special officer, or a merchant, who has probable cause for believing that a person has willfully concealed unpurchased merchandise and that he can recover the merchandise by taking the person into custody, may, for the purpose of attempting to effect recovery thereof, take the person into custody and detain him in a reasonable manner for not more than a reasonable time, and the taking into custody by a law enforcement officer or special officer or merchant shall not render such person criminally or civilly liable in any manner or to any extent whatsoever.

Any law enforcement officer may arrest without warrant any person he has probable cause for believing has committed the offense of shoplifting as defined in this section.

A merchant who causes the arrest of a person for shoplifting, as provided for in this section, shall not be criminally or civilly liable in any manner or to any extent whatsoever where the merchant has probable cause for believing that the person arrested committed the offense of shoplifting.

36. N. J. S. 2C:21–6 is amended to read as follows:

**Credit cards.**

2C:21–6. Credit Cards.

a. Definitions. As used in this section:

(1) "Cardholder" means the person or organization named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer.

(2) "Credit card" means any instrument or device, whether known as a credit card, credit plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value on credit.

(3) "Expired credit card" means a credit card which is no longer valid because the term shown on it has elapsed.

(4) "Issuer" means the business organization or financial institution which issues a credit card or its duly authorized agent.

(5) "Receives" or "receiving" means acquiring possession or control or accepting a credit card as security for a loan.

(6) "Revoked credit card" means a credit card which is no longer valid because permission to use it has been suspended or terminated by the issuer.

b. False statements made in procuring issuance of credit card.

A person who makes or causes to be made, either directly or indirectly, any false statement in writing, knowing it to be false and with intent that it be relied on, respecting his identity or that of any other person, firm or corporation, or his financial condition or that of any other person, firm or corporation, for the purpose of procuring the issuance of a credit card is guilty of a crime of the fourth degree.

c. Credit card theft.

(1) A person who takes a credit card from the person, possession, custody or control of another without the cardholder's consent or

who, with knowledge that it has been so taken, receives the credit card with intent to use it or to sell it, or to transfer it to a person other than the issuer or the cardholder is guilty of a crime of the fourth degree. Taking a credit card without consent includes obtaining it by any conduct defined and proscribed in Chapter 20 of this title, Theft and Related Offenses.

A person who has in his possession or under his control credit cards issued in the names of two or more other persons is presumed to have violated this paragraph.

(2) A person who receives a credit card that he knows to have been lost, mislaid, or delivered under a mistake as to the identity or address of the cardholder, and who retains possession with intent to use it or to sell it or to transfer it to a person other than the issuer or the cardholder is guilty of a crime of the fourth degree.

(3) A person other than the issuer who sells a credit card or a person who buys a credit card from a person other than the issuer is guilty of a crime of the fourth degree.

(4) A person who, with intent to defraud the issuer, a person or organization providing money, goods, services or anything else of value, or any other person, obtains control over a credit card as security for debt is guilty of a crime of the fourth degree.

(5) A person who, with intent to defraud a purported issuer, a person or organization providing money, goods, services or anything else of value, or any other person, falsely makes or falsely embosses a purported credit card or utters such a credit card is guilty of a third degree offense. A person other than the purported issuer who possesses 2 or more credit cards which are falsely made or falsely embossed is presumed to have violated this paragraph. A person "falsely makes" a credit card when he makes or draws, in whole or in part, a device or instrument which purports to be the credit card of a named issuer but which is not such a credit card because the issuer did not authorize the making or drawing, or alters a credit card which was validly issued. A person "falsely embosses" a credit card when, without the authorization of the named issuer, he completes a credit card by adding any of the matter, other than the signature of the cardholder, which an issuer requires to appear on the credit card before it can be used by a cardholder.

(6) A person other than the cardholder or a person authorized by him who, with intent to defraud the issuer, or a person or

organization providing money, goods, services or anything else of value, or any other person, signs a credit card, is guilty of a crime of the fourth degree. A person who possesses 2 or more credit cards which are so signed is presumed to have violated this paragraph.

d. Intent of cardholder to defraud; penalties; knowledge of revocation. A person, who, with intent to defraud the issuer, a person or organization providing money, goods, services or anything else of value, or any other person, (1) uses for the purpose of obtaining money, goods, services or anything else of value a credit card obtained or retained in violation of subsection c. of this section or a credit card which he knows is forged, expired or revoked, or (2) obtains money, goods, services or anything else of value by representing without the consent of the cardholder that he is the holder of a specified card or by representing that he is the holder of a card and such card has not in fact been issued, is guilty of a crime of the fourth degree. Knowledge of revocation shall be presumed to have been received by a cardholder 4 days after it has been mailed to him at the address set forth on the credit card or at his last known address by registered or certified mail, return receipt requested, and, if the address is more than 500 miles from the place of mailing, by air mail. If the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone and Canada, notice shall be presumed to have been received 10 days after mailing by registered or certified mail.

e. Intent to defraud by person authorized to furnish money, goods, or services; penalties.

(1) A person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card by the cardholder, or any agent or employees of such person, who, with intent to defraud the issuer or the cardholder, furnishes money, goods, services or anything else of value upon presentation of a credit card obtained or retained in violation of subsection c. of this section or a credit card which he knows is forged, expired or revoked violates this paragraph and is guilty of a crime of the fourth degree.

(2) A person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card by the cardholder, fails to furnish money, goods, services or anything else of value which he represents in writing to the issuer that he has furnished is guilty of a crime of the fourth degree.

f. Incomplete credit cards; intent to complete without consent. A person other than the cardholder possessing 2 or more incomplete credit cards, with intent to complete them without the consent of the issuer or a person possessing, with knowledge of its character, machinery, plates or any other contrivance designed to reproduce instruments purporting to be the credit cards of an issuer who has not consented to the preparation of such credit cards, is guilty of a crime of the third degree. A credit card is "incomplete" if part of the matter other than the signature of the cardholder, which an issuer requires to appear on the credit card, before it can be used by a cardholder, has not yet been stamped, embossed, imprinted or written on it.

g. Receiving anything of value knowing or believing that it was obtained in violation of 2C:21–6f. A person who receives money, goods, services or anything else of value obtained in violation of subsection d. of this section, knowing or believing that it was so obtained is guilty of a crime of the fourth degree. A person who obtains at a discount price a ticket issued by an airline, railroad, steamship or other transportation company which was acquired in violation of subsection d. of this section without reasonable inquiry to ascertain that the person from whom it was obtained had a legal right to possess it shall be presumed to know that such ticket was acquired under circumstances constituting a violation of subsection d. of this section.

36A. N. J. S. 2C:21–7 is amended to read as follows:

**Deceptive business practices.**

2C:21–7. Deceptive Business Practices. A person commits an offense if in the course of business he:

a. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;

b. Sells, offers or exposes for sale, or delivers less than the represented quantity of any commodity or service;

c. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure;

d. Sells, offers or exposes for sale adulterated or mislabeled commodities;

e. Makes a false or misleading statement in any advertisement addressed to the public or to a substantial segment thereof for the purpose of promoting the purchase or sale of property or services;

f. Sells, offers or exposes for sale in any restaurant, hotel or other place where food products are sold, any article of food which is falsely represented to be kosher, either:

(1) By direct statements, orally or in writing which are untrue, deceptive or misleading; or

(2) By the display of the world "kosher" in English or Hebrew letters, or by the display of any sign or mark in simulation of that word; or

(3) By having or permitting to be inscribed on any food product, or on any package or container or its contents, the word "kosher" in any language; or

(4) By display of any insignia, 6-pointed star, or any mark which might reasonably be calculated to deceive or lead a reasonable person to believe that a representation is being made that the food exposed for sale or sold is kosher, or prepared in accordance with Orthodox Hebrew religious requirements.

g. Sells, offers or exposes for sale:

(1) Any meat or meat preparation, whether the same be raw or prepared for human consumption, and falsely represent the same to be kosher, or as having been prepared under and of a product or products sanctioned by the Orthodox Hebrew religious requirements; or

(2) In the same place of business, both kosher and nonkosher meat or meat preparations, either raw or prepared for human consumption, unless he shall indicate on his window signs and all display advertising, in block letters at least 4 inches in height, "kosher and nonkosher meat sold here"; or

(3) In any show window or place of business both kosher and nonkosher meat or meat preparations, either raw or prepared for human consumption, unless he shall display over each kind of meat or meat preparation so exposed a sign in block letters at least 4 inches in height, reading "kosher" or "nonkosher", as the case may be.

h. Makes a false or misleading written statement for the purpose of obtaining property or credit; or

i. Makes a false or misleading written statement for the purpose of promoting the sale of securities, or omits information required by law to be disclosed in written documents relating to securities.

The offense is a crime of the fourth degree if subsection h. or i. is violated. Otherwise it is a disorderly persons offense.

It is an affirmative defense to prosecution under this section if the defendant proves by a preponderance of the evidence that his conduct was not knowingly or recklessly deceptive.

"Adulterated" means varying from the standard of composition or quality prescribed by or pursuant to any statute providing criminal penalties for such variance, or set by established commercial usage. "Mislabled" means varying from the standard of truth or disclosure in labeling prescribed by or pursuant to any statute providing criminal penalties for such variance, or set by established commercial usage.

37. N. J. S. 2C:21–9 is amended to read as follows:

**Misconduct by corporate official.**

2C:21–9. Misconduct by Corporate Official. A person is guilty of a crime when:

a. Being a director of a stock corporation, he knowingly with purpose to defraud, concurs in any vote or act of the directors of such corporation, or any of them, which has the purpose of:

(1) Making a dividend except in the manner provided by law;

(2) Dividing, withdrawing or in any manner paying to any stockholder any part of the capital stock of the corporation except in the manner provided by law;

(3) Discounting or receiving any note or other evidence of debt in payment of an installment of capital stock actually called in and required to be paid, or with purpose of providing the means of making such payment;

(4) Receiving or discounting any note or other evidence of debt with purpose of enabling any stockholder to withdraw any part of the money paid in by him on his stock; or

(5) Applying any portion of the funds of such corporation, directly or indirectly, to the purchase of shares of its own stock, except in the manner provided by law; or

b. Being a director or officer of a stock corporation, he, with purpose to defraud:

(1) Issues, participates in issuing, or concurs in a vote to issue any increase of its capital stock beyond the amount of the capital stock thereof, duly authorized by or in pursuance of law; or

(2) Sells, or agrees to sell, or is directly interested in the sale of any share of stock of such corporation, or in any agreement to sell the same, unless at the time of such sale or agreement he is an actual owner of such share, provided that the foregoing shall not apply to a sale by or on behalf of an underwriter or dealer in

connection with a bona fide public offering of shares of stock of such corporation.

If the benefit derived from a violation of this section is $75,000.00, or more, the offender is guilty of a crime of the second degree. If the benefit derived 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 derived is $1,000.00, or less, the offender is guilty of a crime of the fourth degree.

38. 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.

If the benefit derived from a violation of this section is $75,000.00, or more, the offender is guilty of a crime of the second degree. If the benefit derived 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 derived is $1,000.00, or less, the offender is guilty of a crime of the fourth degree.

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 of the fourth degree if he solicits, accepts or agrees to accept any benefit to influence his selection, appraisal or criticism.

c. A person commits a crime of the fourth degree if he confers, or offers or agrees to confer, any benefit the acceptance of which would be criminal under this section.

39. 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.

If the benefit derived from a violation of this section is $75,000.00, or more, the offender is guilty of a crime of the second degree. If the benefit derived 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 derived is $1,000.00, or less, the offender is guilty of a crime of the fourth degree.

b. Soliciting or accepting benefit for rigging. A person commits a crime of the fourth degree if he knowingly solicits, accepts or agrees to accept any benefit the giving of which would be criminal under subsection a.

c. 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.

d. 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.

40. N. J. S. 2C:21–13 is amended to read as follows:

**Fraud in insolvency.**

2C:21–13. Fraud in Insolvency. A person commits a crime if, knowing that proceedings have been or are about to be instituted for the appointment of a receiver or other person entitled to administer property for the benefit of creditors, or that any other composition or liquidation for the benefit of creditors has been or is about to be made, he:

a. Destroys, removes, conceals, encumbers, transfers, or otherwise deals with any property or obtains any substantial part of or

interest in the debtor's estate with purpose to defeat or obstruct the claim of any creditor, or otherwise to obstruct the operation of any law relating to administration of property for the benefit of creditors;

b. Knowingly falsifies any writing or record relating to the property; or

c. Knowingly misrepresents or refuses to disclose to a receiver or other person entitled to administer property for the benefit of creditors, the existence, amount or location of the property, or any other information which the actor could be legally required to furnish in relation to such administration.

If the benefit derived from a violation of this section is $75,000.00, or more, the offender is guilty of a crime of the second degree. If the benefit derived 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 derived is $1,000.00, or less, the offender is guilty of a crime of the fourth degree.

41. N. J. S. 2C:21–15 is amended to read as follows:

**Misapplication of entrusted property and property of government or financial institution.**

2C:21–15. Misapplication of Entrusted Property and Property of Government or Financial Institution. A person commits a crime if he applies or disposes of property that has been entrusted to him as a fiduciary, or property of the government or of a financial institution in a manner which he knows is unlawful and involves substantial risk of loss or detriment to the owner of the property or to a person for whose benefit the property was entrusted whether or not the actor has derived a pecuniary benefit. "Fiduciary" includes trustee, guardian, executor, administrator, receiver and any person carrying on fiduciary functions on behalf of a corporation or other organization which is a fiduciary.

If the benefit derived from a violation of this section is $75,000.00, or more, the offender is guilty of a crime of the second degree. If the benefit derived 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 derived is $1,000.00, or less, the offender is guilty of a crime of the fourth degree.

42. 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.

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. is guilty of a crime of the second degree and, notwithstanding the provisions of section 2C:43–3, shall be subject to a fine of not more than $250,000.00 and any other appropriate disposition authorized by section 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.

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 fails to make 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 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 and, 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; a nonprofit social service or consumer credit counseling agency; 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 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 such debts.

43. Blank.

44. Blank.

45. Blank.

46. N. J. S. 2C:24–4 is amended to read as follows:

**Endangering welfare of children.**

2C:24–4. Endangering Welfare of Children. a. Any person having a legal duty for the care of a child or who has assumed responsibility for the care of a child who engages in sexual conduct which would impair or debauch the morals of the child, or who causes the child harm that would make the child an abused or neglected child as defined in R. S. 9:6–1, R. S. 9:6–3 and P. L. 1974,

c. 119, s. 1 (C. 9:6–8.21) is guilty of a crime of the third degree. Any other person who engages in conduct or who causes harm as described in this subsection to a child under the age of 16 is guilty of a crime of the fourth degree.

b. As used in this subsection:

(1) "Child" shall mean any person under 16 years of age.

(2) "Prohibited sexual act" means

(a) Sexual intercourse; or

(b) Anal intercourse; or

(c) Masturbation; or

(d) Bestiality; or

(e) Sadism; or

(f) Masochism; or

(g) Fellatio; or

(h) Cunnilingus; or

(i) Nudity, if depicted for the purpose of sexual stimulation or gratification of any person who may view such depiction.

(3) Any person, including any parent, guardian, or other person legally charged with the care or custody of a child, who causes or permits a child to engage in a prohibited sexual act or in the simulation of such an act if the person knows, has reason to know or intends that the prohibited act may be photographed or filmed or may be part of an exhibition or performance is guilty of a crime of the second degree.

(4) Any person who photographs or films a child in a prohibited sexual act or in the simulation of such an act is guilty of a crime of the second degree.

(5) Any person who knowingly receives for the purpose of selling or who sells any photograph or film which depicts a child engaging in a prohibited sexual act or in the simulation of such an act, is guilty of a crime of the second degree.

(6) For purposes of this subsection, a person who is depicted as or presents the appearance of being under the age of 16 in any photograph or film shall be rebuttably presumed to be under the age of 16.

46A. N. J. S. 2C:24–6 is amended to read as follows:

**Unlawful adoptions.**

2C:24–6. Unlawful Adoptions. Unlawful adoptions shall be governed by the provisions of Title 9 of the Revised Statutes.

47. N. J. S. 2C:27–1 is amended to read as follows:

**Definitions.**

2C:27–1. Definitions. In chapters 27 through 30, unless a different meaning plainly is required:

a. "Benefit" means gain or advantage, or anything regarded by the beneficiary as gain or advantage, including a pecuniary benefit or a benefit to any other person or entity in whose welfare he is interested;

b. "Government" includes any branch, subdivision or agency of the government of the State or any locality within it;

c. "Harm" means loss, disadvantage or injury, or anything so regarded by the person affected, including loss, disadvantage or injury to any other person or entity in whose welfare he is interested;

d. "Official proceeding" means a proceeding heard or which may be heard before any legislative, judicial, administrative or other governmental agency, arbitration proceeding, or official authorized to take evidence under oath, including any arbitrator, referee, hearing examiner, commissioner, notary or other person taking testimony or deposition in connection with any such proceeding;

e. "Party official" means a person who holds an elective or appointive post in a political party in the United States by virtue of which he directs or conducts, or participates in directing or conducting party affairs at any level of responsibility;

f. "Pecuniary benefit" is benefit in the form of money, property, commercial interests or anything else the primary significance of which is economic gain;

g. "Public servant" means any officer or employee of government, including legislators and judges, and any person participating as juror, advisor, consultant or otherwise, in performing a governmental function, but the term does not include witnesses;

h. "Administrative proceeding" means any proceeding, other than a judicial proceeding, the outcome of which is required to be based on a record or documentation prescribed by law, or in which law or regulation is particularized in application to individuals;

i. "Statement" means any representation, but includes a representation of opinion, belief or other state of mind only if the representation clearly relates to state of mind apart from or in addition to any facts which are the subject of the representation.

48. N. J. S. 2C:27–2 is amended to read as follows:

**Bribery in official and political matters.**

2C:27–2. Bribery in Official and Political Matters. A person is guilty of bribery if he directly or indirectly offers, confers or

agrees to confer upon another, or solicits, accepts or agrees to accept from another:

a. Any benefit as consideration for a decision, opinion, recommendation, vote or exercise of discretion of a public servant, party official or voter on any public issue or in any public election; or

b. Any benefit as consideration for a decision, vote, recommendation or exercise of official discretion in a judicial or administrative proceeding; or

c. Any benefit as consideration for a violation of an official duty of a public servant or party official; or

d. Any benefit as consideration for the performance of official duties.

For the purposes of this section "benefit as consideration" shall be deemed to mean any benefit not authorized by law.

It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way whether because he had not yet assumed office, or lacked jurisdiction, or for any other reason.

In any prosecution under this section of an actor who offered, conferred or agreed to confer, or who solicited, accepted or agreed to accept a benefit, it is no defense that he did so as a result of conduct by another constituting theft by extortion or coercion or an attempt to commit either of those crimes.

Any offense proscribed by this section is a crime of the second degree. If the benefit offered, conferred, agreed to be conferred, solicited, accepted or agreed to be accepted is of the value of $200.00 or less, any offense proscribed by this section is a crime of the third degree.

49. N. J. S. 2C:27-3 is amended to read as follows:

**Threats and other improper influence in official and political matters.**

2C:27-3. Threats and Other Improper Influence in Official and Political Matters. a. Offenses defined. A person commits an offense if he directly or indirectly:

(1) Threatens unlawful harm to any person with purpose to influence a decision, opinion, recommendation, vote or exercise of discretion of a public servant, party official or voter on any public issue or in any public election; or

(2) Threatens harm to any public servant with purpose to influence a decision, opinion, recommendation, vote or exercise of discretion in a judicial or administrative proceeding; or

(3) Threatens harm to any public servant or party official with purpose to influence him to violate his official duty.

It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way, whether because he had not yet assumed office or lacked jurisdiction, or for any other reason.

b. Grading. An offense under this section is a crime of the third degree.

50. N. J. S. 2C:27–4 is amended to read as follows:

**Compensation for past official behavior.**

2C:27–4. Compensation for Past Official Behavior. A person commits a crime if he, directly or indirectly, knowingly solicits, accepts or agrees to accept any benefit as compensation for having, as public servant, given a decision, opinion, recommendation or vote favorable to another, or for having otherwise exercised a discretion in his favor, or for having violated his official duty or for the performance of his official duties. A person commits a crime if he offers, confers or agrees to confer compensation acceptance of which is prohibited by this section. Any offense proscribed by this section is a crime of the second degree. If the benefit solicited, accepted, agreed to be accepted, offered, conferred or agreed to be conferred is of a value of $200.00 or less, any offense proscribed by this section is a crime of the third degree.

51. N. J. S. 2C:27–6 is amended to read as follows:

**Gifts to public servants.**

2C:27–6. Gifts to Public Servants.

a. A public servant commits a crime if he, knowingly and under color of his office, directly or indirectly solicits, accepts or agrees to accept any benefit not allowed by law to influence the performance of his official duties.

b. A person commits a crime if he, directly or indirectly, confers or agrees to confer any benefit not allowed by law to a public servant to influence the performance of his official duties.

c. In any prosecution under this section, the capacity to influence a public servant in the performance of his official duties may be presumed when the value of the benefit involved, the interests of the person who offers, confers or agrees to confer such benefit, and the duties of the public servant are such as to create a reasonable likelihood that the public servant would perform his official duties in a biased or partial manner.

d. This section shall not apply to:

(1) Fees prescribed by law to be received by a public servant, or any other benefit to which he is otherwise legally entitled; or

(2) Gifts or other benefits conferred on account of kinship or other personal, professional or business relationship independent of the official status of the recipient; or

(3) Trivial benefits the receipt of which involve no risk that the public servant would perform his official duties in a biased or partial manner.

e. An offense under this section is a crime of the third degree.

52. N. J. S. 2C:27–7 is amended to read as follows:

**Compensating public servant for assisting private interests in relation to matters before him.**

2C:27–7. Compensating Public Servant for Assisting Private Interests in Relation to Matters Before Him. a. Receiving compensation. A public servant commits a crime if he knowingly, directly or indirectly, receives any benefit in connection with the furnishing to or for the government of any goods, supplies, property or services for which the agreement or contract is made, or the expense or consideration is paid, by the branch, subdivision or agency which employs the public servant.

b. Paying compensation. A person commits a crime if he pays or offers or agrees to pay any benefit to a public servant with knowledge that acceptance by the public servant is unlawful.

An offense proscribed by this section is a crime of the second degree. If the benefit solicited, accepted, agreed to be accepted, paid, offered or agreed to be paid is any benefit of $200.00 or less, an offense proscribed by this section is a crime of the third degree.

53. Blank.

54. N. J. S. 2C:28–1 is amended to read as follows:

**Perjury.**

2C:28–1. Perjury. a. Offense defined. A person is guilty of perjury, a crime of the third degree, if in any official proceeding he makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of a statement previously made, when the statement is material and he does not believe it to be true.

b. Materiality. Falsification is material, regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the proceeding or the dis-

position of the matter. It is no defense that the declarant mistakenly believed the falsification to be immaterial. Whether a falsification is material is a question of law.

c. Irregularities no defense. It is not a defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner. A document purporting to be made upon oath or affirmation at any time when the actor presents it as being so verified shall be deemed to have been duly sworn or affirmed.

d. Retraction. It is an affirmative defense under this section that the actor retracted the falsification in the course of the proceeding or matter in which it was made prior to the termination of the proceeding or matter without having caused irreparable harm to any party.

e. Corroboration. No person shall be convicted of an offense under this section where proof of falsity rests solely upon contradiction by testimony of a single person other than the defendant.

55. N. J. S. 2C:28–2 is amended to read as follows:

**False swearing.**

2C:28–2. False Swearing. a. False swearing. A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when he does not believe the statement to be true, is guilty of a crime of the fourth degree.

b. Perjury provisions applicable. Subsections c. and d. of section 2C:28–1 apply to the present section.

c. Inconsistent statements. Where the defendant made inconsistent statements under oath or equivalent affirmation, both having been made within the period of the statute of limitations, the prosecution may proceed by setting forth the inconsistent statements in a single count alleging in the alternative that one or the other was false and not believed by the defendant. In such case it shall not be necessary for the prosecution to prove which statement was false but only that one or the other was false and not believed by the defendant to be true.

56. Blank.

57. N. J. S. 2C:29–2 is amended to read as follows:

**Resisting arrest.**

2C:29–2. Resisting Arrest. A person is guilty of a disorderly persons offense if he purposely prevents a law enforcement officer

from effecting a lawful arrest, except that he is guilty of a crime of the fourth degree if he:

a. Uses or threatens to use physical force or violence against the law enforcement officer or another; or

b. Uses any other means to create a substantial risk of causing physical injury to the public servant or another.

It is not a defense to a prosecution under this section that the law enforcement officer was acting unlawfully in making the arrest, provided he was acting under color of his official authority and provided the law enforcement officer announces his intention to arrest prior to the resistance.

58. N. J. S. 2C:29–4 is amended to read as follows:

**Compounding.**

2C:29–4. Compounding. A person commits a crime if he accepts or agrees to accept any pecuniary benefit in consideration of refraining from reporting to law enforcement authorities the commission or suspected commission of any offense or information relating to an offense or from seeking prosecution of an offense. A person commits a crime if he confers or agrees to confer any pecuniary benefit in consideration of the other person agreeing to refrain from any such reporting or seeking prosecution. It is an affirmative defense to prosecution under this section that the pecuniary benefit did not exceed an amount which the actor reasonably believed to be due as restitution or indemnification for harm caused by the offense. An offense proscribed by this section is a crime of the second degree. If the thing of value accepted, agreed to be accepted, conferred or agreed to be conferred is any benefit of $200.00 or less, an offense proscribed by this section is a crime of the third degree.

58A. N. J. S. 2C:29–5 is amended to read as follows:

**Escape.**

2C:29–5. Escape. a. Escape. A person commits an offense if he without lawful authority removes himself from official detention or fails to return to official detention following temporary leave granted for a specific purpose or limited period. "Official detention" means arrest, detention in any facility for custody of persons under charge or conviction of a crime or offense, or committed pursuant to chapter 4 of this Title, or alleged or found to be delinquent, detention for extradition or deportation, or any other detention for law enforcement purposes; but "official detention"

does not include supervision of probation or parole, or constraint incidental to release on bail.

b. Permitting or facilitating escape. A public servant concerned in detention commits an offense if he knowingly or recklessly permits an escape. Any person who knowingly causes or facilitates an escape commits an offense.

c. Effect of legal irregularity in detention. Irregularity in bringing about or maintaining detention, or lack of jurisdiction of the committing or detaining authority, shall not be a defense to prosecution under this section if the escape is from a prison or other custodial facility or from detention pursuant to commitment by official proceedings. In the case of other detentions, irregularity or lack of jurisdiction shall be a defense only if:

(1) The escape involved no substantial risk of harm to the person or property of anyone other than the detainee; or

(2) The detaining authority did not act in good faith under color of law.

d. Grading of offenses. An offense under this section is a crime of the third degree where:

(1) The actor was under arrest for or detained on a charge of crime or following conviction of an offense; or

(2) The actor employs force, threat, deadly weapon or other dangerous instrumentality to effect the escape; or

(3) A public servant concerned in detention of persons convicted of crime purposely facilitates or permits an escape from a detention facility.

Otherwise it is a crime of the fourth degree.

59. N. J. S. 2C:29-6 is amended to read as follows:

**Implements for escape; other contraband.**

2C:29-6. Implements for Escape; Other Contraband. a. Escape implements. A person commits an offense if he knowingly and unlawfully introduces within an institution or a detention facility, or knowingly and unlawfully provides an inmate with any weapon, tool or other thing which may be useful for escape. An inmate commits an offense if he knowingly and unlawfully procures, makes, or otherwise provides himself with, or has in his possession, any such implement of escape. "Unlawfully" means surreptitiously or contrary to law, regulation or order of the detaining authority. The offense is a crime of the third degree if the item is a weapon. Otherwise it is a crime of the fourth degree.

b. Other contraband. A person commits a petty disorderly persons offense if he provides an inmate with any other thing which the actor knows or should know it is unlawful for the inmate to possess.

60. Blank.

61. N. J. S. 2C:30–2 is amended to read as follows:

**Official misconduct.**

2C:30–2. Official Misconduct. A public servant is guilty of official misconduct when, with purpose to obtain a benefit for himself or another or to injure or to deprive another of a benefit:

a. He commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized or he is committing such act in an unauthorized manner; or

b. He knowingly refrains from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office.

Official misconduct is a crime of the second degree. If the benefit obtained or sought to be obtained, or of which another is deprived or sought to be deprived, is of a value of $200.00 or less, the offense of official misconduct is a crime of the third degree.

62. N. J. S. 2C:30–3 is amended to read as follows:

**Speculating or wagering on official action or information.**

2C:30–3. Speculating or Wagering on Official Action or Information. A person commits a crime if, in contemplation of official action by himself or by a governmental unit with which he is or has been associated, or in reliance on information to which he has or has had access in an official capacity and which has not been made public, he:

a. Acquires a pecuniary interest in any property, transaction or enterprise which may be affected by such information or official; or

b. Speculates or wagers on the basis of such information or official action; or

c. Aids another to do any of the foregoing, while in office or after leaving office with a purpose of using such information.

An offense proscribed by this section is a crime of the second degree. If the benefit acquired or sought to be acquired is of a value of $200.00 or less, an offense proscribed by this section is a crime of the third degree.

63. N. J. S. 2C:33–1 is amended to read as follows:

**Riot; failure to disperse.**

2C:33–1. Riot; Failure to Disperse. a. Riot. A person is guilty of riot, a crime of the fourth degree, if he participates with four or more others in a course of disorderly conduct as defined in section 2C:33–2a.

(1) With purpose to commit or facilitate the commission of a crime;

(2) With purpose to prevent or coerce official action; or

(3) When he or any other participant, known to him, uses or plans to use a firearm or other deadly weapon.

b. Failure of disorderly persons to disperse upon official order. Where five or more persons are participating in a course of disorderly conduct as defined in section 2C:33–2a. likely to cause substantial harm, a peace officer or other public servant engaged in executing or enforcing the law may order the participants and others in the immediate vicinity to disperse. A person who refuses or knowingly fails to obey such an order commits a disorderly persons offense.

64. N. J. S. 2C:33–12 is amended to read as follows:

**Maintaining a nuisance.**

2C:33–12. Maintaining a Nuisance. A person is guilty of a disorderly persons offense when:

a. By conduct either unlawful in itself or unreasonable under all the circumstances, he knowingly or recklessly creates or maintains a condition which endangers the safety or health of a considerable number of persons; or

b. He knowingly conducts or maintains any premises, place or resort where persons gather for purposes of engaging in unlawful conduct.

Upon conviction under subsection b. of this section in addition to the sentence authorized by this code, the court may proceed as set forth in section 2C:33–12.1.

65. An additional section to Chapter 33, Riot, Disorderly Conduct, and Related Offenses, is added as follows:

CHAPTER 33. RIOT, DISORDERLY CONDUCT, AND RELATED OFFENSES

Section
2C:33–1. Riot; Failure to Disperse.
2C:33–2. Disorderly Conduct.
2C:33–3. False Public Alarms.
2C:33–4. Harassment.
2C:33–5. Blank.
2C:33–6. Blank.
2C:33–7. Obstructing Highways and Other Public Passages.
2C:33–8. Disrupting Meetings and Processions.
2C:33–9. Desecration of Venerated Objects.
2C:33–10. Blank.
2C:33–11. Blank.
2C:33–12. Maintaining Nuisance.
2C:33–12.1 Abating Nuisance.
2C:33–13. Smoking in Public.
2C:33–14. Interference with Transportation.

**Abating nuisance.**

66. 2C:33–12.1. Abating Nuisance. a. In addition to the penalty imposed in case of conviction under section 2C:33–12b, the court may order the immediate abatement of the nuisance, and for that purpose may order the seizure and forfeiture or destruction of any chattels, liquors or other personal property which may be found in such building or place, and which the court is satisfied from the evidence were possessed or used with a purpose of maintaining the nuisance. Any such forfeiture shall be in the name and to the use of the State of New Jersey, and the court shall direct the forfeited property to be sold at public sale, the proceeds to be paid to the treasurer of the county wherein conviction was had.

b. If the owner of any building or place is found guilty of maintaining a nuisance, the court may order that the building or place where the nuisance was maintained be closed and not used for a period not exceeding 1 year from the date of the conviction.

66A. N. J. S. 2C:33–13 is amended to read as follows:

**Smoking in public.**

2C:33–13. Smoking in Public. a. Any person who smokes or carries lighted tobacco in or upon any bus or other public conveyance, other than in the places provided, is a petty disorderly person.

b. Any person who smokes or carries lighted tobacco in any public place, including but not limited to places of public accom-

modation, where such smoking is prohibited by municipal ordinance under authority of R. S. 40:48–1 and 40:48–2 or by the owner or person responsible for the operation of the public place, and when adequate notice of such prohibition has been conspicuously posted, is guilty of a petty disorderly persons offense. Notwithstanding the provisions of 2C:43–3, the maximum fine which can be imposed for violation of this section is $200.00.

c. The provisions of this section shall supersede any other statute and any rule or regulation adopted pursuant to law.

67. Blank.

68. N. J. S. 2C:34–5 is amended to read as follows:

**Diseased person committing an act of sexual penetration.**

2C:34–5. Diseased Person Committing an Act of Sexual Penetration. Any person who, knowing that he or she is infected with a venereal disease such as chancroid, gonorrhea, syphilis, herpes virus, or any of the varieties or stages of such diseases, commits an act of sexual penetration, is a petty disorderly person.

69. N. J. S. 2C:37–2 is amended to read as follows:

**Promoting gambling.**

2C:37–2. Promoting Gambling. a. Promoting Gambling Defined. A person is guilty of promoting gambling when he knowingly:

(1) Accepts or receives money or other property, pursuant to an agreement or understanding with any person whereby he participates or will participate in the proceeds of gambling activity; or

(2) Engages in conduct, which materially aids any form of gambling activity. Such conduct includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation.

b. Grading. A person who violates the provisions of subsection a. by:

(1) Engaging in bookmaking to the extent he receives or accepts in any 1 day more than five bets totaling more than $1,000.00; or

(2) Receiving, in connection with a lottery or policy scheme or enterprise (a) money or written records from a person other than a player whose chances or plays are represented by such money or records, or (b) more than $100.00 in any 1 day of money played in such scheme or enterprise, is guilty of a crime of the third degree and notwithstanding the provisions of section 2C:43–3 shall be subject to a fine of not more than $25,000.00 and any other appropriate disposition authorized by 2C:43–2b.

A person who violates the provisions of subsection a. by engaging in bookmaking to the extent he receives or accepts three or more bets in any 2-week period is guilty of a crime of the fourth degree and notwithstanding the provisions of section 2C:43–3 shall be subject to a fine of not more than $15,000.00 and any other appropriate disposition authorized by 2C:43–2b. Otherwise, promoting gambling is a disorderly persons offense and notwithstanding the provisions of section 2C:43–3 shall be subject to a fine of not more than $10,000.00 and any other appropriate disposition authorized by 2C:43–2b.

c. It is a defense to a prosecution under subsection a. that the person participated only as a player. It shall be the burden of the defendant to prove by clear and convincing evidence his status as such player.

70. N. J. S. 2C:37–3 is amended to read as follows:

**Possession of gambling records.**

2C:37–3. Possession of Gambling Records. a. A person is guilty of possession of gambling records when, with knowledge of the contents thereof, he possesses any writing, paper, instrument or article:

(1) Of a kind commonly used in the operation or promotion of a bookmaking scheme or enterprise, including any paper or paper product in sheet form chemically converted to nitrocellulose having explosive characteristics as well as any water soluble paper or paper derivative in sheet form; or

(2) Of a kind commonly used in the operation, promotion or playing of a lottery or policy scheme or enterprise.

b. Defenses.

(1) It is a defense to a prosecution under subsection a. (2) which must be proven by the defendant by clear and convincing evidence that the writing, paper, instrument or article possessed by the defendant constituted, reflected or represented plays, bets or chances of the defendant himself in a number not exceeding 10.

(2) It is a defense to a prosecution under subsection a. which must be proven by the defendant by clear and convincing evidence that the writing, paper, instrument or article possessed by the defendant was neither used nor intended to be used in the operation or promotion of a bookmaking scheme or enterprise, or in the operation, promotion or playing of a lottery or policy scheme or enterprise.

c. Grading. Possession of gambling records is a crime of the third degree and notwithstanding the provisions of section 2C:43–3 shall be subject to a fine of not more than $25,000.00 and any other appropriate disposition authorized by 2C:43–2b. when the writing, paper, instrument or article:

(1) In a bookmaking scheme or enterprise, constitute, reflect or represent more than five bets totaling more than $1,000.00; or

(2) In the case of a lottery or policy scheme or enterprise, constitute, reflect or represent more than one hundred plays or chances therein.

Otherwise, possession of gambling records is a disorderly persons offense and notwithstanding the provisions of section 2C:43–3 shall be subject to a fine of not more than $10,000.00 and any other appropriate disposition authorized by 2C:43–2b.

71. N. J. S. 2C:37–4 is amended to read as follows:

**Maintenance of a gambling resort.**

2C:37–4. Maintenance of a Gambling Resort. a. A person is guilty of a crime of the fourth degree if, having substantial proprietary or other authoritative control over premises which are being used with his knowledge for purposes of activities prohibited by 2C:37–2 and 2C:37–3, he permits such to occur or continue or makes no effort to prevent its occurrence or continuation and he accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or will participate in the proceeds of such gambling activity on such premises and notwithstanding the provisions of section 2C:43–3 shall be subject to a fine of not more than $15,000.00 and any other appropriate disposition authorized by 2C:43–2b.

b. A person is guilty of a crime of the fourth degree if, having substantial proprietary or other authoritative control over premises open to the general public which are being used with his knowledge for purposes of gambling activity, he permits such to occur or continue or makes no effort to prevent its occurrence or continuation and notwithstanding the provisions of section

2C:43–3 shall be subject to a fine of not more than $15,000.00 and any other appropriate disposition authorized by 2C:43–2b.

72. N. J. S. 2C:37–8 is amended to read as follows:

**Gambling offenses; jurisdiction.**

2C:37–8. Gambling Offenses; Jurisdiction. All offenses under this chapter shall be prosecuted in the Superior Court.

73. Blank.

74. Blank.

75. Blank.

76. Blank.

77. Blank.

78. Blank.

79. Blank.

80. Blank.

81. N. J. S. 2C:43–1 is amended to read as follows:

**Degrees of crimes.**

2C:43–1. Degrees of Crimes. a. Crimes defined by this code are classified, for the purpose of sentence, into four degrees, as follows:

(1) Crimes of the first degree;
(2) Crimes of the second degree;
(3) Crimes of the third degree; and
(4) Crimes of the fourth degree.

A crime is of the first, second, third or fourth degree when it is so designated by the code. An offense, declared to be a crime, without specification of degree, is of the fourth degree.

b. Notwithstanding any other provision of law, a crime defined by any statute of this State other than this code and designated as a high misdemeanor shall constitute for the purpose of sentence a crime of the third degree. Except as provided in sections 2C:1–4c and 2C:1–5b and notwithstanding any other provision of law, a crime defined by any statute of this State other than this code and designated as a misdemeanor shall constitute for the purpose of sentence a crime of the fourth degree. The provisions of this subsection shall not, however, apply to the sentences authorized by the "New Jersey Controlled Dangerous Substances Act," P. L. 1970, c. 226 (C. 24:21–1 through 45), which shall be continued in effect. A sentence imposed upon violation of the "New Jersey Controlled Dangerous Substances Act" shall be governed by this subtitle but

shall be subject to the maximum sentence authorized for the relevant offense under said act, or if there is no specific penalty under that act, by imprisonment for not more than 3 years or a fine of not more than $1,000.00 or both, in the case of a misdemeanor or other indictable offenses, or by imprisonment for not more than 6 months or a fine of not more than $500.00 or both, in the case of a nonindictable offense.

82. N. J. S. 2C:43–2 is amended to read as follows:

**Sentence in accordance with code; authorized dispositions.**

2C:43–2. Sentence in Accordance with Code; Authorized Dispositions. a. Except as provided in section 2C:43–1b, as to persons convicted of offenses under the New Jersey Controlled Dangerous Substances Act, or as otherwise provided by this code, all persons convicted of an offense or offenses shall be sentenced in accordance with this chapter.

b. Except as provided in subsection a. of this section and subject to the applicable provisions of the code, the court may suspend the imposition of sentence on a person who has been convicted of an offense, or may sentence him as follows:

(1) To pay a fine or make restitution authorized by section 2C:43–3; or

(2) To be placed on probation and, in the case of a person convicted of a crime, to imprisonment for a term fixed by the court not exceeding 180 days to be served as a condition of probation, or in the case of a person convicted of a disorderly persons offense, to imprisonment for a term fixed by the court not exceeding 90 days to be served as a condition of probation; or

(3) To imprisonment for a term authorized by sections 2C:11–3, 2C:43–5, 6, 7, and 8 or 2C:44–5; or

(4) To pay a fine, make restitution and probation, or fine, restituition and imprisonment; or

(5) To release under supervision in the community or to require the performance of community-related service; or

(6) To a halfway house or other residential facility in the community, including agencies which are not operated by the Department of Human Services; or

(7) To imprisonment at night or on weekends with liberty to work or to participate in training or educational programs.

c. This chapter does not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel

a license, remove a person from office, or impose any other civil penalty. Such a judgment or order may be included in the sentence.

d. The court shall state on the record the reasons for imposing the sentence, including its findings pursuant to the criteria for withholding or imposing imprisonment or fines under sections 2C:44-1 to 2C:44-3, where imprisonment is imposed, consideration of the defendant's eligibility for release under the law governing parole and the factual basis supporting its findings of particular aggravating or mitigating factors affecting sentence.

83. N. J. S. 2C:43-3 is amended to read as follows:

**Fines and restitutions.**

2C:43-3. Fines and Restitutions. A person who has been convicted of an offense may be sentenced to pay a fine, to make restitution, or both, such fine or restitution not to exceed:

a. $100,000.00, when the conviction is of a crime of the first or second degree;

b. $7,500.00, when the conviction is of a crime of the third or fourth degree;

c. $1,000.00, when the conviction is of a disorderly persons offense;

d. $500.00, when the conviction is of a petty disorderly persons offense.

e. Any higher amount equal to double the pecuniary gain to the offender or loss to the victim caused by the conduct constituting the offense by the offender. In such case the court shall make a finding as to the amount of the gain or loss, and if the record does not contain sufficient evidence to support such a finding the court may conduct a hearing upon the issue. For purposes of this section the terms "gain" means the amount of money or the value of property derived by the offender and "loss" means the amount of value separated from the victim.

f. Any higher amount specifically authorized by another section of this code or any other statute.

The restitution ordered paid to the victim shall not exceed his loss. Any restitution imposed on a person shall be in addition to any fine which may be imposed pursuant to this section.

84. N. J. S. 2C:43-5 is amended to read as follows:

**Young adult offenders.**

2C:43-5. Young Adult Offenders. Any person who, at the time of sentencing, is less than 26 years of age and who has been con-

victed of a crime may be sentenced to an indeterminate term at the Youth Correctional Institution Complex in accordance with R. S. 30:4–146 et seq. in the case of men, and to the Correctional Institution for Women, in accordance with R. S. 30:4–153 et seq., in the case of women, instead of the sentences otherwise authorized by the code.

85. N. J. S. 2C:43–6 is amended to read as follows:

**Sentence of imprisonment for crime; ordinary terms.**

2C:43–6. Sentence of Imprisonment for Crime; Ordinary Terms.

a. Except as otherwise provided, a person who has been convicted of a crime may be sentenced to imprisonment, as follows:

(1) In the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 10 years and 20 years;

(2) In the case of a crime of the second degree, for a specific term of years which shall be fixed by the court and shall be between 5 years and 10 years;

(3) In the case of a crime of the third degree, for a specific term of years which shall be fixed by the court and shall be between 3 years and 5 years;

(4) In the case of a crime of the fourth degree, for a specific term which shall be fixed by the court and shall not exceed 18 months.

b. As part of a sentence for a crime of the first or second degree and notwithstanding the provision 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 provided that no defendant shall be eligible for parole at a date earlier than otherwise provided by the law governing parole.

86. 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 or 2C:11–3, a person who has been convicted of a crime may be sentenced to an extended term of imprisonment, as follows:

(1) In the case of a crime sentenced under 2C:11–3 for a specific term of years which shall be between 30 years and life imprisonment;

(2) 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 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 5 and 10 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.

86A. N. J. S. 2C:43–9 is amended to read as follows:

**First release of all offenders on parole: sentence of imprisonment includes separate parole term: length of recommitment and reparole after revocation of parole; final unconditional release.**

2C:43–9. First Release of All Offenders on Parole: Sentence of Imprisonment Includes Separate Parole Term: Length of Recommitment and Reparole After Revocation of Parole; Final Unconditional Release. a. First release of all offenders on parole. An offender sentenced to a term of imprisonment under section 2C:11–3, 2C:43–5, 2C:43–6, 2C:43–7, or 2C:44–5 shall be released conditionally on parole at or before the expiration of such term, in accordance with the law governing parole.

b. Length of recommitment and reparole after revocation of parole. If an offender is recommitted upon revocation of his parole, the term of further imprisonment upon such recommitment and of any subsequent reparole or recommitment under the same sentence shall be fixed by the parole board but shall not exceed the original sentence determined from the date of conviction.

c. Final unconditional release. When the parole term has expired or he has been sooner discharged from parole, an offender shall be deemed to have served his sentence and shall be released unconditionally.

87. N. J. S. 2C:43–10 is amended to read as follows:

**Place of imprisonment; beginning sentences; transfers.**

2C:43–10. Place of Imprisonment; Beginning Sentences; Transfers. a. Sentences for terms of 1 year or longer. Except as pro-

vided in section 2C:43–5 and in subsection b. of this section, when a person is sentenced to imprisonment for any term of 1 year or greater, the court shall commit him to the custody of the Commissioner of the Department of Corrections for the term of his sentence and until released in accordance with law.

b. County institution. In any county in which a county penitentiary or a county workhouse is located, a person sentenced to imprisonment for a return not exceeding 18 months may be committed to the penitentiary or workhouse of such county.

c. Sentences for terms of less than 1 year. When a person is sentenced to imprisonment for a term of less than 1 year, the court shall commit him either to the common jail of the county, the county workhouse or the county penitentiary for the term of his sentence and until released in accordance with law. In counties of the first class having a workhouse or penitentiary, however, no sentence exceeding 6 months shall be to the common jail of the county.

d. Aggregation of sentences when a person is sentenced to more than one term of imprisonment, and the sentences are to be consecutive, the terms shall be aggregated for the purpose of determining the place of imprisonment under subsections a., b. or c. of this section.

e. Duties of sheriff and keeper on sentence to State Prison. In all cases where the defendant, upon conviction, is sentenced by the court to imprisonment, for any term of 1 year or greater, the sheriff of the county or his lawful deputy shall, within 15 days transport him to the State Prison and there deliver him into the custody of the Commissioner of the Department of Corrections together with a copy of the sentence of the court ordering such imprisonment certified by the clerk of the court where the conviction was had, a copy of the court's statement of reasons for the sentence, and a copy of the presentence report or any presentence information used by the judge in determining sentence.

In every case at least 48 hours, exclusive of Sundays and legal holidays, shall elapse between the time of sentence and removal to the State Prison.

f. Beginning sentences in county institutions. Every person sentenced to the county workhouse or penitentiary shall be transferred to and confined therein within 10 days after the sentence.

g. Transfer of persons sentenced to county jail, penitentiary or workhouse from one to another thereof. Every person sentenced to imprisonment in a county jail, penitentiary or workhouse may upon the application of the board of chosen freeholders of such

county and by order of the Superior Court, be transferred from any one of such county penal institutions to any other thereof. No such transfer or retransfer shall in any way affect the term of the original sentence of the person so transferred or retransferred.

88. N. J. S. 2C:43–12 is amended to read as follows:

**Supervisory treatment—pretrial intervention.**

2C:43–12. Supervisory Treatment—Pretrial Intervention. a. Public policy. The purpose of sections 2C:43–12 through 2C:43–22 of this chapter is to effectuate a Statewide program of Pretrial Intervention. It is the policy of the State of New Jersey that supervisory treatment should ordinarly be limited to persons who have not previously been convicted of any criminal offense under the laws of New Jersey, or under any criminal law of the United States, or any other state when supervisory treatment would:

(1) Provide applicants, on an equal basis, with opportunities to avoid ordinary prosecution by receiving early rehabilitative services or supervision, when such services or supervision can reasonably be expected to deter future criminal behavior by an applicant, and when there is apparent causal connection between the offense charged and the rehabilitative or supervisory need, without which cause both the alleged offense and the need to prosecute might not have occurred; or

(2) Provide an alternative to prosecution for applicants who might be harmed by the imposition of criminal sanctions as presently administered, when such an alternative can be expected to serve as sufficient sanction to deter criminal conduct; or

(3) Provide a mechanism for permitting the least burdensome form of prosecution possible for defendants charged with "victimless" offenses; or

(4) Provide assistance to criminal calendars in order to focus expenditure of criminal justice resources on matters involving serious criminality and severe correctional problems; or

(5) Provide deterrence of future criminal or disorderly behavior by an applicant in a program of supervisory treatment.

b. Admission of an applicant into a program of supervisory treatment shall be measured according to the applicant's amenability to correction, responsiveness to rehabilitation and the nature of the offense.

c. The decisions and reasons therefor made by the designated judges (or assignment judges), prosecutors and program directors

in granting or denying applications for supervisory treatment, in recommending and ordering termination from the program or dismissal of charges, in all cases shall be reduced to writing and disclosed to the applicant.

d. If an applicant desires to challenge the decision of the prosecutor or program director not to recommend enrollment in a program of supervisory treatment the proceedings prescribed under section 14 shall be followed.

e. Referral. At any time prior to trial but after the filing of a criminal complaint, or the filing of an accusation or the return of an indictment, with the consent of the prosecutor and upon written recommendation of the program director, the assignment judge or a judge designated by him may postpone all further proceedings against an applicant and refer said applicant to a program supervisory treatment approved by the Supreme Court. Prosecutors and program directors shall consider in formulating their recommendation of an applicant's participation in a supervisory treatment program, among others, the following criteria:

(1) The nature of the offense;

(2) The facts of the case;

(3) The motivation and age of the defendant;

(4) The desire of the complainant or victim to forego prosecution;

(5) The existence of personal problems and character traits which may be related to the applicant's crime and for which services are unavailable within the criminal justice system, or which may be provided more effectively through supervisory treatment and the probability that the causes of criminal behavior can be controlled by proper treatment;

(6) The likelihood that the applicant's crime is related to a condition or situation that would be conducive to change through his participation in supervisory treatment;

(7) The needs and interests of the victim and society;

(8) The extent to which the applicant's crime constitutes part of a continuing pattern of anti-social behavior;

(9) The applicant's record of criminal and penal violations and the extent to which he may present a substantial danger to others;

(10) Whether or not the crime is of an assaultive or violent nature, whether in the criminal act itself or in the possible injurious consequences of such behavior;

(11) Consideration of whether or not prosecution would exacerbate the social problem that led to the applicant's criminal act;

(12) The history of the use of physical violence toward others;

(13) Any involvement of the applicant with organized crime;

(14) Whether or not the crime is of such a nature that the value of supervisory treatment would be outweighed by the public need for prosecution;

(15) Whether or not the applicant's involvement with other people in the crime charged or in other crime is such that the interest of the State would be best served by processing his case through traditional criminal justice system procedures;

(16) Whether or not applicant's participation in pretrial intervention will adversely affect the prosecution of codefendants; and

(17) Whether or not the harm done to society by abandoning criminal prosecution would outweigh the benefits to society from channeling an offender into a supervisory treatment program.

f. Review of Supervisory Treatment Applications. Procedure Upon Denial: Each applicant for supervisory treatment shall be entitled to full and fair consideration of his application. If an application is denied, the program director or the prosecutor shall precisely state his findings and conclusion which shall include the facts upon which the application is based and the reasons offered for the denial. If the applicant desires to challenge the decision of a program director not to recommend, or of a prosecutor not to consent to, enrollment into a supervisory treatment program, a motion shall be filed before the designated judge (or assignment judge) authorized pursuant to the rules of court to enter orders.

g. Limitations. Supervisory treatment, whether under this section or under section 27 of P. L. 1970, c. 226 (C. 24:21–27), may occur only once with respect to any defendant, however, supervisory treatment, as provided herein, shall be available to a defendant irrespective of whether the defendant contests his guilt of the charge or charges against him.

h. Termination. Termination of supervisory treatment under this section shall be immediately reported to the assignment judge of the county who shall forward such information to the Administrative Director of the Courts.

i. Appointment of Program Directors; Authorized Referrals. Programs of supervisory treatment and appointment of the program directors require approval by the Supreme Court with the consent of the assignment judge and prosecutor. Referrals of

participants from supervisory treatment programs may be to any public or private office or agency, including but not limited to programs within the probation service of the court, offering counseling or any other social service likely to aid in the rehabilitation of the participant and to deter the commission of other offenses.

89. N. J. S. 2C:43–13 is amended to read as follows:

**Supervisory treatment procedure.**

2C:43–13. Supervisory Treatment Procedure. a. Agreement. The terms and duration of the supervisory treatment shall be set forth in writing, signed by the prosecutor and agreed to and signed by the participant. If the participant is represented by counsel, defense counsel shall also sign the agreement. Each order of supervisory treatment shall be filed with the county clerk.

b. Charges. During a period of supervisory treatment the charge or charges on which the participant is undergoing supervisory treatment shall be held in an inactive status pending termination of the supervisory treatment pursuant to subsections d. or e. of this section.

c. Period of treatment. Supervisory treatment may be for such period, as determined by the designated judge or the assignment judge, not to exceed 1 year, provided, however, that the period of supervisory treatment may be shortened or terminated as the program director may determine with the consent of the prosecutor and the approval of the court.

d. Dismissal. Upon completion of supervisory treatment, and with the consent of the prosecutor, the complaint, indictment or accusation against the participant may be dismissed with prejudice.

e. Violation of conditions. Upon violation of the conditions of supervisory treatment, the court shall determine, after summary hearing, whether said violation warrants the participant's dismissal from the supervisory treatment program or modification of the conditions of continued participation in that or another supervisory treatment program. Upon dismissal of participant from the supervisory treatment program, the charges against the participant may be reactivated and the prosecutor may proceed as though no supervisory treatment had been commenced.

f. Evidence. No statement or other disclosure by a participant undergoing supervisory treatment made or disclosed to the person designated to provide such supervisory treatment shall be disclosed, at any time, to the prosecutor in connection with the charge or charges against the participant, nor shall any such statement or

disclosure be admitted as evidence in any civil or criminal proceeding against the participant. Nothing provided herein, however, shall prevent the person providing supervisory treatment from informing the prosecutor, or the court, upon request or otherwise as to whether or not the participant is satisfactorily responding to supervisory treatment.

g. Delay. No participant agreeing to undergo supervisory treatment shall be permitted to complain of a lack of speedy trial for any delay caused by the commencement of supervisory treatment.

90. N. J. S. 2C:43–15 is amended to read as follows:

**Presentation of proposed rules at judicial conference.**

2C:43–15. Presentation of Proposed Rules at Judicial Conference. The subject matter and a tentative draft of a rule or rules proposed to be adopted pursuant to this chapter shall be entered upon the agenda and discussed at a Judicial Conference whose membership shall at least include delegates from the Supreme Court, the Appellate Division of the Superior Court, the judges of the Law Division and the Chancery Division of the Superior Court, the judges of the county district courts, the judges of the juvenile and domestic relations courts, the judges of the municipal courts, the surrogates, the State Bar Association, the county bar associations, the Senate and General Assembly, the Attorney General, the county prosecutors, the law schools of this State, and members of the public.

91. N. J. S. 2C:43–18 is amended to read as follows:

**Change or cancellation of rules by statute or adoption of subsequent rules.**

2C:43–18. Change or Cancellation of Rules by Statute or Adoption of Subsequent Rules. Any rule or rules so proposed or adopted shall be subject to change or cancellation at any time by statute or by a subsequent rule adopted pursuant to this chapter.

92. N. J. S. 2C:43–21 is amended to read as follows:

**Index and reports.**

2C:43–21. Index and Reports. a. Index. The Administrative Director of the Courts shall establish and maintain an index of cases in which applications for supervisory treatment have been made and such index shall indicate the dispositions of those applications.

b. Reports. At the termination of the year in which this chapter takes effect and at the termination of each calendar year thereafter, for a period of 5 years, the assignment judge for each county

shall report the results of the rehabilitative effort prescribed in this act to the Administrative Director of the Courts. The report shall include a description of offenses for which supervisory treatment was prescribed, the type of treatment to which defendants were assigned, the number and types of criminal acts, if any, committed by persons during their period of supervisory treatment, the number of persons successfully completing supervisory treatment and against whom charges were dismissed, and, where possible, the number and types of criminal acts, if any, committed by such persons subsequent to successful completion of supervisory treatment.

c. Evaluation. The Administrative Director of the Courts shall, from time to time as he deems necessary, or upon request from the Legislature, evaluate the program of supervisory treatment on the basis of reports made to him by county and municipal prosecutors. He shall submit his evaluation, together with special findings and recommendations to the Legislature.

d. No order of expungement or sealing shall affect any entry in the index or any registry of such information established by the Administrative Office of the Courts.

93. 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 may properly 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 offenses 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 faciliated 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 attitudes of the defendant indicate that he is unlikely to commit another offense;

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(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. Where a statute defining a crime of the first or second degree provides that a presumption of imprisonment shall be applied upon conviction or where a statute outside the code defining an offense which would be a crime of the first or second degree under the code provides for a mandatory sentence, a presumption of imprisonment shall apply. The court shall deal with a person who has been convicted of such a crime 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 the criteria set forth in subsection a.

f. Presumptive Sentences. (1) When a court determines that a sentence of imprisonment be imposed, it shall, except for murder or kidnapping, sentence the defendant to a term of 15 years for a crime of the first degree, to a term of 7 years for a crime of the second degree, to a term of 4 years for a crime of the third degree and to a term of 9 months for a crime of the fourth degree unless the pre-

ponderance of aggravating factors or preponderance of mitigating factors, as set forth in subsections a. and b., weighs in favor of higher or lower terms within the limits provided in 2C:43–6.

(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 non-custodial 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.

94. N. J. S. 2C:44–2 is amended to read as follows:

**Criteria for imposing fines and restitutions.**

2C:44–2. Criteria for Imposing Fines and Restitutions. a. The court may sentence a defendant to pay a fine or make restitution, or both, in addition to a sentence of imprisonment or probation if:

(1) The defendant has derived a pecuniary gain from the offense; or

(2) The court is of opinion that a fine or restitution, or both, is specially adapted to deterrence of the type of offense involved or to the correction of the offender.

The court may sentence a defendant to pay a fine or make restitution, or both, if the defendant is able, or given a fair opportunity to do so, will be able to pay the fine or make restitution, or both. The court may sentence a defendant to pay a fine only if the fine will not prevent the defendant from making restitution to the victim of the offense.

c. In determining the amount and method of payment of a fine or restitution, the court shall take into account the financial resources of the defendant and the nature of the burden that its payment will impose.

d. Nonpayment. When a defendant is sentenced to pay a fine or make restitution, or both, the court shall not impose at the same time an alternative sentence to be served in the event that the fine is not paid. The response of the court to nonpayment shall be determined only after the fine has not been paid, as provided in section 2C:46–2.

95. N. J. S. 2C:44–3 is amended to read as follows:

**Criteria for sentence of extended term of imprisonment.**

2C:44–3. Criteria for Sentence of Extended Term of Imprisonment. The court may, upon application of the prosecuting attorney, sentence a person who has been convicted of a crime of the first, second or third degree to an extended term of imprisonment if it finds one or more of the grounds specified in this section. The finding of the court shall be incorporated in the record.

a. The defendant is a persistent offender. A persistent offender is a person who at the time of the commission of the crime is 21 years of age or over, who has been previously convicted on at least two separate occasions of two crimes, committed at different times, when he was at least 18 years of age, if the latest in time of these crimes or the date of the defendant's last release from confinement, whichever is later, is within 10 years of the date of the crime for which the defendant is being sentenced.

b. The defendant is a professional criminal. A professional criminal is a person who committed a crime as part of a continuing criminal activity in concert with two or more persons, and the circumstances of the crime show he has knowingly devoted himself to criminal activity as a major source of livelihood.

c. The defendant committed the crime as consideration for the receipt, or in expectation of the receipt, of anything of pecuniary value the amount of which was unrelated to the proceeds of the crime or he procured the commission of the offense by payment or promise of payment of anything of pecuniary value.

96. N. J. S. 2C:44–4 is amended to read as follows:

**Definition of prior conviction; conviction in another jurisdiction; proof of prior conviction.**

2C:44–4. Definition of Prior Conviction; Conviction in Another Jurisdiction; Proof of Prior Conviction. a. Prior conviction of an offense. An adjudication by a court of competent jurisdiction that the defendant committed an offense constitutes a prior conviction.

b. Prior conviction of a crime. An adjudication by a court of competent jurisdiction that the defendant committed a crime constitutes a prior conviction, although sentence or the execution thereof was suspended, provided that the time to appeal has expired and that the defendant was not pardoned on the ground of innocence.

c. Prior conviction in another jurisdiction. A conviction in another jurisdiction shall constitute a prior conviction of a crime if a sentence of imprisonment in excess of 6 months was authorized under the law of the other jurisdiction.

d. Proof of prior conviction. Any prior conviction may be proved by any evidence, including fingerprint records made in connection with arrest, conviction or imprisonment, that reasonably satisfies the court that the defendant was convicted.

97. N. J. S. 2C:44–5 is amended to read as follows:

**Multiple sentences; concurrent and consecutive terms.**

2C:44–5. Multiple Sentences; Concurrent and Consecutive Terms. a. Sentences of imprisonment for more than one offense. When multiple sentences of imprisonment are imposed on a defendant for more than one offense, including an offense for which a previous suspended sentence or sentence of probation has been revoked, such multiple sentences shall run concurrently or consecutively as the court determines at the time of sentence, except that:

(1) A term to a State penal or correctional institution and a definite term to a county institution shall run concurrently and both sentences shall be satisfied by service of the State term; and

(2) The aggregate of consecutive terms to a county institution shall not exceed 18 months; and

(3) Not more than one sentence for an extended term shall be imposed.

b. Sentences of imprisonment imposed at different times. When a defendant who has previously been sentenced to imprisonment is subsequently sentenced to another term for an offense committed prior to the former sentence, other than an offense committed while in custody;

(1) The multiple sentences imposed shall so far as possible conform to subsection a. of this section; and

(2) Whether the court determines that the terms shall run concurrently or consecutively, the defendant shall be credited with time served in imprisonment on the prior sentence in determining the permissible aggregate length of the term or terms remaining to be served; and

(3) When a new sentence is imposed on a prisoner who is on parole, the balance of the parole term on the former sentence shall be deemed to run during the period of the new imprisonment.

c. Sentence of imprisonment for offense committed while on parole. When a defendant is sentenced to imprisonment for an offense committed while on parole in this State, such term of imprisonment and any period of reimprisonment that the parole board may require the defendant to serve upon the revocation of

his parole shall run concurrently, unless the court orders them to run consecutively.

d. Multiple sentences of imprisonment in other cases. Except as otherwise provided in this section, multiple terms of imprisonment shall run concurrently or consecutively as the court determines when the second or subsequent sentence is imposed.

e. Calculation of concurrent and consecutive terms of imprisonment.

(1) When terms of imprisonment run concurrently, the shorter terms merge in and are satisfied by discharge of the longest term.

(2) When terms of imprisonment run consecutively, the terms are added to arrive at an aggregate term to be served equal to the sum of all terms.

f. Suspension of sentence or probation and imprisonment; multiple terms of suspension and probation. When a defendant is sentenced for more than one offense or a defendant already under sentence is sentenced for another offense committed prior to the former sentence:

(1) The court shall not sentence to probation a defendant who is under sentence of imprisonment, except as authorized by section 2C:43-2b. (2);

(2) Multiple periods of suspension or probation shall run concurrently from the date of the first such disposition;

(3) When a sentence of imprisonment in excess of 1 year is imposed, the service of such sentence shall satisfy a suspended sentence on another count or prior suspended sentence or sentence to probation; and

(4) When a sentence of imprisonment of 1 year or less is imposed, the period of a suspended sentence on another count or a prior suspended sentence or sentence to probation shall run during the period of such imprisonment.

g. Offense committed while under suspension of sentence or probation. When a defendant is convicted of an offense committed while under suspension of sentence or on probation and such suspension or probation is not revoked:

(1) If the defendant is sentenced to imprisonment in excess of 1 year, the service of such sentence shall satisfy the prior suspended sentence or sentence to probation;

(2) If the defendant is sentenced to imprisonment of 1 year or less, the period of the suspension or probation shall not run during the period of such imprisonment; and

(3) If sentence is suspended or the defendant is sentenced to probation, the period of such suspension or probation shall run concurrently with or consecutively to the remainder of the prior periods, as the court determines at the time of sentence.

98. N. J. S. 2C:45–1 is amended to read as follows:

**Conditions of suspension or probation.**

2C:45–1. Conditions of Suspension or Probation. a. When the court suspends the imposition of sentence on a person who has been convicted of an offense or sentences him to be placed on probation, it shall attach such reasonable conditions, authorized by this section, as it deems necessary to insure that he will lead a law-abiding life or is likely to assist him to do so. These conditions may be set forth in a set of standardized conditions promulgated by the county probation department and approved by the court.

b. The court, as a condition of its order, may require the defendant:

(1) To support his dependents and meet his family responsibilities;

(2) To find and continue in gainful employment;

(3) To undergo available medical or psychiatric treatment and to enter and remain in a specified institution, when required for that purpose;

(4) To pursue a prescribed secular course of study or vocational training;

(5) To attend or reside in a facility established for the instruction, recreation or residence of persons on probation;

(6) To refrain from frequenting unlawful or disreputable places or consorting with disreputable persons;

(7) Not to have in his possession any firearm or other dangerous weapon unless granted written permission;

(8) To make restitution of the fruits of his offense, in an amount he can afford to pay, for the loss or damage caused thereby;

(9) To remain within the jurisdiction of the court and to notify the court or the probation officer of any change in his address or his employment;

(10) To report as directed to the court or the probation officer, to permit the officer to visit his home, and to answer all reasonable inquiries by the probation officer;

(11) To pay a fine;

(12) To satisfy any other conditions reasonably related to the rehabilitation of the defendant and not unduly restrictive of his liberty or incompatible with his freedom of conscience;

(13) To require the performance of community-related service.

c. When the court sentences a person who has been convicted of a crime to be placed on probation, it may require him to serve a term of imprisonment not exceeding 180 days as an additional condition of its order. When the court sentences a person convicted of a disorderly persons offense to be placed on probation, it may require him to serve a term of imprisonment not exceeding 90 days as an additional condition of its order. The term of imprisonment imposed hereunder shall be treated as part of the sentence, and in the event of a sentence of imprisonment upon the revocation of probation, the term of imprisonment served hereunder shall be credited toward service of such subsequent sentence.

d. The defendant shall be given a copy of the terms of his probation or suspension of sentence and any requirements imposed pursuant to this section, stated with sufficient specificity to enable him to guide himself accordingly. The defendant shall acknowledge, in writing, his receipt of these documents and his consent to their terms.

99. N. J. S. 2C:45–3 is amended to read as follows:

**Summons or arrest of defendant under suspended sentence or on probation; commitment without bail; revocation and resentence.**

2C:45–3. Summons or Arrest of Defendant Under Suspended Sentence or on Probation; Commitment Without Bail; Revocation and Resentence. a. At any time before the discharge of the defendant or the termination of the period of suspension or probation:

(1) The court may summon the defendant to appear before it or may issue a warrant for his arrest;

(2) A peace officer, having probable cause to believe that the defendant has failed to comply with a requirement imposed as a condition of the order or that he has committed another offense, may arrest him without a warrant;

(3) The court, if there is probable cause to believe that the defendant has committed another offense or if he has been held to answer therefor, may commit him without bail, pending a determination of the charge by the court having jurisdiction thereof;

(4) The court, if satisfied that the defendant has inexcusably failed to comply with a substantial requirement imposed as a condition of the order or if he has been convicted of another offense,

may revoke the suspension or probation and sentence or resentence the defendant, as provided in this section. No revocation of suspension or probation shall be based on failure to pay a fine or make restitution unless the failure was willful.

b. When the court revokes a suspension or probation, it may impose on the defendant any sentence that might have been imposed originally for the offense of which he was convicted.

100. CHAPTER 47. ADULT DIAGNOSTIC AND TREATMENT CENTER.

Section

2C:47–1. Referral to Adult Diagnostic and Treatment Center—Commitment—Examination.
2C:47–2. Report on Examination.
2C:47–3. Disposition.
2C:47–4. Treatment Arrangements.
2C:47–5. Parole.
2C:47–6. Compensation.
2C:47–7. Cost of Maintenance.

101. N. J. S. 2C:47–1 is amended to read as follows:

**Referral to adult diagnostic and treatment center—commitment—examination.**

2C:47–1. Referral to Adult Diagnostic and Treatment Center—Commitment—Examination. Whenever a person is convicted of the offense of aggravated sexual assault, sexual assault, or aggravated criminal sexual contact, or an attempt to commit any such crime, the judge shall order that such person be referred to the Adult Diagnostic and Treatment Center for such period as shall be necessary to complete a physical and psychological examination, said period of referral not to exceed 10 days. The referral order shall contain a determination of the person's legal settlement in accordance with subdivision D of article 3 of chapter 4 of Title 30 of the Revised Statutes.

102. N. J. S. 2C:47–2 is amended to read as follows:

**Report on examination.**

2C:47–2. Report on Examination. Upon completion of the physical and psychological examination of such person, but in no event later than 30 days after the date of the order of referral, a written report of the results of the examination shall be sent to the court.

103. N. J. S. 2C:47–3 is amended to read as follows:

**Disposition.**

2C:47–3. Disposition. a. If the examination reveals that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior, the court may, upon the recommendation of the Adult Diagnostic and Treatment Center, sentence the offender to the Center for a program of specialized treatment for his mental condition; provided, however, that no such person may be sentenced to the Adult Diagnostic and Treatment Center in the absence of such a finding that his conduct was characterized by a pattern of repetitive, compulsive behavior.

b. In the event that the court shall sentence a person as provided herein, the court shall notwithstanding set the sentence in accordance with Chapters 43 and 44 of this code.

c. In lieu of incarceration, the court may, upon the written report and recommendation of the Adult Diagnostic and Treatment Center, place such person on probation with the requirement, as a condition of such probation, that he receive outpatient psychological treatment in a manner to be prescribed in each individual case.

d. If it shall appear from the report of such examination made of such person that the offender's conduct was not characterized by a pattern of repetitive, compulsive behavior, the court shall not impose sentence on such person as provided by this chapter.

104. N. J. S. 2C:47–7 is amended to read as follows:

**Cost of maintenance.**

2C:47–7. Cost of Maintenance. The Commissioner shall determine and fix the per capita cost of examining and maintaining any person transferred to the Adult Diagnostic and Treatment Center for examination, and the Adult Diagnostic and Treatment Center shall furnish a copy of the order of transfer to the county treasurer of the county in which the person has a legal settlement as determined in said order, and upon certification of the amount due, the governing body of the county shall make provisions for payment of one-half of the cost thereof to the Adult Diagnostic and Treatment Center, the remaining one-half to be borne by the State. If the order contains a determination that the person has no legal settlement in any county, the entire cost shall be borne by the State.

104A. 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 11 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 and two public members to be appointed by the Governor. The legislature 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 3 years except that one of the initial appointments shall be for a term of 1 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.

105. N. J. S. 2C:48–2 is amended to read as follows:

**Duties.**

2C:48–2. Duties. It shall be the duty of the commission to study and review all aspects of the criminal justice system relating *to* the disposition of criminal offenders, including but not limited to terms of imprisonments, fines and other monetary punishments, parole, probation and supervisory treatment.

106. N. J. S. 2C:51–3 is amended to read as follows:

**Voting and jury service.**

2C:51–3. Voting and Jury Service. A person who is convicted of a crime shall be disqualified

a. From voting in any primary, municipal, special or general election as determined by the provisions of R. S. 19:4–1; and

b. From serving as a juror as determined by the provisions of N. J. S. 2A:69–1.

107. An additional chapter 52, Expungement of Records, is added to Title 2C as follows:

CHAPTER 52. EXPUNGEMENT OF RECORDS

Section

2C:52–1. Definition of Expungement.
2C:52–2. Indictable Offenses.
2C:52–3. Disorderly Persons Offenses and Petty Disorderly Persons Offenses.
2C:52–4. Ordinances.
2C:52–5. Expungement of Records of Young Drug Offenders.
2C:52–6. Arrests Not Resulting in Conviction.
2C:52–7. Petition for Expungement.
2C:52–8. Statements to Accompany Petition.
2C:52–9. Order Fixing Time for Hearing.
2C:52–10. Service of Petition and Documents.
2C:52–11. Order Directing Expungement Where No Objection Prior to Hearing.
2C:52–12. Denial of Relief Although No Objection Entered.
2C:52–13. When Hearing On Petition for Expungement Shall Not Be Held.
2C:52–14. Grounds for Denial of Relief.
2C:52–15. Records to Be Removed; Control.
2C:52–16. Expunged Record Including Names of Persons Other Than Petitioner.
2C:52–17. Use of Expunged Records by Agencies on Pending Petition for Expungement.
2C:52–18. Supplying Information to Violent Crimes Compensation Board.
2C:52–19. Order of Superior Court Permitting Inspection of Records or Release of Information; Limitations.
2C:52–20. Use of Expunged Records in Conjunction with Supervisory Treatment or Diversion Programs.
2C:52–21. Use of Expunged Records in Conjunction with Setting Bail, Presentence Report on Sentencing.
2C:52–22. Use of Expunged Records by Parole Board.
2C:52–23. Use of Expunged Records by Department of Corrections.
2C:52–24. County Prosecutor's Obligation to Ascertain Propriety of Petition.
2C:52–25. Retroactive Application.
2C:52–26. Vacating of Orders of Sealing; Time; Basis.
2C:52–27. Effect of Expungement.
2C:52–28. Motor Vehicle Offenses.
2C:52–29. Fee.

Section
2C:52–30. Disclosure of Expungement Order.
2C:52–31. Limitation.
2C:52–32. Construction.

**Definition of expungement.**

108. 2C:52–1. Definition of Expungement. a. Except as otherwise provided in this chapter, expungement shall mean the extraction and isolation of all records on file within any court, detention or correctional facility, law enforcement or criminal justice agency concerning a person's detection, apprehension, arrest, detention, trial or disposition of an offense within the criminal justice system.

b. Expunged records shall include complaints, warrants, arrests, commitments, processing records, fingerprints, photographs, index cards, "rap sheets" and judicial docket records.

**Indictable offenses.**

109. 2C:52–2. Indictable Offenses. a. In all cases, except as herein provided, wherein a person has been convicted of a crime under the laws of this State and who has not been convicted of any prior or subsequent crime, whether within this State or any other jurisdiction, and has not been adjudged a disorderly person or petty disorderly person on more than two occasions may, after the expiration of a period of 10 years from the date of his conviction, payment of fine, satisfactory completion of probation or parole, or release from incarceration, whichever is later, present a duly verified petition as provided in section 2C:52–7 to the Superior Court in the county in which the conviction was entered praying that such conviction and all records and information pertaining thereto be expunged.

Although subsequent convictions for no more than two disorderly or petty disorderly offenses shall not be an absolute bar to relief, the nature of those conviction or convictions and the circumstances surrounding them shall be considered by the court and may be a basis for denial of relief if they or either of them constitute a continuation of the type of unlawful activity embodied in the criminal conviction for which expungement is sought.

b. Records of conviction pursuant to statutes repealed by this Code for the crimes of murder, manslaughter, treason, anarchy, kidnapping, rape, forcible sodomy, arson, perjury, false swearing, robbery, embracery, or a conspiracy or any attempt to commit any of the foregoing, or aiding, assisting or concealing persons accused of the foregoing crimes, shall not be expunged.

Records of conviction for the following crimes specified in the New Jersey Code of Criminal Justice shall not be subject to expungement: Section 2C:11–1 et seq. (Criminal Homicide), except death by auto as specified in section 2C:11–5; section 2C:13–1 (Kidnapping); section 2C:14–2 (Aggravated Sexual Assault); section 2C:15–1 (Robbery); section 2C:17–1 (Arson and Related Offenses); section 2C:28–1 (Perjury); section 2C:28–2 (False Swearing) and conspiracies or attempts to commit such crimes.

c. In the case of conviction for the sale or distribution of a controlled dangerous substance or possession thereof with intent to sell, expungement shall be denied except where the crimes relate to:

(1) Marijuana, where the total quantity sold, distributed or possessed with intent to sell was 25 grams or less, or

(2) Hashish, where the total quantity sold, distributed or possessed with intent to sell was 5 grams or less.

**Disorderly persons offenses and petty disorderly persons offenses.**

110. 2C:52–3. Disorderly Persons Offenses and Petty Disorderly Persons Offenses. Any person convicted of a disorderly persons offense or petty disorderly persons offense under the law of this State who has not been convicted of any prior or subsequent crime, whether within this State or any other jurisdiction, or of another two disorderly persons or petty disorderly persons offense, may, after the expiration of a period of 5 years from the date of his conviction, payment of fine, satisfactory completion of probation or release from incarceration, whichever is later, present a duly verified petition as provided in section 2C:52–7 hereof to the Superior Court in the county in which the conviction was entered praying that such conviction and all records and information pertaining thereto be expunged.

**Ordinances.**

111. 2C:52–4. Ordinances. In all cases wherein a person has been found guilty of violating a municipal ordinance of any governmental entity of this State and who has not been convicted of any prior or subsequent crime, whether within this State or any other jurisdiction, and who has not been adjudged a disorderly person or petty disorderly person on more than two occasions, may, after the expiration of a period of 2 years from the date of his conviction, payment of fine, satisfactory completion of probation or release from incarceration, whichever is later, present a duly verified petition as provided in section 2C:52–7 herein to the Superior Court in the county in which the violation occurred pray-

ing that such conviction and all records and information pertaining thereto be expunged.

**Expungement of records of young drug offenders.**

112. 2C:52–5. Expungement of Records of Young Drug Offenders. Notwithstanding the provisions of sections 2C:52–2 and 2C:52–3, after a period of not less than 1 year following conviction, termination of probation or parole or discharge from custody, whichever is later, any person convicted of an offense under Title 24 of the New Jersey Statutes for the possession or use of a controlled dangerous substance, convicted of violating P. L. 1955, c. 277, §3 (C. 2A:170–77.5), or convicted of violating P. L. 1962, c. 113, §1 (C. 2A:170–77.8), and who at the time of the offense was 21 years of age or younger, may apply to the Superior Court in the county wherein the matter was disposed of for the expungement of such person's conviction and all records pertaining thereto. The relief of expungement under this section shall be granted only if said person has not, prior to the time of hearing, violated any of the conditions of his probation or parole, albeit subsequent to discharge from probation or parole, has not been convicted of any previous or subsequent criminal act or any subsequent or previous violation of Title 24 or of P. L. 1955, c. 277, §3 (C. 2A:170–77.5) or of P. L. 1962, c. 113, §1 (C. 2A:170–77.8), or who has not had a prior or subsequent criminal matter dismissed because of acceptance into a supervisory treatment or other diversion program.

This section shall not apply to any person who has been convicted of the sale or distribution of a controlled dangerous substance or possession with the intent to sell any controlled dangerous substance except:

(1) Marijuana, where the total amount sold, distributed or possessed with intent to sell was 25 grams or less, or

(2) Hashish, where the total amount sold, distributed or possessed with intent to sell was 5 grams or less.

**Arrests not resulting in conviction.**

113. 2C:52–6. Arrests Not Resulting in Conviction. a. In all cases, except as herein provided, wherein a person has been arrested or held to answer for a crime, disorderly persons offense, petty disorderly persons offense or municipal ordinance violation under the laws of this State or of any governmental entity thereof and against whom proceedings were dismissed, or who was acquitted, or who was discharged without a conviction or finding of guilt, may at any time following the disposition of proceedings, present

a duly verified petition as provided in section 2C:52–7 to the Superior Court in the county in which the disposition occurred praying that records of such arrest and all records and information pertaining thereto be expunged.

b. Any person who has had charges dismissed against him pursuant to P. L. 1970, c. 226, § 27 (C. 24:21–27) or pursuant to a program of supervisory treatment, shall be barred from the relief provided in this section until 6 months after the entry of the order of dismissal.

c. Any person who has been arrested or held to answer for a crime shall be barred from the relief provided in this section where the dismissal, discharge, or acquittal resulted from a determination that the person was insane or lacked the mental capacity to commit the crime charged.

**Petition for expungement.**

114. 2C:52–7. Petition for Expungement. Every petition for expungement filed pursuant to this chapter shall be verified and include:

a. Petitioner's date of birth.

b. Petitioner's date of arrest.

c. The statute or statutes and offense or offenses for which petitioner was arrested and of which petitioner was convicted.

d. The original indictment, summons or complaint number.

e. Petitioner's date of conviction, or date of disposition of the matter if no conviction resulted.

f. The court's disposition of the matter and the punishment imposed, if any.

**Statements to accompany petition.**

115. 2C:52–8. Statements to Accompany Petition. There shall be attached to a petition for expungement:

a. A statement with the affidavit or verification that there are no disorderly persons, petty disorderly persons or criminal charges pending against the petitioner at the time of filing of the petition for expungement.

b. In those instances where the petitioner is seeking the expungement of a criminal conviction, a statement with affidavit or verification that he has never been granted expungement, sealing or similar relief regarding a criminal conviction by any court in this State or other state or by any Federal court. "Sealing" refers to the relief previously granted pursuant to P. L. 1973, c. 191 (C. 2A:85–15 et seq.).

c. In those instances where a person has received a dismissal of a criminal charge because of acceptance into a supervisory treatment or any other diversion program, a statement with affidavit or verification setting forth the nature of the original charge, the court of disposition and date of disposition.

**Order fixing time for hearing.**

116. 2C:52–9. Order Fixing Time for Hearing. Upon the filing of a petition for relief pursuant to this chapter, the court shall, by order, fix a time not less than 35 nor more than 60 days thereafter for hearing of the matter.

**Service of petition and documents.**

117. 2C:52–10. Service of Petition and Documents. A copy of each petition, together with a copy of all supporting documents, shall be served pursuant to the rules of court upon the Superintendent of State Police; the Attorney General; the county prosecutor of the county wherein the court is located; the chief of police or other executive head of the police department of the municipality wherein the offense was committed; the chief law enforcement officer of any other law enforcement agency of this State which participated in the arrest of the individual; the superintendent or warden of any institution in which the petitioner was confined; and, if a disposition was made by a municipal court, upon the magistrate of that court. Service shall be made within 5 days from the date of the order setting the date for the hearing upon the matter.

**Order directing expungement where no objection prior to hearing.**

118. 2C:52–11. Order Directing Expungement Where no Objection Prior to Hearing. If, prior to the hearing, there is no objection from those law enforcement agencies notified or from those offices or agencies which are required to be served under 2C:52–10, and no reason, as provided in section 2C:52–14, appears to the contrary, the court may, without a hearing, grant an order directing the clerk of the court and all relevant criminal justice and law enforcement agencies to expunge records of said disposition including evidence of arrest, detention, conviction and proceedings related thereto.

**Denial of relief although no objection entered.**

119. 2C:52–12. Denial of Relief Although No Objection Entered. In the event that none of the persons or agencies required to be noticed under 2C:52–10 has entered any objection to the relief being sought, the court may nevertheless deny the relief sought if

it concludes that petitioner is not entitled to relief for the reasons provided in section 2C:52–14.

**When hearing on petition for expungement shall not be held.**

120. 2C:52–13. When Hearing on Petition for Expungement Shall Not be Held. No petition for relief made pursuant to this section shall be heard by any court if the petitioner, at the time of filing or date of hearing, has a charge or charges pending against him which allege the commission of a crime, disorderly persons offense or petty disorderly persons offense. Such petition shall not be heard until such times as all pending criminal and or disorderly persons charges are adjudicated to finality.

**Grounds for denial of relief.**

121. 2C:52–14. Grounds for Denial of Relief. A petition for expungement filed pursuant to this chapter shall be denied when:

a. Any statutory prerequisite, including any provision of this chapter, is not fulfilled or there is any other statutory basis for denying relief.

b. The need for the availability of the records outweighs the desirability of having a person freed from any disabilities as otherwise provided in this chapter. An application may be denied under this subsection only following objection of a party given notice pursuant to 2C:52–10 and the burden of asserting such grounds shall be on the objector.

c. In connection with a petition under section 2C:52–6, the acquittal, discharge or dismissal of charges resulted from a plea bargaining agreement involving the conviction of other charges. This bar, however, shall not apply once the conviction is itself expunged.

d. The arrest or conviction sought to be expunged is, at the time of hearing, the subject matter of civil litigation between the petitioner or his legal representative and the State, any governmental entity thereof or any State agency and the representatives or employees of any such body.

e. A person has had a previous criminal conviction expunged regardless of the lapse of time between the prior expungement, or sealing under prior law, and the present petition. This provision shall not apply:

(1) When the person is seeking the expungement of a municipal ordinance violation or,

(2) When the person is seeking the expungement of records pursuant to section 2C:52–6.

f. The person seeking the relief of expungement of a conviction for a disorderly persons, petty disorderly persons, or criminal offense has prior to or subsequent to said conviction been granted the dismissal of criminal charges following completion of a supervisory treatment or other diversion program.

**Records to be removed; control.**

122. 2C:52–15. Records to Be Removed; Control. If an order of expungement of records of arrest or conviction under this chapter is granted by the court, all the records specified in said order shall be removed from the files of the agencies which have been noticed of the pendency of petitioner's motion and which are, by the provisions of this chapter, entitled to notice, and shall be placed in the control of a person who has been designated by the head of each such agency which, at the time of the hearing, possesses said records. That designated person shall, except as otherwise provided in this chapter, insure that such records or the information contained therein are not released for any reason and are not utilized or referred to for any purpose. In response to requests for information or records of the person who was arrested or convicted, all noticed officers, departments and agencies shall reply, with respect to the arrest, conviction or related proceedings which are the subject of the order, that there is no record information.

**Expunged record including names of persons other than petitioner.**

123. 2C:52–16. Expunged Record Including Names of Persons Other Than Petitioner. Any record or file which is maintained by a judicial or law enforcement agency, or agency in the criminal justice system, which is the subject of an order of expungement which includes the name or names of persons other than that of the petitioner need not be isolated from the general files of the agency retaining same if the other persons named in said record or file have not been granted an order of expungement of said record, provided that a copy of the record shall be given to the person designated in 2C:52–15 and the original shall remain in the agency's general files with the petitioner's name and other personal identifiers obliterated and deleted.

**Use of expunged records by agencies on pending petition for expungement.**

124. 2C:52–17. Use of Expunged Records by Agencies on Pending Petition for Expungement. Expunged records may be used by the agencies that possess same to ascertain whether a person has had prior conviction expunged, or sealed under prior law, when the

agency possessing the record is noticed of a pending petition for the expungement of a conviction. Any such agency may supply information to the court wherein the motion is pending and to the other parties who are entitled to notice pursuant to 2C:52–10.

**Supplying information to Violent Crimes Compensation Board.**

125. 2C:52–18. Supplying Information to Violent Crimes Compensation Board. Information contained in expunged records may be supplied to the Violent Crimes Compensation Board, in conjunction with any claim which has been filed with said board.

**Order of Superior Court permitting inspection of records or release of information; limitations.**

126. 2C:52–19. Order of Superior Court Permitting Inspection of Records or Release of Information; Limitations. Inspection of the files and records, or release of the information contained therein, which are the subject of an order of expungement, or sealing under prior law, may be permitted by the Superior Court upon motion for good cause shown and compelling need based on specific facts. The motion or any order granted pursuant thereto shall specify the person or persons to whom the records and information are to be shown and the purpose for which they are to be utilized. Leave to inspect shall be granted by the court only in those instances where the subject matter of the records of arrest or conviction is the object of litigation or judicial proceedings. Such records may not be inspected or utilized in any subsequent civil or criminal proceeding for the purposes of impeachment or otherwise but may be used for purposes of sentencing on a subsequent offense after guilt has been established.

**Use of expunged records in conjunction with supervisory treatment or diversion programs.**

127. 2C:52–20. Use of Expunged Records In Conjunction with Supervisory Treatment or Diversion Programs. Expunged records may be used by any judge in determining whether to grant or deny the person's application for acceptance into a supervisory treatment or diversion program for subsequent charges. Any expunged records which are possessed by any law enforcement agency may be supplied to the Attorney General, any county prosecutor or judge of this State when same are requested and are to be used for the purpose of determining whether or not to accept a person into a supervisory treatment or diversion program for subsequent charges.

**Use of expunged records in conjunction with setting bail, presentence report or sentencing.**

128. 2C:52–21. Use of Expunged Records in Conjunction with Setting Bail, Presentence Report or Sentencing. Expunged records, or sealed records under prior law, of prior arrests or convictions shall be provided to any judge, county prosecutor, probation department or the Attorney General when same are requested for use in conjunction with a bail hearing or for the preparation of a presentence report or for purpose of sentencing.

**Use of expunged records by Parole Board.**

129. 2C:52–22. Use of Expunged Records by Parole Board. Expunged records, or sealed records under prior law, of prior disorderly persons, petty disorderly persons and criminal convictions shall be provided to the Parole Board when same are requested for the purpose of evaluating the granting of parole to the person who is the subject of said records. Such sealed or expunged records may be used by the Parole Board in the same manner and given the same weight in its considerations as if the records had not been expunged or sealed.

**Use of expunged records by Department of Corrections.**

130. 2C:52–23. Use of Expunged Records by Department of Corrections. Expunged records, and records sealed under prior law, shall be provided to the Department of Corrections for its use solely in the classification, evaluation and assignment to correctional and penal institutions of persons placed in its custody.

**County prosecutor's obligation to ascertain propriety of petition.**

131. 2C:52–24. County Prosecutor's Obligation to Ascertain Propriety of Petition. Notwithstanding the notice requirements provided herein, it shall be the obligation of the county prosecutor of the county wherein any petition for expungement is filed to verify the accuracy of the allegations contained in the petition for expungement and to bring to the court's attention any facts which may be a bar to, or which may make inappropriate the granting of, such relief. If no disabling, adverse or relevant information is ascertained other than that as included in the petitioner's affidavit, such facts shall be communicated by the prosecutor to the hearing judge.

**Retroactive application.**

132. 2C:52–25. Retroactive Application. This chapter shall apply to arrests and convictions which occurred prior to, and which occur subsequent to, the effective date of this act.

**Vacating of orders of sealing; time; basis.**

133. 2C:52–26. Vacating of Orders of Sealing; Time; Basis. If, within 5 years of the entry of an expungement order, any party to whom notice is required to be given pursuant to section 2C:52–10 notifies the court which issued the order that at the time of the petition or hearing there were criminal, disorderly persons or petty disorderly persons charges pending against the person to whom the court granted such order, which charges were not revealed to the court at the time of hearing of the original motion or that there was some other statutory disqualification, said court shall vacate the expungement order in question and reconsider the original motion in conjunction with the previously undisclosed information.

**Effect of expungement.**

134. 2C:52–27. Effect of Expungment. Unless otherwise provided by law, if an order of expungement is granted, the arrest, conviction and any proceedings related thereto shall be deemed not to have occurred, and the petitioner may answer any questions relating to their occurrence accordingly, except as follows:

a. The fact of an expungement, sealing or similar relief shall be disclosed as provided in section 2C:52–8b.

b. The fact of an expungement of prior charges which were dismissed because of the person's acceptance into and successful completion of a supervisory treatment or other diversion program shall be disclosed by said person to any judge who is determining the propriety of accepting said person into a supervisory treatment or other diversion program for subsequent criminal charges; and

c. Information divulged on expunged records shall be revealed by a petitioner seeking employment within the judicial branch or with a law enforcement agency and such information shall continue to provide a disability as otherwise provided by law.

**Motor vehicle offenses.**

135. 2C:52–28. Motor Vehicle Offenses. Nothing contained in this chapter shall apply to arrests or conviction for motor vehicle offenses contained in Title 39.

**Fee.**

136. 2C:52–29. Fee. Any person who files an application pursuant to this chapter shall pay to the State Treasurer a fee of $30.00 to defer administrative costs in processing an application hereunder.

**Disclosure of expungement order.**

137. 2C:52–30. Disclosure of Expungement Order. Except as otherwise provided in this chapter, any person who reveals to another the existence of an arrest, conviction or related legal proceeding with knowledge that the records and information pertaining thereto have been expunged or sealed is a disorderly person. Notwithstanding the provisions of section 2C:43–3, the maximum fine which can be imposed for violation of this section is $200.00.

**Limitation.**

138. 2C:52–31. Limitation. Nothing provided in this chapter shall be interpreted to permit the expungement of records contained in the Controlled Dangerous Substances Registry created pursuant to P. L. 1970, c. 227 (C. 26:2G–17 et seq.), or the registry created by the Administrative Office of the Courts pursuant to section 2C:43–21.

**Construction.**

139. 2C:52–32. Construction. This chapter shall be construed with the primary objective of providing relief to the one-time offender who has led a life of rectitude and disassociated himself with unlawful activity, but not to create a system whereby periodic violators of the law or those who associate themselves with criminal activity have a regular means of expunging their police and criminal records.

140. An additional chapter 65, Disposition of Stolen Property and Documentary Exhibits is added to Title 2C as follows:

## CHAPTER 65. DISPOSITION OF STOLEN PROPERTY AND DOCUMENTARY EXHIBITS.

Section

2C:65–1. Procedure to be Followed by Law Enforcement Agencies When Stolen Property is Taken into Custody.
2C:65–2. Release of Stolen Property Prior to Final Determination of Proceeding.
2C:65–3. Disposition of Stolen Property After Final Determination of Proceeding.
2C:65–4. Disposition of Documentary Exhibits.

**Procedure to be followed by law enforcement agencies when stolen property is taken into custody.**

2C:65–1. Procedure to be Followed by Law Enforcement Agencies When Stolen Property is Taken into Custody. When any article of property alleged to be stolen comes into the custody of a law en-

forcement agency, that agency shall enter in a suitable book a description of that article and shall attach a number to each article, and make a corresponding entry thereof. The agency shall also make and retain a complete photographic record of the property. The photographic record, upon proper authentication, may be introduced as evidence in any court in lieu of the property.

**Release of stolen property prior to final determination of proceeding.**

2C:65–2. Release of Stolen Property Prior to Final Determination of Proceeding. a. A law enforcement agency, upon satisfactory proof of ownership of property held pursuant to this section, and upon presentation of proper personal identification, may release the property to the person presenting such proof pursuant to the provisions of subsection b. The release shall be without prejudice to the State or to the person from whom custody of the property was taken or to any person who may have a claim against the property. Any such delivery shall be noted in the book required by 2C:65–1. The person to whom the property is delivered shall sign a sworn declaration of ownership which shall be retained by the agency.

b. No property shall be released pursuant to subsection a. unless the county or municipal prosecutor, or the Attorney General's Office, as appropriate, and the person, if any, from whom custody of that property was taken, have been served with a notice of a claim of ownership and a copy of the satisfactory proof of ownership. Any person so notified shall have 10 days from the date of service, to make application to the court having jurisdiction over the case in which the property is involved to be heard as to why the property should not be delivered to the person claiming ownership.

c. The court having jurisdiction over the case in which the stolen property is involved, upon application by the person from whom possession was taken, shall review the matter and order the property to be delivered to the person claiming ownership, or to be retained by the law enforcement agency upon a finding that the person claiming ownership of the property is not entitled thereto.

**Disposition of stolen property after final determination of proceeding.**

2C:65–3. Disposition of Stolen Property After Final Determination of Proceeding. a. After final determination of any action or proceeding, the court, on application of the person claiming ownership, or an agent designated in writing by the person, may order all property, other than documentary exhibits, to be delivered to the person.

b. After the expiration of 6 months from the final determination of the action, if the person entitled to the property is unknown, or fails to apply, the court in which the case was tried, upon application of the law enforcement agency in possession of the property, shall make an order specifying what property may be released from the custody of the agency without prejudice to the State. Upon receipt of the order, the clerk of the court shall transfer the property for disposal at public sale to the State, county or municipality, whichever was the prosecuting authority. The property shall not be transferred where it consists of money or currency, but it shall be deposited immediately in the general fund of either the State, county or municipality.

**Disposition of documentary exhibits.**

2C:65–4. Disposition of Documentary Exhibits. No exhibit shall be destroyed or otherwise disposed of until 60 days after the clerk of the court has posted a notice conspicuously in three places in the county, referring to the order for the disposition, describing briefly the exhibit, and indicating the date after which the exhibit will be destroyed or otherwise disposed of.

141. Blank.

142. Blank.

143. Blank.

144. Blank.

145. N. J. S. 2C:98–2 is amended to read as follows:

**Repealer.**

2C:98–2. Repealer. All acts and parts of acts inconsistent with this act are hereby superseded and repealed, and without limiting the general effect of this act in superseding and repealing acts so inconsistent herewith, the following sections, acts and parts of acts, together with all amendments and supplements thereto, are specifically repealed:

New Jersey Statutes sections:
2A:85–1 to 2A:85–5 both inclusive;
2A:85–6 to 2A:85–14 both inclusive;
2A:86–1 to 2A:88–1 both inclusive;
2A:89–1 to 2A:90–3 both inclusive;
2A:91–1 to 2A:94–3 both inclusive;
2A:95–1 and 2A:95–2;
2A:96–1 to 2A:96–4 both inclusive;

2A:97-1 to 2A:98-2 both inclusive;
2A:99-1 and 2A:99-2;
2A:100-1 to 2A:102-12 both inclusive;
2A:103-1 to 2A:104-12 both inclusive;
2A:105-1 to 2A:105-4 both inclusive;
2A:106-1 to 2A:108-8 both inclusive;
2A:109-1 to 2A:111-21 both inclusive;
2A:111-22 to 2A:111-24 both inclusive;
2A:112-1 to 2A:115-1 both inclusive;
2A:115-2;
2A:115-3;
2A:115-4 and 2A:115-5;
2A:116-1 to 2A:119-5 both inclusive;
2A:119-6 to 2A:119-8 both inclusive;
2A:119-9;
2A:120-1 to 2A:121-5 both inclusive;
2A:122-1 to 2A:122-9 both inclusive;
2A:123-1 and 2A:123-2;
2A:124-1 to 2A:127-3 both inclusive;
2A:128-1 to 2A:134-1 both inclusive;
2A:135-1 to 2A:145-1 both inclusive;
2A:146-2 to 2A:148-22 both inclusive;
2A:150-1;
2A:151-1 to 2A:151-9 both inclusive;
2A:151-12;
2A:151-14 to 2A:151-28 both inclusive;
2A:151-31 to 2A:151-41 both inclusive;
2A:151-42 to 2A:151-44 both inclusive;
2A:151-45 to 2A:151-57 both inclusive;
2A:151-58 to 2A:151-61 both inclusive;
2A:152-5 to 2A:152-9 both inclusive;
2A:152-10 and 2A:152-11;
2A:152-14;
2A:159-1 to 2A:159-3 both inclusive;
2A:163-2;
2A:163-3;
2A:164-2 to 2A:164-13 both inclusive;
2A:164-14 to 2A:164-23 both inclusive;
2A:164-25 to 2A:164-28 both inclusive;
2A:165-1 to 2A:165-12 both inclusive;
2A:166-1 to 2A:166-7 both inclusive;
2A:166-11;

2A:166–14 to 2A:166–16 both inclusive;
2A:167–1 to 2A:167–3 both inclusive;
2A:168–1 to 2A:168–4 both inclusive;
2A:169–1 and 2A:169–2;
2A:169–4 to 2A:169–10 both inclusive;
2A:170–1 to 2A:170–3 both inclusive;
2A:170–4 to 2A:170–7 both inclusive;
2A:170–9 to 2A:170–11 both inclusive;
2A:170–14;
2A:170–16 to 2A:170–19 both inclusive;
2A:170–21 and 2A:170–25;
2A:170–26 to 2A:170–30 both inclusive;
2A:170–31;
2A:170–32 to 2A:170–41 both inclusive;
2A:170–42 to 2A:170–44 both inclusive;
2A:170–46 to 2A:170–49 both inclusive;
2A:170–53;
2A:170–55 to 2A:170–64 both inclusive;
2A:170–65 to 2A:170–67 both inclusive;
2A:170–68 and 2A:170–69;
2A:170–70 to 2A:170–76 both inclusive;
2A:170–86 to 2A:170–90 both inclusive;
2A:170–93 to 2A:170–96 both inclusive;
2A:171–1;
2A:171–2;
2A:171–4 and 2A:171–5;
2A:171–6 to 2A:171–12 both inclusive;
Pamphlet Laws:
Laws of 1971, c. 450 (C. 2A:85–5.1);
Laws of 1973, c. 191 (C. 2A:85–15 to C. 2A:85–23 both inclusive);
Laws of 1964, c. 74 (C. 2A:88A–1);
Laws of 1962, c. 39 (C. 2A:90–4);
Laws of 1971, c. 314 (C. 2A:94–4);
Laws of 1954, c. 219 (C. 2A:95–3);
Laws of 1961, c. 53 (C. 2A:98–3 and C. 2A:98–4);
Laws of 1960, c. 177 (C. 2A:99A–1 to 2A:99A–4 both inclusive);
Laws of 1970, c. 131 (C. 2A:99B–1);
Laws of 1959, c. 98 (C. 2A:102–12.1);
Laws of 1964, c. 265 (C. 2A:104–13 and C. 2A:104–14);
Laws of 1968, c. 83 (C. 2A:105–5);
Laws of 1964, c. 179 (C. 2A:111–21.1);

Laws of 1952, c. 332 (C. 2A:111–25 to C. 2A:111–27 both inclusive);
Laws of 1954, c. 58 (C. 2A:111–28 to C. 2A:111–31 both inclusive);
Laws of 1960, c. 62 (C. 2A:111–32 and C. 2A:111–33);
Laws of 1964, c. 294 (C. 2A:111–34 to C. 2A:111–36 both inclusive);
Laws of 1968, c. 253 (C. 2A:111–37 and C. 2A:111–38);
Laws of 1968, c. 260 (C. 2A:111–39);
Laws of 1968, c. 300 (C. 2A:111–40 to C. 2A:111–51 both inclusive);
Laws of 1962, c. 165 (C. 2A:115–1.1);
Laws of 1971, c. 449 (C. 2A:115–1.1a and C. 2A:115–1.1b);
Laws of 1971, c. 446 (C. 2A:115–1.6 to C. 2A:115–1.12 both inclusive);
Laws of 1971, c. 447 (C. 2A:115–2.1 to C. 2A:115–2.4 both inclusive);
Laws of 1971, c. 448 (C. 2A:115–2.5 to C. 2A:115–2.9 both inclusive);
Laws of 1953, c. 392 (C. 2A:115–3.1);
Laws of 1962, c. 166 (C. 2A:115–3.3 and C. 2A:115–3.5 to C. 2A:115–3.10 both inclusive);
Laws of 1971, c. 376 (C. 2A:115–6);
Laws of 1965, c. 52 (C. 2A:119–5.1 to C. 2A:119–5.5 both inclusive);
Laws of 1962, c. 201 (C. 2A:119–8.1);
Laws of 1968, c. 349 (C. 2A:119A–1 to C. 2A:119A–4 both inclusive);
Laws of 1961, c. 39 (C. 2A:121–6);
Laws of 1971, c. 87 (C. 2A:122–9.1 and C. 2A:122–9.2);
Laws of 1960, c. 5 (C. 2A:122–10);
Laws of 1960, c. 69 (C. 2A:122–11);
Laws of 1967, c. 72 (C. 2A:122–12);
Laws of 1964, c. 86 (C. 2A:127–5);
Laws of 1957, c. 49 (C. 2A:148–22.1);
Laws of 1967, c. 182 (C. 2A:149A–1);
Laws of 1968, c. 395 (C. 2A:149A–2 and C. 2A:149A–3);
Laws of 1968, c. 147 (C. 2A:151–10.1);
Laws of 1969, c. 157 (C. 2A:151–41.1 and C. 2A:151–41.2);
Laws of 1966, c. 60 (C. 2A:151–44.1 and C. 2A:151–44.2);
Laws of 1966, c. 60 (C. 2A:151–57.1 and C. 2A:151–57.2);
Laws of 1952, c. 5 (C. 2A:151–62 and C. 2A:151–63);
Laws of 1962, c. 160 (C. 2A:152–9.1 to C. 2A:152–9.5 both inclusive);

Laws of 1952, c. 212 (C. 2A:152–15 and C. 2A:152–16);
Laws of 1952, c. 74 (C. 2A:159–4);
Laws of 1968, c. 279 (C. 2A:169–11);
Laws of 1971, c. 315 (C. 2A:170–3.1 to C. 2A:170–3.3 both inclusive);
Laws of 1955, c. 105 (C. 2A:170–20.8);
Laws of 1953, c. 67 (C. 2A:170–25.2);
Laws of 1954, c. 147 (C. 2A:170–25.3);
Laws of 1955, c. 213 (C. 2A:170–25.4);
Laws of 1955, c. 250 (C. 2A:170–25.5);
Laws of 1959, c. 194 (C. 2A:170–25.7);
Laws of 1964, c. 178 (C. 2A:170–25.8);
Laws of 1966, c. 150 (C. 2A:170–25.14 and C. 2A:170–25.15);
Laws of 1970, c. 133 (C. 2A:170–25.16);
Laws of 1973, c. 258 (C. 2A:170–25.18 to C. 2A:170–25.20 both inclusive);
Laws of 1972, c. 159 (C. 2A:170–30.1);
Laws of 1956, c. 185 (C. 2A:170–31.1);
Laws of 1972, c. 160 (C. 2A:170–41.1);
Laws of 1956, c. 195 (C. 2A:170–50.1 to C. 2A:170–50.3 both inclusive);
Laws of 1965, c. 184, sections 3 to 5 (C. 2A:170–50.4 to C. 2A:170–50.6 both inclusive);
Laws of 1957, c. 203 (C. 2A:170–54.1);
Laws of 1968, c. 324 (C. 2A:170–54.2);
Laws of 1953, c. 68 (C. 2A:170–64.1);
Laws of 1961, c. 139 (C. 2A:170–64.2);
Laws of 1954, c. 16 (C. 2A:170–67.1);
Laws of 1954, c. 137 (C. 2A:170–69.1);
Laws of 1958, c. 170 (C. 2A:170–69.1a and C. 2A:170–69.1b);
Laws of 1955, c. 245, sections 2 and 3 (C. 2A:170–69.2 and C. 2A:170–69.3);
Laws of 1964, c. 53 (C. 2A:170–69.4 to C. 2A:170–69.6 both inclusive);
Laws of 1968, c. 288 (C. 2A:170–69.7 and C. 2A:170–69.8);
Laws of 1962, c. 178 (C. 2A:170–97 to C. 2A:170–101 both inclusive);
Laws of 1968, c. 256 (C. 2A:170–102 and C. 2A:170–103);
Laws of 1958, c. 138 (C. 2A:171–5.1 to C. 2A:171–5.7 both inclusive).

146. 2C:98–3 is amended to read as follows:

**Allocations.**

2C:98-3. Allocations. Pending enactment of acts to revise, repeal or to compile the same in Title 2C of the New Jersey Statutes, the following sections, acts or parts of acts, together with all amendments and supplements thereto, shall remain in full force and effect for use, administration and enforcement as heretofore:

New Jersey Statutes sections:
2A:127-4;
2A:149-1;
2A:151-10 and 2A:151-11;
2A:152-1;
2A:152-2;
2A:152-3;
2A:152-4;
2A:152-12;
2A:152-13;
2A:153-1 to 2A:153-3 both inclusive;
2A:154-1 to 2A:154-3 both inclusive;
2A:155-1 to 2A:156-4 both inclusive;
2A:157-1 to 2A:158-1 both inclusive;
2A:158-2 to 2A:158-10 both inclusive;
2A:158-13;
2A:158-15;
2A:158-16;
2A:158-18;
2A:158-19 and 2A:158-20;
2A:160-1 to 2A:162-8 both inclusive;
2A:163-1;
2A:164-1;
2A:164-24;
2A:166-8 to 2A:166-10 both inclusive;
2A:166-12 and 2A:166-13;
2A:166-17 to 2A:166-19 both inclusive;
2A:167-4 to 2A:167-12 both inclusive;
2A:168-5 to 2A:168-17 both inclusive;
2A:169-3;
2A:170-20;
2A:170-51;
2A:170-77;
2A:170-78 to 2A:170-85 both inclusive;
2A:170-91 and 2A:170-92;
Pamphlet Laws:

Laws of 1952, c. 121 (C. 2A:96–5);
Laws of 1966, c. 12 (C. 2A:96–5.1);
Laws of 1957, c. 182 (C. 2A:102–13 to 2A:102–17 both inclusive);
Laws of 1952, c. 95 (C. 2A:108–9);
Laws of 1953, c .267 (C. 2A:123–3 to C. 2A:123–15 both inclusive);
Laws of 1971, c. 412 (C. 2A:150A–1 to C. 2A:150A–5 both inclusive);
Laws of 1973, c. 354 (C. 2A:150A–6);
Laws of 1956, c. 134 (C. 2A:152–17 to C. 2A:152–19 both inclusive);
Laws of 1968, c. 427 (C. 2A:154–4);
Laws of 1967, c. 171 (C. 2A:153–4);
Laws of 1968, c. 409 (C. 2A:156A–1 to C. 2A:156A–26);
Laws of 1970, c. 6 (C. 2A:158–1.1 and C. 2A:158–1.2);
Laws of 1970, c. 6 (C. 2A:158–15.1 and C. 2A:158–15.2);
Laws of 1957, c. 128 (C. 2A:158–16.1);
Laws of 1953, c. 307 (C. 2A:158–18.1 and C. 2A:158–18.2);
Laws of 1964, c. 168 (C. 2A:158–21);
Laws of 1967, c. 43 (C. 2A:158A–1 to C. 2A:158A–5 both inclusive);
Laws of 1974, c. 33 (C. 2A:158A–5.1 and C. 2A:158A–5.2);
Laws of 1967, c. 43 (C. 2A:158A–6 to C. 2A:158A–20 both inclusive);
Laws of 1967, c. 43 (C. 2A:158A–22);
Laws of 1968, c. 371 (C. 2A:158A–23 to C. 2A:158A–25 both inclusive);
Laws of 1958, c. 12 (C. 2A:159A–1 to 2A:159A–15 both inclusive);
Laws of 1952, c. 163 (C. 2A:162–9 and C. 2A:162–10);
Laws of 1960, c. 24 (C. 2A:166A–1 to 2A:166A–4 both inclusive);
Laws of 1953, c. 83 (C. 2A:168–18 to C. 2A:168–25 both inclusive);
Laws of 1968, c. 282 (C. 2A:168A–1 to C. 2A:168A–3 both inclusive);
Laws of 1954, c. 181 (C. 2A:170–20.1 to C. 2A:170–20.4 both inclusive);
Laws of 1956, c. 230 (C. 2A:170–20.9 and C. 2A:170–20.10);
Laws of 1975, c. 183 (C. 2A:170–20.11 and C. 2A:170–20.12);
Laws of 1952, c. 106 (C. 2A:170–25.1);
Laws of 1965, c. 41 (C. 2A:170–25.9 to C. 2A:170–25.13 both inclusive);
Laws of 1972, c. 143 (C. 2A:170–25.17);
Laws of 1955, c. 48 (C. 2A:170–77.2);
Laws of 1962, c. 174 (C. 2A:170–77.2a and C. 2A:170–77.2b);

Laws of 1955, c. 277 (C. 2A:170–77.3 to C. 2A:170–77.7 both inclusive);
Laws of 1962, c. 113 (C. 2A:170–77.8 to C. 2A:170–77.11 both inclusive);
Laws of 1964, c. 230 (C. 2A:170–77.12 to C. 2A:170–77.14 both inclusive);
Laws of 1966, c. 314 (C. 2A:170–77.15);
Laws of 1977, c. 215 (C. 2A:170–77.16 to C. 2A:170–77.18 both inclusive);
Laws of 1966, c. 114 (C. 2A:170–90.1 and C. 2A:170–90.2);
Laws of 1975, c. 182 (C. 2A:170–90.3 to C. 2A:170–90.5 both inclusive);
Laws of 1955, c. 254 (C. 2A:171–1.1 and C. 2A:171–1.2);
Laws of 1959, c. 119 (C. 2A:171–5.8 to C. 2A:171–5.18 both inclusive).

147. N. J. S. 2C:27–8, N. J. S. 2C:30–1, N. J. S. 2C:47–6, N. J. S. 2C:51–4, N. J. S. 2C:58–6, N. J. S. 2C:58–11 and P. L. 1970, c. 226, § 28 (C. 24:21–28) are repealed.

148. This act shall take effect September 1, 1979.

Approved August 29, 1979.

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## CHAPTER 179

AN ACT concerning firearms, revising parts of Title 2C of the New Jersey Statutes pertaining thereto and repealing N. J. S. 2A:151–10 and N. J. S. 2A:151–11.

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

1. N. J. S. 2C:39–2 is amended to read as follows:

**Presumptions.**

2C:39–2. Presumptions. a. Possession of firearms, weapons, destructive devices, silencers, or explosives in a vehicle. When a firearm, weapon, destructive device, silencer, or explosive described in this chapter is found in a vehicle, it is presumed to be in the possesion of the occupant if there is but one. If there is more than one occupant in the vehicle, it shall be presumed to be in the possession of all, except under the following circumstances:

(1) When it is found upon the person of one of the occupants, it shall be presumed to be in the possession of that occupant alone;

(2) When the vehicle is not a stolen one and the weapon or other instrument is found out of view in a glove compartment, trunk or other enclosed customary depository, it shall be presumed to be in the possession of the occupant or occupants who own or have authority to operate the vehicle; and

(3) When the vehicle is a taxicab and a weapon or other instrument is found in the passenger's portion of the vehicle, it shall be presumed to be in the possession of all the passengers, if there are any, and if not, in the possession of the driver.

b. Licenses and permits. When the legality of a person's conduct under this chapter depends on his possession of a license or permit or on his having registered with or given notice to a particular person or agency, it shall be presumed that he does not possess such a license or permit or has not registered or given the required notice, until he establishes the contrary.

2. N. J. S. 2C:39–3 is amended to read as follows:

**Prohibited weapons and devices.**

2C:39–3. Prohibited Weapons and Devices. a. Destructive devices. Any person who knowingly has in his possession any destructive device is guilty of a crime of the third degree.

b. Sawed-off shotguns. Any person who knowingly has in his possession any sawed-off shotgun is guilty of a crime of the third degree.

c. Silencers. Any person who knowingly has in his possession any firearm silencer is guilty of a crime of the fourth degree.

d. Defaced firearms. Any person who knowingly has in his possession any firearm which has been defaced, except an antique firearm, is guilty of a crime of the fourth degree.

e. Certain weapons. Any person who knowingly has in his possession any gravity knife, switchblade knife, dagger, dirk, stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar leather band studded with metal filings or razor blades imbedded in wood, without any explainable lawful purpose, is guilty of a crime of the fourth degree.

f. Dum-dum bullets. Any person, other than a law enforcement officer or persons engaged in activities pursuant to 2C:39–6f., who knowingly has in his possession any hollow nose or dum-dum bullet, is guilty of a crime of the fourth degree.

g. Exceptions. (1) Nothing in this section shall apply to any member of the Armed Forces of the United States or the National

Guard, or except as otherwise provided by any law enforcement officer while actually on duty or traveling to or from an authorized place of duty, provided that his possession of the prohibited weapon or device has been duly authorized under the applicable laws, regulations or military or law enforcement orders, or to the possession of any weapon or device by a law enforcement officer who has confiscated, seized or otherwise taken possession of said weapon or device as evidence of the commission of a crime or because he believed it to be possessed illegally by the person from whom it was taken, provided that said law enforcement officer promptly notifies his superiors of his possession of such prohibited weapon or device.

(2) Nothing in subsection f. shall be construed to prevent a person from keeping such ammunition at his dwelling, premises or other land owned or possessed by him, or from carrying such ammunition from the place of purchase to said dwelling or land; nor shall subsection f. be construed to prevent any licensed retail or wholesale firearm dealer from possessing such ammunition at its licensed premises, provided that the seller of any such ammunition shall maintain a record of the name, age and place of residence of any purchaser who is not a licensed dealer, together with the date of sale and quantity of ammunition sold.

3. N. J. S. 2C:39–4 is amended to read as follows:

**Possession of weapons for unlawful purposes.**

2C:39–4. Possession of Weapons for Unlawful Purposes. a. Firearms. Any person who has in his possession any firearm with a purpose to use it unlawfully against the person or property of another is guilty of a crime of the second degree.

b. Explosives. Any person who has in his possession or carries any explosive substance with a purpose to use it unlawfully against the person or property of another is guilty of a crime of the second degree.

c. Destructive devices. Any person who has in his possession any destructive device with a purpose to use it unlawfully against the person or property of another is guilty of a crime of the second degree.

d. Other weapons. Any person who has in his possession any weapon, except a firearm, with a purpose to use it unlawfully against the person or property of another is guilty of a crime of the third degree.

4. N. J. S. 2C:39–5 is amended to read as follows:

**Unlawful possession of weapons.**

2C:39–5. Unlawful Possession of Weapons. a. Machine guns. Any person who knowingly has in his possession a machine gun or any instrument or device adaptable for use as a machine gun, without being licensed to do so as provided in section 2C:58–5, is guilty of a crime of the third degree.

b. Handguns. Any person who knowingly has in his possession any handgun, including any antique handgun without first having obtained a permit to carry the same as provided in section 2C:58–4, is guilty of a crime of the third degree.

c. Rifles and shotguns. (1) Any person who knowingly has in his possession any rifle or shotgun without having first obtained a firearms purchaser identification card in accordance with the provisions of section 2C:58–3, is guilty of a crime of the third degree.

(2) Unless otherwise permitted by law, any person who knowingly has in his possession any loaded rifle or shotgun is guilty of a crime of the third degree.

d. Other weapons. Any person who knowingly has in his possession any other weapon under circumstances not manifestly appropriate for such lawful uses as it may have is guilty of a crime of the fourth degree.

e. Firearms in educational institutions. Any person who knowingly has in his possession any firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution, is guilty of a crime of the third degree, irrespective of whether he possesses a valid permit to carry the firearm or a valid firearms purchaser identification card.

5. N. J. S. 2C:39–6 is amended to read as follows:

**Exemptions.**

2C:39–6. Exemptions. a. Section 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, a motor vehicle inspector;

(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, inspectors and investigators of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, State park ranger, or State conservation officer;

(5) A prison or jail warden or his deputies, a correction officer or keeper of any penal institution in this State, 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 such a weapon by his superior officer;

(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 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, or a special policeman appointed by the governing body of any county or municipality or by the commission, board or other body having control of a county park 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.

b. Subsections a., b. and c. of section 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 any such weapon is carried in the manner specified in subsection g. of this section.

c. Subsections b. and c. of section 2C:39–5 do not apply to:

(1) A railway policeman, while in the actual performance of his official duties and while going to or from his place of duty, a campus police officer appointed pursuant to P. L. 1970, c. 211 (C. 18A:6–4.2 et seq.) 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) A full-time member of the marine patrol force or a special marine patrolman authorized to carry such a weapon by the Commissioner of Environmental Protection, while in the actual performance of his official duties:

(4) A court attendant serving as such under appointment by the sheriff of the county or by the judge or magistrate of any 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; or

(8) An employee of a public utilities corporation actually engaged in the transportation of explosives.

d. Subsections c. and d. of section 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.

e. Nothing in subsections b., c. and d. of section 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 dwellings 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 section 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 fresh water 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 such 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 such 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 of the firearms to the public or to the members of such organization or club, provided, however, that not less than 30 days prior to such exhibition or display, notice of such 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 pur-

suant to this section must be transported in the manner specified in paragraph g. of this section.

g. All weapons being transported under subsections b. (2), e. or f. (1) or (3) of this section shall be carried unloaded and contained in a closed and fastened case, gunbox, 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.

**C. 2C:39-7 Certain persons not to have weapons.**

6. (New section) Certain Persons Not to Have Weapons. Any person, having been convicted in this State or elsewhere of the crime of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, or sexual assault, whether or not armed with or having in his possession any weapon enumerated in section 2C:39–1r., or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed to practice in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm, or any person who has been convicted for the unlawful use, possession or sale of a controlled dangerous substance as defined in article 2 of P. L. 1970, c. 226 (C. 24:21–3 et seq.), who purchases, owns, possesses or controls any of the said weapons is guilty of a crime of the fourth degree.

Whenever any person shall have been convicted in another state, territory, commonwealth or other jurisdiction of the United States, or any country in the world, in a court of competent jurisdiction, of a crime which in said other jurisdiction or country is comparable to one of the crimes enumerated above, then that person shall be subject to the provisions of this section.

7. N. J. S. 2C:39–9 is amended to read as follows:

**Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances.**

2C:39–9. Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances. a. Machine guns. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any machine gun without being registered or licensed to do so as provided in chapter 58 is guilty of a crime of the third degree.

b. Sawed-off shotguns. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any sawed-off shotgun is guilty of a crime of the third degree.

c. Firearm silencers. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any firearm silencer is guilty of a crime of the fourth degree.

d. Weapons. Any person who manufactures, causes to be manufactured, transports, ships, or disposes of any weapon including gravity knives, switchblade knives, daggers, dirks, stilettos, billies, blackjacks, metal knuckles, sandclubs, slingshots, cestus or similar leather bands studded with metal filings, or in the case of firearms if he is not licensed or registered to do so as provided in chapter 58, is guilty of a crime of the fourth degree. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any weapon or other device which projects, releases or emits tear gas or any other substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air, which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel, is guilty of a crime of the fourth degree.

e. Defaced firearms. Any person who defaces any firearm is guilty of a crime of the third degree. Any person who knowingly buys, receives, disposes of or conceals a defaced firearm, except an antique firearm, is guilty of a crime of the fourth degree.

8. N. J. S. 2C:39–10 is amended to read as follows:

**Violation of the regulatory provisions to firearms; false representation in applications.**

2C:39–10. Violation of the Regulatory Provisions Relating to Firearms; False Representation in Applications. a. Any person who knowingly violates the regulatory provisions relating to manufacturing or wholesaling of firearms (section 2C:58–1), retailing of firearms (section 2C:58–2), permits to purchase certain firearms (section 2C:58–3), permits to carry certain firearms (section 2C:58–4), licenses to procure machine guns (section 2C:58–5), or incendiary or tracer ammunition (section 2C:58–10), except acts which are punishable under section 2C:39–5 or section 2C:39–9, is guilty of a crime of the fourth degree.

b. Any person who knowingly violates the regulatory provisions relating to notifying the authorities of possessing certain items of explosives (section 2C:58–7), or of certain wounds (section 2C:58–8) is a disorderly person.

c. Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card or a permit to purchase or a permit to carry a handgun, or a permit to possess a machine gun, or in completing the certificate or any other instrument required by law in purchasing or otherwise acquiring delivery of any rifle, shotgun, handgun, machine gun, or any other firearm, is guilty of a crime of the third degree.

9. N. J. S. 2C:39–11 is amended to read as follows:

**Pawnbrokers; loaning on firearms.**

2C:39–11. Pawnbrokers; Loaning on Firearms. a. Any pawnbroker who sells, offers to sell or to lend or to give away any weapon, destructure device or explosive is guilty of a crime of the third degree.

b. Any person who loans money, the security for which is any handgun, rifle or shotgun is guilty of a disorderly persons offense.

10. N. J. S. 2C:58–2 is amended to read as follows:

**Retailing of firearms.**

2C:58–2. Retailing of Firearms. a. Licensing of retail dealers and their employees. No retail dealer of firearms nor any employee of a retail dealer shall sell or expose for sale, or possess with the intent of selling, any firearm unless licensed to do so as hereinafter provided. The superintendent shall prescribe standards and qualifications for retail dealers of firearms and their employees for the protection of the public safety, health and welfare.

Applications shall be made in the form prescribed by the superintendent, accompanied by a fee of $50.00 payable to the superintendent, and shall be made to a judge of the Superior Court in the county where the applicant maintains his place of business. The judge shall grant a license to an applicant if he finds that the applicant meets the standards and qualifications established by the superintendent and that the applicant can be permitted to engage in business as a retail dealer of firearms or employee thereof without any danger to the public safety, health and welfare. Each license shall be valid for a period of 3 years from the date of issuance, and shall authorize the holder to sell firearms at retail in a specified municipality.

In addition, every retail dealer shall pay a fee of $5.00 for each employee actively engaged in the sale or purchase of firearms. The superintendent shall issue a license for each employee for whom said fee has been paid, which license shall be valid for so long as the employee remains in the employ of said retail dealer.

No license shall be granted to any retail dealer under the age of 21 years or to any employee of a retail dealer under the age of 18 or to any person who could not qualify to obtain a permit to purchase a handgun or a firearms purchaser identification card, or to any corporation, partnership or other business oganization in which the actual or equitable controlling interest is held or possessed by such an ineligible person.

All licenses shall be granted subject to the following conditions, for breach of any of which the license shall be subject to revocation on the application of any law enforcement officer and after notice and hearing by the issuing court:

(1) The business shall be carried on only in the building or buildings designated in the license, provided that repairs may be made by the dealer or his employees outside of such premises.

(2) The license or a copy certified by the issuing authority shall be displayed at all times in a conspicuous place on the business premises where it can be easily read.

(3) No firearm or imitation thereof shall be placed in any window or in any other part of the premises where it can be readily seen from the outside.

(4) No rifle or shotgun, except antique rifles or shotguns, shall be delivered to any person unless such person possesses and exhibits a valid firearms purchaser identification card and furnishes the seller, on the form prescribed by the superintendent, a certification signed by him setting forth his name, permanent address, firearms purchaser identification card number and such other information as the superintendent may by rule or regulation require. The certification shall be retained by the dealer and shall be made available for inspection by any law enforcement officer at any reasonable time.

(5) No handgun shall be delivered to any person unless:

(a) Such person possesses and exhibits a valid permit to purchase a firearm and at least 7 days have elapsed since the date of application for the permit;

(b) The person is personally known to the seller or presents evidence of his identity; and

(c) The handgun is unloaded and securely wrapped.

(6) The dealer shall keep a true record of every handgun sold, given or otherwise delivered or disposed of, in accordance with the provisions of subsections b. through e. of this section.

b. Records. Every person engaged in the retail business of selling, leasing or otherwise transferring a handgun, as a retail dealer

or otherwise, shall keep a register in which shall be entered the time of the sale, lease or other transfer, the date thereof, the name, age, date of birth, complexion, occupation, residence and a physical description including distinguishing physical characteristics, if any, of the purchaser, lessee or transferee, the name and permanent home address of the person making the sale, lease or transfer, the place of the transaction, and the make, model, manufacturer's number, caliber and other marks of identification on such handgun and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. The register shall be retained by the dealer and shall be made available at all reasonable hours for inspection by any law enforcement officer.

c. Forms of register. The superintendent shall prepare the form of the register as described in subsection b. of this section and furnish the same in triplicate to each person licensed to be engaged in the business of selling, leasing or otherwise transferring firearms.

d. Signatures in register. The purchaser, lessee or transferee of any handgun shall sign, and the dealer shall require him to sign his name to the register, in triplicate, and the person making the sale, lease or transfer shall affix his name, in triplicate, as a witness to the signature. The signatures shall constitute a representation of the accuracy of the information contained in the register.

e. Copies of register entries; delivery to chief of police or county clerk. Within 5 days of the date of the sale, assignment or transfer, the dealer shall deliver or mail by certified mail, return receipt requested, legible copies of the register forms to the office of the chief of police of the municipality in which the purchaser resides, or to the office of the captain of the precinct of the municipality in which the purchaser resides, and to the superintendent. If hand delivered a receipt shall be given to the dealer therefor.

Where a sale, assignment or transfer is made to a purchaser who resides in a municipality having no chief of police, the dealer shall, within 5 days of the transaction, mail a duplicate copy of the register sheet to the clerk of the county within which the purchaser resides.

11. N. J. S. 2C:58–3 is amended to read as follows:

**Purchase of firearms.**

2C:58–3. Purchase of Firearms. a. Permit to Purchase a Handgun. No person shall sell, give, transfer, assign or otherwise dis-

pose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section.

b. Firearms purchaser identification card. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire a rifle or shotgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of subsection c. of this section and shall contain his name, address and firearms purchaser identification card number or dealer's registration number. The said certification shall be retained by the seller, as provided in section 2C:58–2 a., or, in the case of a person who is not a dealer, it may be filed with the chief of police of the municipality in which he resides or with the superintendent.

c. Who may obtain. No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth. No handgun purchase permit or firearms purchaser identification card shall be issued:

(1) To any person who has been convicted of a crime, whether or not armed with or possessing a weapon at the time of such offense;

(2) To any drug dependent person as defined in P. L. 1970, c. 226 (C. 24:21–2), to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard;

(3) To any person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic unless any of the foregoing persons produce a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in the handling of firearms; to any person who

knowingly falsifies any information on the application forms for a handgun purchase permit or firearms purchaser identification card.

(4) To any person under the age of 18 years; or

(5) To any person where the issuance would not be in the interest of the public health, safety or welfare.

d. Issuance. The chief of police of an organized full-time police department of the municipality where the applicant resides or the superintendent, in all other cases, shall upon application, issue to any person qualified under the provisions of subsection c. of this section a permit to purchase a handgun or a firearms purchaser identification card.

Any person aggrieved by the denial of a permit or identification card may request a hearing in the Superior Court of the county in which he resides if he is a resident of New Jersey or in the Superior Court of the county in which his application was filed if he is a nonresident. The request for a hearing shall be made in writing within 30 days of the denial of the application for a permit or identification card. The applicant shall serve a copy of his request for a hearing upon the chief of police of the municipality in which he resides, if he is a resident of New Jersey, and upon the superintendent in all cases. The hearing shall be held and a record made thereof within 30 days of the receipt of the application for such hearing by the judge of the Superior Court. No formal pleading and no filing fee shall be required as a preliminary to such hearing. Appeals from the results of such hearing shall be in accordance with law.

e. Applications. Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, drug dependent person as defined in P. L. 1970, c. 226 (C. 24:21–2) whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of such confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition giving the name and

location of the doctor, psychiatrist, hospital or institution and the dates of such occurrence, whether he presently or ever has been a member of any organization which advocates or approves the commission of acts of force and violence to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitution of either the United States or the State of New Jersey, whether he has ever been convicted of a crime or disorderly persons offense, and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. For the purpose of complying with this subsection, the applicant shall waive any statutory or other right of confidentiality relating to institutional confinement. The application shall be signed by the applicant and shall contain as reference the names and addresses of two reputable citizens personally acquainted with him.

Application blanks shall be obtainable from the superintendent, from any other officer authorized to grant such permit or identification card, and from licensed retail dealers.

The chief police officer or the superintendent shall obtain the fingerprints of the applicant and shall have them compared with any and all records of fingerprints in the municipality and county in which the applicant resides and also the records of the State Bureau of Identification and the Federal Bureau of Investigation, provided that an applicant for a handgun purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same licensing authority for which he was previously fingerprinted, and who provides other reasonably satisfactory proof of his identity, need not be fingerprinted again; however, the chief police officer or the superintendent shall proceed to investigate the application to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter.

f. Granting of permit or identification card; fee; term; renewal; revocation. The application for the permit to purchase a handgun together with a fee of $2.00, or the application for the firearms purchaser identification card together with a fee of $5.00, shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days from the date of receipt of the application for residents of this State and within 45 days for

nonresident applicant. A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. A firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth in subsection c. of this section, whereupon the card shall be void and shall be returned within 5 days by the holder to the superintendent, who shall then advise the licensing authority. Failure of the holder to return the firearms purchaser identification card to the superintendent within the said 5 days shall be an offense under section 2C:39–10 a. Any firearms purchaser identification card may be revoked by the Superior Court of the county wherein the card was issued, after hearing upon notice, upon a finding that the holder thereof no longer qualifies for the issuance of such permit. The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to such court at any time for the revocation of such card.

There shall be no conditions or requirements added to the form or content of the application, or required by the licensing authority for the issuance of a permit or identification card, other than those that are specifically set forth in this chapter.

g. Disposition of fees. All fees for permits shall be paid to the State Treasury if the permit is issued by the superintendent, to the municipality if issued by the chief of police, and to the county treasurer if issued by the judge of the county court.

h. Form of permit; quadruplicate; disposition of copies. The permit shall be in the form prescribed by the superintendent and shall be issued to the applicant in quadruplicate. Prior to the time he receives the handgun from the seller, the applicant shall deliver to the seller the permit in quadruplicate and the seller shall complete all of the information required on the form. Within 5 days of the date of the sale, the seller shall forward the original copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides, except that in a municipality having no chief of police, such copy shall be forwarded to the superintendent. The third copy shall then be returned to the purchaser with the pistol or revolver and the fourth copy shall be kept by the seller as a permanent record.

i. Restriction on number of firearms person may purchase. Only one handgun shall be purchased or delivered on each permit, but a person shall not be restricted as to the number of rifles or shotguns he may purchase, provided he possesses a valid firearms purchaser

identification card and provided further that he signs the certification required in subsection b. of this section for each transaction.

j. Firearms passing to heirs or legatees. Notwithstanding any other provision of this section concerning the transfer, receipt or acquisition of a firearm, a permit to purchase or a firearms purchaser identification card shall not be required for the passing of a firearm upon the death of an owner thereof to his heir or legatee, whether the same be by testamentary bequest or by the laws of intestacy. The person who shall so receive, or acquire said firearm shall, however, be subject to all other provisions of this chapter. If the heir or legatee of such firearm does not qualify to possess or carry it, he may retain ownership of the firearm for the purpose of sale for a period not exceeding 180 days, or for such further limited period as may be approved by the chief law enforcement officer of the municipality in which the heir or legatee resides or the superintendent, provided that such firearm is in the custody of the chief law enforcement officer of the municipality or the superintendent during such period.

k. Sawed-off shotguns. Nothing in this section shall be construed to authorize the purchase or possession of any sawed-off shotgun.

12. N. J. S. 2C:58–4 is amended to read as follows:

**Permits to carry handguns.**

2C:58–4. Permits to Carry Handguns. a. Scope and duration of authority. Any person who holds a valid permit to carry a handgun issued pursuant to this section shall be authorized to carry a handgun in all parts of this State, except as prohibited by section 2C:39–5e. One permit shall be sufficient for all handguns owned by the holder thereof, but the permit shall apply only to a handgun carried by the actual and legal holder of the permit.

All permits to carry handguns shall expire 2 years from the date of issuance and they may thereafter be renewed every 2 years in the same manner and subject to the same conditions as in the case of original applications.

b. Application forms. All applications for permits to carry handguns, and all applications for renewal of such permits, shall be made on the forms prescribed by the superintendent. Each application shall set forth the full name, date of birth, sex, residence, occupation, place of business or employment, and physical description of the applicant, and such other information as the superintendent may prescribe for the determination of the applicant's eligibility for a permit and for the proper enforcement of

this chapter. The application shall be signed by the applicant under oath, and shall be indorsed by three reputable persons who have known the applicant for at least 3 years preceding the date of application, and who shall certify thereon that the applicant is a person of good moral character and behavior.

c. Investigation and approval. Each application shall in the first instance be submitted to the chief police officer of the municipality in which the applicant resides, or to the superintendent, if there is no chief police officer in the municipality where the applicant resides or if the applicant does not reside in this State. The chief police officer, or the superintendent, as the case may be, shall cause the fingerprints of the applicant to be taken and compared with any and all records maintained by the municipality, the county in which it is located, the State Bureau of Identification and the Federal Bureau of Identification. He shall also determine and record a complete description of each handgun the applicant intends to carry.

No application shall be approved by the chief police officer or the superintendent unless the applicant demonstrates that he is not subject to any of the disabilities set forth in 2C:58–3c., that he is thoroughly familiar with the safe handling and use of handguns, and that he has a justifiable need to carry a handgun. If the application is not approved by the chief police officer or the superintendent within 60 days of filing, it shall be deemed to have been approved, unless the applicant agrees to an extension of time in writing.

d. Issuance by Superior Court; fee. If the application has been approved by the chief police officer or the superintendent, as the case may be, the applicant shall forthwith present it to the Superior Court of the county in which the applicant resides, or to the Superior Court in any county where he intends to carry a handgun, in the case of a nonresident. The court shall issue the permit to the applicant if, but only if, it is satisfied that the applicant is a person of good character who is not subject to any of the disabilities set forth in section 2C:58–3c., that he is thoroughly familiar with the safe handling and use of handguns, and that he has a justifiable need to carry a handgun. The court may at its discretion issue a limited-type permit which would restrict the applicant as to the types of handguns he may carry and where and for what purposes such handguns may be carried. At the time of issuance, the applicant shall pay to the county clerk of the county where the permit was issued a permit fee of $20.00.

e. Appeals from denial of applications. Any person aggrieved by the denial by the chief police officer or the superintendent of approval for a permit to carry a handgun may request a hearing in the Superior Court of the county in which he resides or in any county in which he intends to carry a handgun, in the case of a nonresident, by filing a written request for such a hearing within 30 days of the denial. Copies of the request shall be served upon the superintendent, the county prosecutor and the chief police officer of the municipality where the applicant resides, if he is a resident of this State. The hearing shall be held within 30 days of the filing of the request, and no formal pleading or filing fee shall be required. Appeals from the determination at such a hearing shall be in accordance with law and the rules governing the courts of this State.

If the superintendent or chief police officer approves an application and the Superior Court denies the application and refuses to issue a permit, the applicant may appeal such denial in accordance with law and the rules governing the courts of this State.

f. Revocation of permits. Any permit issued under this section shall be void at such time as the holder thereof becomes subject to any of the disabilities set forth in section 2C:58–3c., and the holder of such a void permit shall immediately surrender the permit to the superintendent who shall give notice to the licensing authority.

Any permit may be revoked by the Superior Court, after hearing upon notice to the holder, if the court finds that the holder is no longer qualified for the issuance of such a permit. The county prosecutor of any county, the chief police officer of any municipality, the superintendent or any citizen may apply to the court at any time for the revocation of any permit issued pursuant to this section.

13. N. J. S. 2C:58–5 is amended to read as follows:

**Licenses to possess and carry machine guns.**

2C:58–5. Licenses to Possess and Carry Machine Guns. a. Any person who desires to purchase, possess and carry a machine gun in this State may apply for a license to do so by filing in the Superior Court in the county in which he resides, or conducts his business if a nonresident, a written application setting forth in detail his reasons for desiring such a license. The Superior Court shall refer the application to the county prosecutor for investigation and recommendation. A copy of the prosecutor's report,

together with a copy of the notice of the hearing on the application, shall be served upon the superintendent and the chief police officer of every municipality in which the applicant intends to carry the machine gun, unless, for good cause shown, the court orders notice to be given wholly or in part by publication.

b. No license shall be issued to any person who would not qualify for a permit to carry a handgun under section 2C:58–4, and no license shall be issued unless the court finds that the public safety and welfare so require. Any person aggrieved by the decision of the court in granting or denying an application, including the applicant, the prosecutor, or any law enforcement officer entitled to notice under subsection a. who appeared in opposition to the application, may appeal said decision in accordance with law and the rules governing the courts of this State.

c. Upon the issuance of any license under this section, true copies of such license shall be filed with the superintendent and the chief police officer of the municipality where the licensee resides or has his place of business.

d. In issuing any license under this section, the court shall attach thereto such conditions and limitations as it deems to be in the public interest. Unless otherwise provided by court order at the time of issuance, each license shall expire 1 year from the date of issuance, and may be renewed in the same manner and under the same conditions as apply to original applications.

e. Any license may be revoked by the Superior Court, after a hearing upon notice to the holder thereof, if the court finds that the holder is no longer qualified for the issuance of such a license or that revocation is necessary for the public safety and welfare. Any citizen may apply to the court for revocation of a license issued under this section.

**C. 2C:58-6.1 Possession of firearms by minors; exceptions.**

14. (New section) Possession of Firearms by Minors; Exceptions.

a. No person under the age of 18 years shall purchase, barter or otherwise acquire a firearm.

b. No person under the age of 18 years shall possess, carry, fire or use a firearm except under the following circumstances:

(1) In the actual presence or under the direct supervision of his father, mother or guardian, or some other person who holds a permit to carry a handgun or a firearms purchaser identification card, as the case may be; or

(2) For the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision; or

(3) For the purpose of competition or target practice in and upon a firing range approved by the governing body of the municipality in which the range is located or the National Rifle Association and which is under competent supervision at the time of such supervision or target practice; or

(4) For the purpose of hunting during the regularly designated hunting season, provided that he possesses a valid hunting license and has successfully completed a hunter's safety course taught by a qualified instructor or conservation officer and possesses a certificate indicating the successful completion of such a course.

c. Any person under the age of 18 years who violates any provision of this section shall be deemed a juvenile in need of supervision as defined in P. L. 1973, c. 306, s. 4 (C. 2A:4–45).

**Repealer.**

15. N. J. S. 2A:151–10 and N. J. S. 2A:151–11 are repealed.

16. This act shall take effect September 1, 1979.

Approved August 29, 1979.

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## CHAPTER 180

AN ACT concerning probation and amending sections 2C:45–1, 2C:45–2 and 2C:45–3 of the New Jersey Statutes.

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

1. N. J. S. 2C:45–1 is amended to read as follows:

**Conditions of suspension or probation.**

2C:45–1. Conditions of Suspension or Probation. a. When the court suspends the imposition of sentence on a person who has been convicted of an offense or sentences him to be placed on probation, it shall attach such reasonable conditions, authorized by this section, as it deems necessary to insure that he will lead a law-abiding life or is likely to assist him to do so. These conditions may be set forth in a set of standardized conditions promulgated by the county probation department and approved by the court.

b. The court, as a condition of its order, may require the defendant:

(1) To support his dependents and meet his family responsibilities;

(2) To find and continue in gainful employment;

(3) To undergo available medical or psychiatric treatment and to enter and remain in a specified institution, when required for that purpose;

(4) To pursue a prescribed secular course of study or vocational training;

(5) To attend or reside in a facility established for the instruction, recreation or residence of persons on probation;

(6) To refrain from frequenting unlawful or disreputable places or consorting with disreputable persons;

(7) Not to have in his possession any firearm or other dangerous weapon unless granted written permission;

(8) To make restitution of the fruits of his offense, in an amount he can afford to pay, for the loss or damage caused thereby;

(9) To remain within the jurisdiction of the court and to notify the court or the probation officer of any change in his address or his employment;

(10) To report as directed to the court or the probation officer, to permit the officer to visit his home, and to answer all reasonable inquiries by the probation officer;

(11) To pay a fine;

(12) To satisfy any other conditions reasonably related to the rehabilitation of the defendant and not unduly restrictive of his liberty or incompatible with his freedom of conscience;

(13) To require the performance of community-related service.

c. When the court sentences a person who has been convicted of a crime to be placed on probation, it may require him to serve a term of imprisonment not exceeding 180 days as an additional condition of its order. When the court sentences a person convicted of a disorderly persons offense to be placed on probation, it may require him to serve a term of imprisonment not exceeding 90 days as an additional condition of its order. The term of imprisonment imposed hereunder shall be treated as part of the sentence, and in the event of a sentence of imprisonment upon the revocation of probation, the term of imprisonment served hereunder shall be credited toward service of such subsequent sentence.

d. The defendant shall be given a copy of the terms of his probation or suspension of sentence and any requirements imposed pursuant to this section, stated with sufficient specificity to enable him to guide himself accordingly. The defendant shall acknowledge, in writing, his receipt of these documents and his consent to their terms.

2. N. J. S. 2C:45–2 is amended to read as follows:

**Period of suspension or probation; modification of conditions; discharge of defendant.**

2C:45–2. Period of Suspension or Probation; Modification of Conditions; Discharge of Defendant. a. When the court has suspended imposition of sentence or has sentenced a defendant to be placed on probation, the period of the suspension shall be fixed by the court at not to exceed the maximum term which could have been imposed or more than 5 years whichever is lesser. The period of probation shall be fixed by the court at not less than 1 year nor more than 5 years. The court, on application of a probation officer or of the defendant, or on its own motion, may discharge the defendant at any time.

b. During the period of the suspension or probation, the court, on application of a probation officer or of the defendant, or on its own motion, may (1) modify the requirements imposed on the defendants; or (2) add further requirements authorized by section 2C:45–1. The court shall eliminate any requirement that imposes an unreasonable burden on the defendant.

c. Upon the termination of the period of suspension or probation or the earlier discharge of the defendant, the defendant shall be relieved of any obligations imposed by the order of the court and shall have satisfied his sentence for the offense except that this subsection shall not apply if the defendant has failed to fulfill conditions imposed pursuant to subsections 2C:45–1 (8) or (11) in which event the court may order that the probationary period be extended for an additional period not to exceed that authorized by subsection 2C:45–2a.

The extension may be entered by the court without the defendant's personal appearance if the defendant agrees to the extension.

3. N. J. S. 2C:45–3 is amended to read as follows:

**Summons or arrest of defendant under suspended sentence or on probation; commitment without bail; revocation and resentence.**

2C:45–3. Summons or Arrest of Defendant Under Suspended Sentence or on Probation; Commitment Without Bail; Revocation

and Resentence. a. At any time before the discharge of the defendant or the termination of the period of suspension or probation:

(1) The court may summon the defendant to appear before it or may issue a warrant for his arrest;

(2) A probation officer or peace officer, upon request of the chief probation officer or otherwise having probable cause to believe that the defendant has failed to comply with a requirement imposed as a condition of the order or that he has committed another offense, may arrest him without a warrant;

(3) The court, if there is probable cause to believe that the defendant has committed another offense or if he has been held to answer therefor, may commit him without bail, pending a determination of the charge by the court having jurisdiction thereof;

(4) The court, if satisfied that the defendant has inexcusably failed to comply with a substantial requirement imposed as a condition of the order or if he has been convicted of another offense, may revoke the suspension or probation and sentence or resentence the defendant, as provided in this section. No revocation of suspension or probation shall be based on failure to pay a fine or make restitution, unless the failure was willful.

b. When the court revokes a suspension or probation, it may impose on the defendant any sentence that might have been imposed originally for the offense of which he was convicted.

4. This act shall take effect on September 1, 1979.

Approved August 29, 1979.

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## CHAPTER 181

AN ACT concerning counties and municipalities, revising parts of the statutory law, enacting and adding chapters 6, 7 and 13 to Title 40A of the New Jersey Statutes.

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

*Section 1*

# TITLE 40A

# CHAPTER 6

# CLASSIFICATION OF COUNTIES AND CITIES

ARTICLE 1. COUNTIES

40A:6–1 Classification of counties for legislative purposes.
40A:6–2 When change in classification effective.
40A:6–3 Governing bodies unaffected.

ARTICLE 2. CITIES

40A:6–4 Classification of cities for legislative purposes.
40A:6–5 Reference in laws to designated classes; notice to courts.
40A:6–6 Time when census shall affect classification.
40A:6–7 City becoming member of another class to be governed by laws applicable to such class.

ARTICLE 3. REPEALER

40A:6–8 Statutes repealed.

## ARTICLE 1. COUNTIES

**Classification of counties for legislative purposes.**

40A:6–1. Classification of counties for legislative purposes. For legislative purposes, counties are classified as follows based upon their population as ascertained by the most recent Federal decennial census:

a. First class—counties having a population of more than 600,000;

b. Second class—counties having a population of not less than 200,000 but not more than 600,000 except such counties bordering on the Atlantic ocean;

c. Third class—counties having a population of not less than 50,000 but not more than 200,000 except such counties bordering on the Atlantic ocean;

d. Fourth class—counties having a population of less than 50,000 except such counties bordering on the Atlantic ocean;

e. Fifth class—counties bordering on the Atlantic ocean having a population of more than 100,000;

f. Sixth class—counties bordering on the Atlantic ocean having a population of not more than 100,000.

Source: R. S. 40:17–1; 40:17–2 amended 1939, c. 150; 1954, c. 4, s. 1; 1954, c. 73.

**When change in classification effective.**

40A:6–2. When change in classification effective. Whenever the classification of any county is changed by reason of increase of population, as shown by any future Federal decennial census, the change in class shall be deemed to take effect on July 1 following the promulgation thereof.

Source: R. S. 40:17–3. (Note: See R. S. 52:4–1).

**Governing bodies unaffected.**

40A:6–3. Governing bodies unaffected. Nothing in this article shall be construed to reduce the membership of any county governing body.

Source: C. 40:17–2.1 (1954, c. 4, s. 2); R. S. 40:17–4.

## Article 2. Cities

**Classification of cities for legislative purposes.**

40A:6–4. Classification of cities for legislative purposes. For legislative purposes, cities shall be classified as follows based upon population as ascertained by the most recent Federal decennial census:

a. First class—cities having a population of more than 150,000;

b. Second class—cities having a population of not less than 12,000 but not more than 150,000;

c. Third class—all cities which are not first- or second-class cities except cities bordering on the Atlantic ocean being seaside or summer resorts;

d. Fourth class—cities bordering on the Atlantic ocean which are seaside or summer resorts.

Source: R. S. 40:167–1; 40:167–2 (Note: See R. S. 54:4–1).

**Reference in laws to designated classes; notice to courts.**

40A:6–5. Reference in laws to designated classes; notice to courts. It shall be sufficient in any law to refer to the classification of cities as designated in N. J. S. 40A:6–4, and such law shall be construed to apply to all cities of the class referred to.

All courts of this State shall take notice of the classification and construe all legislation founded on such classification as if this article were a part of the legislation under consideration, when any law passed on the basis of the classification designated in this article shall be called in question.

Source: R. S. 40:167–3.

**Time when census shall affect classification.**

40A:6-6. Time when census shall affect classification. A Federal decennial census shall take effect and be applicable to the classification of all cities within 90 days after its official promulgation.

Source: R. S. 40:167-4.

**City becoming member of another class to be governed by laws applicable to such class.**

40A:6-7. City becoming member of another class to be governed by laws applicable to such class. When any city becomes, by reason of its population, a member of another class in accordance with the classification above referred to, the laws before that time applicable to the city shall cease to have any effect, and thereafter the city shall be governed only by the laws applicable to the classification in which it is contained; provided, however, that nothing contained in this article shall affect or make void any contracts or rights or any act theretofore done by such city; or in any manner affect or change the internal structure or arrangement thereof or the laws affecting the same during a reasonable time until the newly applicable laws are adopted by ordinance of the governing body of said city.

Source: R. S. 40:167-5.

## Article 3. Repealer

**Statutes repealed.**

40A:6-8. Statutes repealed. The following sections, chapters and acts, together with all amendments and supplements thereto, are hereby repealed:

Revised Statutes Sections:
R. S. 40:17-1 to 40:17-4 inclusive;
R. S. 40:167-1 to 40:167-7 inclusive;

Pamphlet Laws:
P. L. 1954, c. 4 (C. 40:17-2.1).

## TITLE 40A. MUNICIPALITIES AND COUNTIES
## CLASSIFICATION OF COUNTIES AND CITIES

### Schedule of Allocations of Source Material

| *Source Sections* | | *Revised Sections* |
|---|---|---|
| R. S. 40:17–1 | | 40A:6–1 |
| R. S. 40:17–2 | As am. L. 1939, c. 150; L. 1954, c. 4, s. 1; L. 1954, c. 73 | 40A:6–1 |
| C. 40:17–2.1 | L. 1954, c. 4, s. 2 | 40A:6–3 |
| R. S. 40:17–3 | | 40A:6–2 |
| R. S. 40:17–4 | | 40A:6–3 |
| R. S. 40:167–1 | | 40A:6–4 |
| R. S. 40:167–2 | | 40A:6–4 |
| R. S. 40:167–3 | | 40A:6–5 |
| R. S. 40:167–4 | | 40A:6–6 |
| R. S. 40:167–5 | | 40A:6–7 |
| R. S. 40:167–6 | | Not Enacted |
| R. S. 40:167–7 | | Not Enacted |

## TITLE 40A. MUNICIPALITIES AND COUNTIES
## CLASSIFICATION OF COUNTIES AND CITIES

### Treatment of Source Material

| *Revised Section* | *Source* | *Treatment of Source* |
|---|---|---|
| 40A:6–1 | R. S. 40:17–1<br>R. S. 40:17–2 | Revised to consolidate source sections |
| 40A:6–2 | R. S. 40:17–3 | No change |
| 40A:6–3 | C. 40:17–2.1<br>R. S. 40:17–4 | Revised to consolidate source sections |
| 40A:6–4 | R. S. 40:167–1<br>R. S. 40:167–2 | Revised to consolidate source sections |
| 40A:6–5 | R. S. 40:167–3 | Editorial |
| 40A:6–6 | R. S. 40:167–4 | Editorial |
| 40A:6–7 | R. S. 40:167–5 | Editorial |
| 40A:6–8 | | Statutes repealed |

*Section 2*

## CHAPTER 7

## ANNEXATION OF LAND

### Article 1. Counties


40A:7–1 Law applicable in annexed territory.
40A:7–2 Rights of citizens.
40A:7–3 Liability for indebtedness.
40A:7–4 Joint committee of governing body members to ascertain indebtedness.
40A:7–5 Committee to ascertain and report amount of indebtedness paid by annexing county.
40A:7–6 Making and filing report; effect.
40A:7–7 Decision of majority final; members present to act; adjournments.
40A:7–8 Failure to make report; application to Superior Court; commission appointed; report and compensation.
40A:7–9 Continuation of officers.
40A:7–10 Collection of unpaid taxes.
40A:7–11 Suits and other legal proceedings unaffected.


### Article 2. Municipalities

#### A. In General


40A:7–12 Annexation; petition and contents.
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40A:7–14 Law applicable; copy of ordinance filed.
40A:7–15 Land plotted on municipal map.
40A:7–16 Rights of residents after annexation.
40A:7–17 Indebtedness of annexed municipality apportioned.
40A:7–18 Joint committee to apportion property and indebtedness.
40A:7–19 Payment of indebtedness.
40A:7–20 Decision of majority final; members present to act; adjournments.
40A:7–21 Joint committee report filed; compensation of committeemen.
40A:7–22 Failure to make report; application to Superior Court; commission appointed; report and compensation.
40A:7–23 Effect on constables.

40A:7-24 Annexation of adjacent municipally-owned unoccupied land.
40A:7-25 Actions pending unaffected; collection of unpaid taxes.

B. Annexation of Boundary Roads and Streets

40A:7-26 Procedure.
40A:7-27 Recording copy of proceedings.

Article 3. Repealer

40A:7-28 Statutes repealed.

## Article 1. Counties

**Law applicable in annexed territory.**

40A:7-1. Law applicable in annexed territory. When part of one county is annexed to or consolidated with another county under any law, all laws, general, local or special, affecting the county to which the part is annexed shall extend to and have the same effect within the annexed territory as they have elsewhere in the county, and all such laws applicable to the county from which the annexed territory is taken shall be deemed to be repealed insofar as applicable to the annexed territory. The repeal shall not operate to affect or impair any right which any person may have acquired under any such laws.

Source: R. S. 40:18-23.

**Rights of citizens.**

40A:7-2. Rights of citizens. All residents in the territory annexed shall immediately become residents of the county to which the territory is annexed.

Source: R. S. 40:18-24.

**Liability for indebtedness.**

40A:7-3. Liability for indebtedness. The county to which part of the territory of another county is annexed shall be liable to pay such proportionate part of the indebtedness of the county from which the annexed territory is taken, as the value of the property assessed for the purpose of taxation in the annexed territory bears to the entire amount of property assessed for that purpose in the county, according to the assessments for the purpose of taxation made by the appropriate taxing officers of the several taxing districts of the county in the year preceding the annexation.

Source: R. S. 40:18-25.

**Joint committee of the governing body members to ascertain indebtedness.**

40A:7–4. Joint committee of the governing body members to ascertain indebtedness. On the third Monday after the annexation or consolidation takes effect, a committee consisting of three members of the governing body of the county from which the annexed territory is taken and three members of the governing body of the county to which the territory is annexed shall be appointed by said governing bodies in the manner otherwise provided by law for appointments thereof.

The committee shall meet at the courthouse of the county from which the territory is taken, at 10:00 a.m. on the Monday following their appointment.

Source: R. S. 40:18–26.

**Committee to ascertain and report amount of indebtedness paid by annexing county.**

40A:7–5. Committee to ascertain and report amount of indebtedness paid by annexing county. At the meeting the committee shall proceed to ascertain a. the entire amount of the indebtedness of the county from which the annexed territory is taken; b. the amount of money in the treasury of the county applicable to the payment thereof; c. the amount of uncollected taxes and other claims due the county which are deemed to be collectible; d. such other information as shall be necessary to enable the committee to make a just and equitable division of the indebtedness and assets between the counties.

The committee shall thereupon ascertain the amount of the indebtedness of the county from which the annexed territory is taken that should be paid by the county to which the territory is annexed, and how much of the taxes and claims due the county from which the territory is taken should be paid over to the county to which the territory is annexed, and when the payment should be made.

Source: R. S. 40:18–27.

**Making and filing report; effect.**

40A:7–6. Making and filing report; effect. The committee shall make a report within 60 days after the time fixed for their first meeting of their determinations in duplicate. One duplicate shall be filed in the office of the clerk of each county.

The county to which the territory is annexed shall thereupon become liable for the payment of such portion of the debt and interest thereon, as shown by the report, when it becomes due or payable, and the county from which the territory is taken shall

thereupon become liable to the county to which the territory is annexed, according to the determinations and provisions of the report.

Source: R. S. 40:18–28.

**Decision of majority final; members present to act; adjournments.**

40A:7–7. Decision of majority final; members present to act; adjournments. In ascertaining the necessary facts and in making the report, the decision of four members of the committee shall be final. If any member of the committee refuses or neglects to attend any meeting thereof, those assembled shall act, but it shall be lawful to adjourn any meeting from time to time not beyond one month in all as a majority of said committee or of those attending the meetings may decide.

Source: R. S. 40:18–29.

**Failure to make report; application to Superior Court; commission appointed; report and compensation.**

40A:7–8. Failure to make report; application to Superior Court; commission appointed; report and compensation. If the report is not made and filed within the time fixed in N. J. S. 40A:7–6, the county to which the territory is annexed shall forthwith apply to the Superior Court assignment judge of that county for an order appointing three commissioners to take the place of and perform the work of the committee, who shall perform the work and make their report within 30 days from the date of their appointment, unless otherwise ordered by the judge.

The report of the commissioners, or a majority of them, shall be made in duplicate and filed with the clerk of each of the counties, and shall have the same force and effect, and be as binding as if a report had been made and filed by the committee.

The commissioners shall be paid for their services by the county applying for their appointment and by the county of which the territory formerly was a part.

The judge shall, upon application of the commissioners, and after they have filed their report, fix the amount to be paid to each commissioner, and the part thereof to be paid by each county, and for which respective amounts said counties shall be liable.

Source: New.

**Continuation of officers.**

40A:7–9. Continuation of officers. All county officers living in the territory annexed to another county shall continue in office until

the expiration of their respective terms, and all constables resident within the annexed territory shall continue to hold their offices until the expiration of their terms.

Source: R. S. 40:18–30 amended 1953, c. 37, s. 20.

**Collection of unpaid taxes.**

40A:7–10. Collection of unpaid taxes. All taxes for county purposes levied or assessed and uncollected in the annexed territory prior to the time when the annexation shall take effect shall be collected by the officer thereafter charged with the duty of collecting taxes in the territory and paid over to the collector of the county from which the territory was taken, and shall be divided according to the report of the committee.

Source: R. S. 40:18–31.

**Suits and other legal proceedings unaffected.**

40A:7–11. Suits and other legal proceedings unaffected. All actions, appeals, prosecutions and other legal proceedings pending in a court or before any tribunal having jurisdiction within the county from which the annexed territory is taken shall not be affected by the annexation, but may be prosecuted in the county from which the territory is taken, in the same manner and before the same courts and tribunals and with like effect as if the annexation had not occurred, and judgments obtained or which may be obtained therein shall have the same effect.

Source: R. S. 40:18–32 amended 1953, c. 37, s. 21.

## Article 2. Municipalities

### A. In General

**Annexation; petition and contents.**

40A:7–12. Annexation; petition and contents. Land in one municipality may be annexed to another municipality to which said land is contiguous. To effect such annexation, a petition in writing shall be presented to the governing body of the municipality to which such annexation is sought to be made, specifically setting forth the boundaries of such land, signed by at least 60% of the legal voters residing thereon. If the land is vacant, the petition may be signed by the person or persons owning at least 60% of said land as shown by the assessor's duplicate for the preceding year. The petition shall be duly verified by one of the signers, and shall have attached thereto the oath of an assessor of the municipality in which said land is located, or of some other person having

access to the assessor's books, setting forth the assessed value of the real estate contained within the boundaries for the preceding year, and the amount of real estate assessed to any of the persons whose names are signed to such petition. The petition shall also have attached thereto a certified copy of a resolution of the governing body of the municipality in which said land is located, consenting to said annexation.

Source: R. S. 40:43–26.

**Ordinance of annexing municipality; wards; limitation on municipal boundaries.**

40A:7–13. Ordinance of annexing municipality; wards; limitation on municipal boundaries. The governing body of the municipality to which land is sought to be annexed may, in its discretion, by ordinance adopted by a two-thirds vote annex the land specifically described in the petition to such municipality. If the municipality is divided into wards, the ordinance shall also designate the ward or wards of which said land shall become a part, but in all cases the annexed lands shall become part of the ward or wards to which it is contiguous. The boundaries of such municipality shall not be extended so as to include a portion of any county other than that in which such municipality is located.

Source: R. S. 40:43–26.

**Law applicable; copy of ordinance filed.**

40A:7–14. Law applicable; copy of ordinance filed. Upon the ordinance becoming effective, the land described in the petition shall become a part of the municipality to which it is annexed, and all laws affecting the municipality to which it is annexed, and the ordinances and regulations of said municipality, shall extend to and have the same effect within the territory so annexed as they shall have theretofore had within the original limits of the annexing municipality, but no vested rights shall be changed or abrogated by such annexation.

Upon the annexation of any land the clerk of the municipality to which the land is annexed, shall immediately thereafter file in the office of the clerk of the county in which the land is situated, and in the office of the Secretary of State, a certified copy of the ordinance.

Source: R. S. 40:43–27.

**Land plotted on municipal map.**

40A:7–15. Land plotted on municipal map. The governing body of the municipality to which the land is annexed shall forthwith

cause the annexed land to be plotted upon the official map or maps of the municipality.

Source: R. S. 40:43–28.

**Rights of residents after annexation.**

40A:7–16. Rights of residents after annexation. After annexation has become effective, all persons residing within the annexed territory shall become residents of the annexing municipality. They shall have the same rights and be entitled to the same privileges, and be subject to the same obligations as other residents of the annexing municipality.

Source: R. S. 40:43–29.

**Indebtedness of annexed municipality apportioned.**

40A:7–17. Indebtedness of annexed municipality apportioned. The municipality to which the territory shall be annexed, shall be liable to pay a proper proportion of the bonded and other indebtedness of the municipality of which the annexed territory formerly formed a part, which portion of such indebtedness shall be ascertained in the manner hereinafter provided.

Source: R. S. 40:43–30.

**Joint committee to apportion property and indebtedness.**

40A:7–18. Joint committee to apportion property and indebtedness. On the Monday after the annexation becomes effective, a committee of three to be appointed by the governing body of the municipality to which the territory shall have been annexed, and a similar committee appointed by the governing body of the municipality of which the territory was formerly a part, shall meet at the municipal building of the municipality to which the territory shall have been annexed, at 10:00 a.m., or as soon thereafter as may be, proceed to state an account of all the property, real and personal, all debts, dues and demands, all judgments, recognizances and claims and all liens, actions and rights of action belonging to the municipality of which the annexed territory formerly formed a part, and to state the fair value thereof to such municipality. They shall also state an account of all the debts outstanding of such municipality, and the proper proportion or share to be borne and paid by the municipality to which the territory has been annexed, and the methods in and times at which payment thereof should be made.

Source: R. S. 40:43–31.

**Payment of indebtedness.**

40A:7–19. Payment of indebtedness. The credit of the municipality to which the territory has been annexed shall stand pledged for the final payment of the indebtedness so apportioned to it and it shall make the payments in the manner and at the times set forth in the report.

Source: R. S. 40:43–32.

**Decision of majority final; members present to act; adjournments.**

40A:7–20. Decision of majority final; members present to act; adjournments. In ascertaining the necessary facts and in making the report, the decision of four members of the committee shall be final. If any member of the committee refuses or neglects to attend any meeting thereof, those assembled shall act, but it shall be lawful to adjourn any meeting from time to time not beyond 1 month in all as a majority of the committee or those attending the meetings may decide.

Source: R. S. 40:43–33.

**Joint committee report filed; compensation of committeemen.**

40A:7–21. Joint committee report filed; compensation of committeemen. The committees shall make their report, in duplicate originals, signed by at least four committeemen, within 60 days after the time fixed for their first meeting, and shall file one with the clerk of each of the municipalities. The compensation of the committeemen shall be fixed by the governing body of the municipality appointing them, and paid in the same manner as other officers or employees of the municipality are paid.

Source: R. S. 40:43–34.

**Failure to make report; application to Superior Court; commission appointed; report and compensation.**

40A:7–22. Failure to make report; application to Superior Court; commission appointed; report and compensation. If the report is not made and filed within the time fixed in N. J. S. 40A:7–21, the municipality to which the territory is annexed shall forthwith apply to the Superior Court assignment judge of the county in which the municipality is located, for an order appointing three commissioners to take the place of and perform the work of the committees, who shall perform the work and make their report within 30 days from the date of their appointment, unless otherwise ordered by the judge.

The report of the commissioners, or a majority of them, shall be made in duplicate and filed with the clerk of each of the munici-

palities, and shall have the same force and effect, and be as binding as if a report had been made and filed by the committees.

The commissioners shall be paid for their services by the municipality applying for their appointment and by the municipality of which the territory formerly was a part.

The judge shall, upon application of the commissioners, and after they have filed their report, fix the amount to be paid to each commissioner, and the part thereof to be paid by each municipality, and for which respective amounts said municipalities shall be liable.

Source: R. S. 40:43–35 amended 1953, c. 37, s. 154.

**Effect on constables.**

40A:7–23. Effect on constables. All constables, resident within the territory annexed, shall continue to hold their respective offices until the expiration of their respective terms.

Source: R. S. 40:43–36 amended 1953, c. 37, s. 155.

**Annexation of adjacent municipally-owned unoccupied land.**

40A:7–24. Annexation of adjacent municipally-owned unoccupied land. Whenever any municipality has acquired or shall acquire lands situated in another municipality for public use, consisting of one or more tracts which together comprise one plot of land bounded in part by the division line between such municipalities, and said lands are unoccupied, the land may be annexed to the municipality holding title thereto, if desired by the municipality and consented to by the municipalities in which the lands have their situs. The annexation shall be effected by the passage of an ordinance by the governing body of the municipality in which the lands are situated, upon the petition of the governing body of the municipality owning them.

The provisions of N. J. S. 40A:7–14 to 40A:7–22 and of N. J. S. 40A:7–25 shall be observed in effecting the annexation of land under this section, and the annexation shall be subject thereto, insofar as such provisions are applicable.

Source: R. S. 40:43–38.

**Actions pending unaffected; collection of unpaid taxes.**

40A:7–25. Actions pending unaffected; collection of unpaid taxes. Nothing contained in this subarticle shall affect any actions or suits which shall be pending at the time of any annexation of territory, and to which either of the municipalities shall be a party, and the collection of all taxes and assessments of or on

all such annexed territory or any part thereof, which shall be unpaid at the time of such annexation, shall be effected in the manner prescribed by the laws, ordinances and regulations governing the municipalities of which the annexed territory was formerly a part.

Source: R. S. 40:43–39.

### B. Annexation of Boundary Roads and Streets

**Procedure.**

40A:7–26. Procedure. When a public road or street lying wholly within a municipality adjoins the boundary line of another municipality, the public road or street to the middle thereof may be annexed to and become part of the adjoining municipality by consent of both municipalities. The governing bodies of each municipality may by ordinance provide that the portion of the public road or street to the middle thereof bordering on the adjoining municipality shall be annexed to and become part of the municipality it adjoins. Upon the passage of such ordinances by each municipality and upon the ordinances becoming effective, that part of the public road or street described in the ordinances shall be and become a part of the municipality to which it is annexed.

Source: C. 40:43–39.1 (1939, c. 46, s. 1).

**Recording copy of proceedings.**

40A:7–27. Recording copy of proceedings. Upon the annexation of part of any public road or street as provided in N. J. S. 40A:7–26, the clerk of the municipality to which such land is annexed shall immediately thereafter file in the office of the clerk of the county in which such land is situated and also in the office of the Secretary of State a certified copy of said ordinances.

Source: C. 40:43–39.2 (1939, c. 46, s. 2).

## Article 3. Repealer

**Statutes repealed.**

40A:7–28. Statutes repealed. The following statutes, acts and sections, together with all amendments and supplements thereto, are hereby repealed:

Revised Statutes sections:

R. S. 40:18–23 to 40:18–32 inclusive;
R. S. 40:43–26 to 40:43–39 inclusive.

Pamphlet laws:

P. L. 1939, c. 46 (C. 40:43–39.1 and C. 40:43–39.2).

# TITLE 40A. MUNICIPALITIES AND COUNTIES

## Annexation of Land

### Schedule of Allocations of Source Material

| *Source Sections* | | *Revised Sections* |
|---|---|---|
| R. S. 40:18–23 | | 40A:7–1 |
| R. S. 40:18–24 | | 40A:7–2 |
| R. S. 40:18–25 | | 40A:7–3 |
| R. S. 40:18–26 | | 40A:7–4 |
| R. S. 40:18–27 | | 40A:7–5 |
| R. S. 40:18–28 | | 40A:7–6 |
| R. S. 40:18–29 | | 40A:7–7 |
| R. S. 40:18–30 | As am. L. 1953, c. 37, s. 20 | 40A:7–9 |
| R. S. 40:18–31 | | 40A:7–10 |
| R. S. 40:18–32 | As am. L. 1953, c. 37, s. 21 | 40A:7–11 |
| | | 40A:7–12 |
| R. S. 40:43–26 | | 40A:7–13 |
| R. S. 40:43–27 | | 40A:7–14 |
| R. S. 40:43–28 | | 40A:7–15 |
| R. S. 40:43–29 | | 40A:7–16 |
| R. S. 40:43–30 | | 40A:7–17 |
| R. S. 40:43–31 | | 40A:7–18 |
| R. S. 40:43–32 | | 40A:7–19 |
| R. S. 40:43–33 | | 40A:7–20 |
| R. S. 40:43–34 | | 40A:7–21 |
| R. S. 40:43–35 | As am. L. 1953, c. 37, s. 154 | 40A:7–22 |
| R. S. 40:43–36 | As am. L. 1953, c. 37, s. 155 | 40A:7–23 |
| R. S. 40:43–37 | | Not Enacted |
| R. S. 40:43–38 | | 40A:7–24 |
| R. S. 40:43–39 | | 40A:7–25 |
| C. 40:43–39.1 | L. 1939, c. 46, s. 1 | 40A:7–26 |
| C. 40:43–39.2 | L. 1939, c. 46, s. 2 | 40A:7–27 |
| New | | 40A:7–8 |

## TITLE 40A. MUNICIPALITIES AND COUNTIES

### ANNEXATION OF LAND

### TREATMENT OF SOURCE MATERIAL

| *Revised Section* | *Source* | *Treatment of Source* |
|---|---|---|
| 40A:7-1 | R. S. 40:18-23 | No change |
| 40A:7-2 | R. S. 40:18-24 | No change |
| 40A:7-3 | R. S. 40:18-28 | No change |
| 40A:7-4 | R. S. 40:18-26 | Editorial |
| 40A:7-5 | R. S. 40:18-27 | Editorial |
| 40A:7-6 | R. S. 40:18-28 | Editorial; report to be filed in sixty days |
| 40A:7-7 | R. S. 40:18-29 | Editorial |
| 40A:7-8 | New | Provides procedure when committee fails to make report |
| 40A:7-9 | R. S. 40:18-30 | No change |
| 40A:7-10 | R. S. 40:18-31 | No change |
| 40A:7-11 | R. S. 40:18-32 | No change |
| 40A:7-12 | R. S. 40:43-26 | Revised section derived from source |
| 40A:7-13 | R. S. 40:43-26 | Revised section derived from source |
| 40A:7-14 | R. S. 40:43-27 | Editorial |
| 40A:7-15 | R. S. 40:43-28 | No change |
| 40A:7-16 | R. S. 40:43-29 | Editorial |
| 40A:7-17 | R. S. 40:43-30 | No change |
| 40A:7-18 | R. S. 40:43-31 | Editorial |
| 40A:7-19 | R. S. 40:43-32 | Editorial |
| 40A:7-20 | R. S. 40:43-33 | Editorial; decision by four members final |
| 40A:7-21 | R. S. 40:43-34 | Editorial |
| 40A:7-22 | R. S. 40:43-35 | Editorial |
| 40A:7-23 | R. S. 40:43-36 | Reference to police officers deleted; see N. J. S. 40A:14-122 et seq. as to residency requirements for police officers |
| 40A:7-24 | R. S. 40:43-38 | Editorial |
| 40A:7-25 | R. S. 40:43-39 | Editorial |
| 40A:7-26 | C. 40:43-39.1 | Editorial |
| 40A:7-27 | C. 40:43-39.2 | Editorial |
| 40A:7-28 | | Statutes repealed |

*Section 3*

# CHAPTER 13
# BOUNDARIES

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40A:13-2 Extension of county boundaries into the ocean; jurisdiction.

## Article 2. Determination of Boundaries

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40A:13-4 Commissioners; oaths.
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40A:13-6 Notice of meeting of commissioners.
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40A:13-8 Report of commissioners; filing; effect.
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### D. Boundaries of Private Lands Unaffected

40A:13-18 Boundaries of private lands unaffected.

### E. Lands and Buildings Situated on Boundaries

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F. Nonnavigable Stream Forming Dividing Line

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40A:13–24 R. S. 40:18–4 saved from repeal.
40A:13–25 Chapter 176 of the Laws of 1938 saved from repeal
40A:13–26 Chapter 244 of the Laws of 1939 saved from repeal.
40A:13–27 Chapter 253 of the Laws of 1950 saved from repeal.
40A:13–28 Chapter 132 of the Laws of 1958 saved from repeal.
40A:13–29 Chapter 203 of the Laws of 1965 saved from repeal.

Article 4. Repealer

40A:13–30 Statutes repealed.

Article 1. In General

**Boundaries.**

40A:13–1. Boundaries. The boundaries of the several counties and municipalities shall be established by or pursuant to law.

Source: R. S. 40:18–1; 40:142–1.

**Extension of county boundaries into the ocean; jurisdiction.**

40A:13–2. Extension of county boundaries into the ocean; jurisdiction. The territorial limits of each county or portion thereof fronting upon the open sea shall extend to a line parallel with the ocean shore line of the county, and distant, easterly, 3 nautical miles therefrom and the division lines between said counties shall extend from the several points where they reach the sea in courses east until they severally reach said outer lines of said counties for all purposes including jurisdiction over criminal and other offenses committed.

Source: R. S. 40:18–5.

Article 2. Determination of Boundaries

A. Between Counties

**Application for appointment of commissioners to determine boundary.**

40A:13–3. Application for appointment of commissioners to determine boundary. Whenever it is necessary for any reason to

determine the boundary lines or a portion thereof between adjoining counties, the governing body of one county may, on 30 days' notice in writing signed by the official designated as the chief executive officer of the governing body to the governing body of the other county, apply to the Superior Court for the appointment of commissioners to survey, ascertain and mark the boundaries in conformity, as nearly as may be, with the laws creating the counties.

Source: R. S. 40:18–6 amended 1953, c. 37, s. 13; 40:18–11.

**Commissioners; oaths.**

40A:13–4. Commissioners; oaths. The Superior Court shall appoint three commissioners, who shall not be residents of the concerned counties, to survey, ascertain and mark the boundary line or lines. Before entering upon the performance of their duties, the commissioners shall take and subscribe an oath that they will faithfully and impartially perform their duties.

Source: R. S. 40:18–7 amended 1953, c. 37, s. 14; 40:18–8.

**Vacancy.**

40A:13–5. Vacancy. Upon the vacancy in the office of a commissioner caused by his death, resignation or refusal to serve, the Superior Court shall appoint another commissioner to fill the vacancy.

Source: R. S. 40:18–9 amended 1953, c. 37, s. 15.

**Notice of meeting of commissioners.**

40A:13–6. Notice of meeting of commissioners. The commissioners shall give 30 days' notice in writing of the time and place of their meeting to perform their duties to the respective governing bodies.

Source: R. S. 40:18–10.

**Powers and authority of commissioners.**

40A:13–7. Powers and authority of commissioners. In the discharge of their duties the commissioners shall have the power and authority to:

a. Examine witnesses under oath to be administered by any one of the commissioners;

b. Employ certified court reporters or other means for the purpose of recording the testimony of witnesses;

c. Employ surveyors to run, survey, ascertain and mark the boundary line; and

d. Cause maps on a scale of not less than 2 inches to the mile and surveys to be made of the boundary line as fixed by them.

Source: R. S. 40:18–11; 40:18–19 amended 1953, c. 37, s. 18; 40:18–22; 40:43–70 amended 1953, c. 37, s. 161.

**Report of commissioners; filing; effect.**

40A:13–8. Report of commissioners; filing; effect. The commissioners shall file a report certified by them or any two of them to which shall be annexed their commission, oaths, maps and surveys fixing and determining the boundary line. The report shall be recorded and filed in the office of the Secretary of State, and copies delivered to the governing body of the respective counties.

Upon the filing of the report, the boundary line between the counties shall be as surveyed, ascertained and certified therein.

Source: R. S. 40:18–11; 40:18–12 amended 1953, c. 37, s. 16.

**Expenses.**

40A:13–9. Expenses. All expenses incurred in determining and ascertaining the boundary line as provided in this subarticle shall be fixed by the Superior Court and paid by the counties equally.

Source: R. S. 40:18–12 amended 1953, c. 37, s. 16.

## B. Between Municipalities

**Application for appointment of commissioners to determine boundary.**

40A:13–10. Application for appointment of commissioners to determine boundary. Whenever it is necessary for any reason to determine the boundary line or a portion thereof between adjoining municipalities, application may be made to the Superior Court for the appointment of commissioners to survey, ascertain and mark the boundaries, in conformity, as nearly as may be, with the charters, settlements and laws relating to the municipalities:

a. By the governing body of the county upon 30 days' notice in writing signed by the official designated as the chief executive officer of the governing body and served upon the governing bodies of the municipalities involved; or

b. By the governing body of either municipality upon 30 days' notice in writing served upon the mayor or other chief executive and upon the clerk of the adjoining municipality.

Source: R. S. 40:18–14 amended 1953, c. 37, s. 17; 40:43–67 amended 1953, c. 37, s. 160.

**Commissioners; oaths.**

40A:13–11. Commissioners; oaths. The Superior Court shall appoint three commissioners who shall be residents of the county, one to be appointed from each municipality, and one who shall not reside in either municipality, to survey, ascertain and mark the boundary line between the municipalities. Before entering upon the performance of their duties, the commissioners shall take and subscribe an oath to faithfully and impartially perform their duties.

Source: R. S. 40:18–15; 40:18–16; 40:43–67 amended 1953, c. 37, s. 160; 40:43–68.

**Vacancy.**

40A:13–12. Vacancy. Upon the vacancy in office caused by the death, resignation or refusal to serve the Superior Court shall appoint another commissioner to fill the vacancy.

Source: R. S. 40:18–17.

**Notice of meeting of commissioners.**

40A:13–13. Notice of meeting of commissioners. The commissioners shall give 30 days' notice in writing of the time and place of their meeting to perform their duties to the clerks of the respective municipalities.

Source: R. S. 40:18–18; 40:43–69.

**Powers and authority of commissioners.**

40A:13–14. Powers and authority of commissioners. In the discharge of their duties the commissioners shall have all of the powers set forth in N. J. S. 40A:13–7.

Source: R. S. 40:43–70 amended 1953, c. 37, s. 161.

**Report of commissioners; effect.**

40A:13–15. Report of commissioners; effect. The commissioners shall file a report certified by them or any two of them to which shall be annexed their commission, oaths, maps and surveys fixing and determining the boundary line. The report shall be recorded and filed in the office of the county clerk and copies delivered to the clerks of the respective municipalities.

Upon the filing of the report, the boundary line between the municipalities shall be as surveyed, ascertained and certified therein.

Source: R. S. 40:18–19 amended 1953, c. 37, s. 18; 40:18–20 amended 1953, c. 37, s. 19; 40:43–70 amended 1953, c. 37, s. 161.

**Expenses.**

40A:13–16. Expenses. All expenses incurred in determining and ascertaining the boundary line as provided in this subarticle shall be fixed by the Superior Court and paid by the municipalities equally.

Source: R. S. 40:18–20 amended 1953, c. 37, s. 19; 40:43–71 amended 1953, c. 37, s. 162.

C. Boundaries Between New Counties or Municipalities

**Boundaries of new counties or municipalities.**

40A:13–17. Boundaries of new counties or municipalities. When a new county or municipality is formed altering the lines of an existing county or municipality, an accurate survey shall be made of the county or municipality. The boundaries of the new county or municipality shall be ascertained and determined as nearly as may be in accordance with the provisions of N. J. S. 40A:13–3 through 40A:13–16 inclusive.

In the case of a new county, a copy of the commissioners' report shall be recorded and filed in the office of the Secretary of State and one in the office of clerk of the newly formed county within 6 months after formation.

In the case of a new municipality, a copy of the commissioners' report shall be recorded and filed in the office of the county clerk and one in the office of the clerk of the newly formed municipality within 6 months after formation.

Source: R. S. 40:18–22.

D. Boundaries of Private Lands Unaffected

**Boundaries of private lands unaffected.**

40A:13–18. Boundaries of private lands unaffected. The provisions of this article shall not affect the boundaries or lines of privately-owned lands.

Source: R. S. 40:18–13; 40:18–21.

E. Lands and Buildings Situated on Boundaries

**Agreement between municipalities as to control.**

40A:13–19. Agreement between municipalities as to control. When the boundary line between adjoining municipalities divides lands and buildings, so that a portion of the lands and buildings are located in each municipality, the municipalities in which the lands and buildings are situated may determine, by resolution

passed by their respective governing bodies, which municipality shall have sole supervision of the lands and buildings.

Source: R. S. 40:43–72.

**Facilities and licenses furnished by municipality having control.**

40A:13–20. Facilities and licenses furnished by municipality having control. The municipality assuming sole supervision of any lands or buildings mentioned in N. J. S. 40A:13–19 shall furnish them with the same services as are furnished to lands and buildings located wholly within its boundaries, and shall have sole power to issue all licenses and permits required for such lands or buildings.

Source: R. S. 40:43–73.

## F. Nonnavigable Stream Forming Dividing Line

**Ascertainment of county or municipal dividing lines.**

40A:13–21. Ascertainment of county or municipal dividing lines. Whenever the center line of any nonnavigable stream forms a dividing line between

a. two or more counties as well as between two or more municipalities, or

b. two or more municipalities alone, and said center line is uncertain, the county dividing line may be ascertained and made certain, or in the case of a municipal dividing line not forming the boundary lines between counties, in the manner hereinafter provided.

Source: C. 40:7A–1 (1956, c. 199, s. 1).

**Resolution defining permanent boundary; agreement fixing line; filing and recording agreement.**

40A:13–22. Resolution defining permanent boundary; agreement fixing line; filing and recording agreement. The governing bodies of the counties and the governing bodies of the municipalities concerned, or the governing bodies of the municipalities alone concerned, shall each adopt an ordinance or resolution, as appropriate, defining and consenting to the establishment of the same permanent boundary line, describing the line therein so that it can be recognized notwithstanding changes in the location of the center line of the stream, and authorizing the officials designated as the chief executive officers of the governing bodies of the respective counties and the chief executive officers of the municipalities concerned or the chief executive officers of the municipalities concerned, as the case may be, to execute for and on behalf of the respective

counties and municipalities or of the respective municipalities concerned an agreement setting forth the dividing line as so fixed. The agreement shall be filed and recorded in the office of the Secretary of State.

Source: C. 40:7A–2 (1956, c. 199, s. 2).

**Time of establishment of line; effect.**

40A:13–23. Time of establishment of line; effect. The line so ascertained shall be the boundary and line of division between the counties and the municipalities, or the municipalities, concerned from the time of the filing of the agreement in the office of the Secretary of State but the filing of the agreement shall not in any manner affect the boundaries or lines of lands belonging to any person or the jurisdiction and powers of the Division of Water Policy and Supply in the Department of Conservation and Economic Development over the waters of said stream.

Source: C. 40:7A–3 (1956, c. 199, s. 3).

ARTICLE 3. ACTS SAVED FROM REPEAL

40A:13–24. R. S. 40:18–4 saved from repeal. R. S. 40:18–4 is saved from repeal. (This section saves the following acts creating counties, and establishing or otherwise affecting the boundaries thereof from repeal.

1. Rev. 1877, pp. 198, 199, §§ 1 to 9 (C.S. pp. 1676 to 1678, §§ 1 to 9), entitled "An act for dividing and ascertaining the boundaries of all the counties in this province," passed January twenty-first, one thousand seven hundred and nine.

2. Rev. 1877, p. 200, § 16 (C.S. p. 1680, § 18), entitled "An act for erecting the upper parts of the western division of New Jersey into a county," passed March eleventh, one thousand seven hundred and thirteen.

3. Rev. 1877, pp. 200, 201, §§ 19 to 21 (C.S. p. 1680, §§ 19 to 21), entitled "An act for settling the bounds between the counties of Somerset, Middlesex, and Monmouth," passed March fifteenth, one thousand seven hundred and thirteen.

4. Rev. 1877, p. 200, § 17 (C.S. p. 1681, § 22), entitled "An act for erecting the upper parts of the county of Hunterdon, in the western division of New Jersey, into a county," passed March fifteenth, one thousand seven hundred and thirty-eight.

5. Rev. 1877, p. 201, § 22 (C.S. p. 1681, § 23) entitled "An act to annex part of the county of Essex to the county of Somerset, and to ascertain the bounds thereof," passed November fourth, one thousand seven hundred and forty-one.

6. Rev. 1877, p. 202, §§ 28, 29 (C.S. pp. 1681, 1682, §§ 24, 25), entitled "An act for erecting the southern parts of the county of Salem in New Jersey, into a separate county, and ascertaining the boundaries of the several precincts therein," passed January nineteenth, one thousand seven hundred and forty-seven.

7. Rev. 1877, p. 200, § 18 (C.S. p. 1682, § 26), entitled "An act to ascertain the line and bounds between the counties of Somerset and Morris," passed March twenty-eighth, one thousand seven hundred and forty-nine.

8. Rev. 1877, p. 203, § 32 (C.S. p. 1683, § 27), entitled "An act for erecting the upper part of Morris county, in New Jersey, into a separate county, to be called the county of Sussex," passed June eighth, one thousand seven hundred and fifty-three.

9. Rev. 1877, p. 203, § 30 (C.S. p. 1683, § 28), entitled "An act for the better and more effectual ascertaining the boundaries between the counties of Salem and Cumberland," passed December seventh, one thousand seven hundred and sixty-three.

10. Rev. 1877, p. 213, § 82 (C.S. p. 1864, § 29), entitled "An act to annex the several islands, situate in the river Delaware, belonging to this State, to the respective counties and townships to which they lie nearest," passed November twenty-sixth, one thousand seven hundred and eighty-three.

11. Rev. 1877, p. 201 §§ 23, 24 (C.S. p. 1684, §§ 30, 31), entitled "An act for altering and resettling part of the boundary line between the counties of Somerset and Middlesex," passed November twenty-fourth, one thousand seven hundred and ninety.

12. Rev. 1877, p. 199, §§ 10 to 15 (C.S. pp. 1678, 1679, §§ 10 to 15), entitled "A supplement to an act entitled 'An act for dividing and ascertaining the boundaries of all the counties in this province,' passed the twenty-first day of January, one thousand seven hundred and nine," passed November twenty-eighth, one thousand eight hundred and twenty-two.

13. Rev. 1877, p. 204, §§ 33, 34 (C.S. p. 1687, §§ 49, 50), entitled "An act to erect the southwesterly part of Sussex county into a separate county, to be called the county of Warren," passed November twentieth, one thousand eight hundred and twenty-four.

14. L. 1837, p. 96 (Rev. 1877, p. 204, §§ 35 to 37; C.S. pp. 1687, 1688, §§ 51 to 53), entitled "An act to erect parts of the counties of Essex and Bergen into a new county, to be called the county of Passaic, and the eastern part of the county of Gloucester into a separate county, to be called the county of Atlantic," passed February seventh, one thousand eight hundred and thirty-seven.

15. L. 1838, p. 209 (Rev. 1877, pp. 204, 205, §§ 38, 39; C.S. p. 1688, §§ 54, 55), entitled "An act to erect parts of the counties of Hunterdon, Burlington, and Middlesex into a new county, to be called the county of Mercer," passed February twenty-second, one thousand eight hundred and thirty-eight.

16. L. 1838, p. 209 (Rev. 1877, p. 205, § 40; C.S. p. 1688, § 56), entitled "A supplement to the act entitled 'An act to erect parts of the counties of Hunterdon, Burlington and Middlesex into a new county, to be called the county of Mercer,' passed the twenty-second day of February, eighteen hundred and thirty-eight," passed February twenty-seventh, one thousand eight hundred and thirty-eight.

17. L. 1839, p. 39 (Rev. 1877, p. 205, § 41; C.S. p. 1689, § 57), entitled "A further supplement to the act entitled 'An act to erect parts of the counties of Hunterdon, Burlington, and Middlesex into a new county, to be called the county of Mercer,' " passed February fourteenth, one thousand eight hundred and thirty-nine.

18. L. 1840, p. 65 (Rev. 1877, pp. 205, 206, §§ 42, 43; C.S. p. 1689, §§ 58, 59), entitled "An act to create the county of Hudson," passed February twenty-second, one thousand eight hundred and forty.

19. L. 1844, p. 237 (Rev. 1877, p. 206, § 44; C.S. p. 1689, § 60), entitled "An act to erect a part of the county of Gloucester into a new county, to be called the county of Camden," passed March thirteenth, one thousand eight hundred and forty-four.

20. Rev. 1877, p. 203, § 31 (C.S. p. 1690, § 61), entitled "An act to define the boundary lines of Salem, Cumberland and Cape May," approved April tenth, one thousand eight hundred and forty-six.

21. L. 1850, p. 5 (Rev. 1877, p. 1290, § 1; C.S. p. 1690, § 62), entitled "An act to annex to the county of Middlesex part of the township of Franklin, in the county of Somerset," approved February first, one thousand eight hundred and fifty.

22. L. 1850, p. 73 (Rev. 1877, pp. 206, 207, §§ 45 to 49; C.S. pp. 1690 to 1692, §§ 63 to 67), entitled "An act to erect a part of the county of Monmouth into a new county, to be called the county of Ocean," approved February fifteenth, one thousand eight hundred and fifty.

23. L. 1851, p. 390 (Rev. 1877, p. 207, § 50; C.S. p. 1692, § 68), entitled "A further supplement to an act entitled 'An act to erect a part of the county of Monmouth into a new county, to be called

the county of ocean,' approved February fifteenth, eighteen hundred and fifty,'' approved March eighteenth, one thousand eight hundred and fifty-one.

24. L. 1851, p. 369 (Rev. 1877, p. 208, § 53; C.S. p. 1692, § 69), entitled ''An act relative to the boundaries of the county of Middlesex,'' approved March eighteenth, one thousand eight hundred and fifty-one.

25. L. 1852, c. 23, p. 43 (Rev. 1877, p. 1291, § 2; C.S. p. 1692, § 70), entitled ''An act to set off from the township of Harrison, in the county of Hudson, a new township, to be called the township of Union, and to annex the same to the county of Bergen,'' approved February nineteenth, one thousand eight hundred and fifty-two.

26. L. 1854, c. 190, p. 451, entitled ''An act to provide for ascertaining the boundaries between the county of Ocean and the counties of Burlington and Monmouth,'' approved March seventeenth, one thousand eight hundred and fifty-four.

27. L. 1855, c. 166, p. 490 (Rev. 1877, p. 201, § 25; C.S. p. 1693, § 71), entitled ''An act to define that part of the division line between the counties of Middlesex and Somerset lying between Kingston bridge and Little Rocky Hill,'' approved March twenty-ninth, one thousand eight hundred and fifty-five.

28. L. 1857, c. 82, p. 244 (Rev. 1877, p. 209, § 54; C.S. p. 1693, § 72), entitled ''An act to create the county of Union,'' approved March nineteenth, one thousand eight hundred and fifty-seven.

29. L. 1857, c. 183, p. 477 (Rev. 1877, p. 208, §§ 51, 52; C.S. pp. 1694, 1695, §§ 75, 76), entitled ''A supplement to an act entitled 'An act to provide for ascertaining the boundaries between the county of Ocean and the counties of Burlington and Monmouth,' approved March seventeenth, one thousand eight hundred and fifty-four,'' approved March twentieth, one thousand eight hundred and fifty-seven

30. L. 1858, c. 14, p. 29 (Rev. 1877, p. 202, §§ 26, 27; C.S. p. 1695, §§ 77, 78), entitled ''An act to alter the boundary line between Somerset and Middlesex counties,'' approved February sixth, one thousand eight hundred and fifty-eight.

31. L. 1860, c. 43, p. 97 (Rev. 1877, pp. 209, 210, §§ 55, 56; C.S. p. 1694, §§ 73, 74), entitled ''A supplement to an act entitled 'An act to create the county of Union,' '' approved February sixteenth, one thousand eight hundred and sixty.

32. L. 1866, c. 425, p. 964 (Rev. 1877, p. 210, § 60; C.S. p. 1695, § 79), entitled ''An act relative to the boundaries of Monmouth

county,'' approved April fourth, one thousand eight hundred and sixty-six.

33. L. 1871, c. 84, p. 314 (Rev. 1877, p. 210, § 61; C.S. p. 1696, § 80), entitled ''An act to annex the townships of Washington and Monroe, in the county of Camden, to the county of Gloucester,'' approved February twenty-eighth, one thousand eight hundred and seventy-one.

34. L. 1871, c. 250, p. 604 (Rev. 1877, p. 210, § 57; C.S. p. 1693, § 72), entitled ''A supplement to the act to create the county of Union, approved March nineteenth, one thousand eight hundred and fifty-seven,'' approved March twenty-first, one thousand eight hundred and seventy-one.

35. L. 1871, c. 489, p. 1255 (Rev. 1877, p. 210, §§ 58, 59; C.S. p. 1696, §§ 81, 82), entitled ''An act to establish the line between the counties of Middlesex and Union,'' approved April fifth, one thousand eight hundred and seventy-one.

36. L. 1874, c. 238, p. 278 (Rev. 1877, p. 211, §§ 62 to 66; C.S. pp. 1696, 1697, §§ 83 to 87), entitled ''An act to define and perpetuate the line between the counties of Hudson and Bergen,'' approved March seventeenth, one thousand eight hundred and seventy-four.

37. L. 1876, c. 8, p. 482 (C.S. p. 1697, § 88), entitled ''An act to change the boundary line between the counties of Essex and Union.'' approved February twenty-second, one thousand eight hundred and seventy-six.

38. L. 1876, c. 33, p. 484 (C.S. p. 1698, §§ 89, 90), entitled ''An act to straighten the county line brook dividing Union and Somerset counties in the city of Plainfield,'' approved March sixteenth, one thousand eight hundred and seventy-six.

39. L. 1878, c. 104, p. 562 (C.S. p. 1698, §§ 91 to 94), entitled ''An act entitled an act to set off a portion of Maurice River township, in the county of Cumberland, into the Upper township, county of Cape May, and change the boundaries between said counties,'' approved March twenty-sixth, one thousand eight hundred and seventy-eight.

40. L. 1878, c. 128, p. 568 (C.S. p. 1699, § 95), entitled ''An act to define and establish the boundary line at the village of Kingston, between the county of Middlesex and Somerset,'' approved March twenty-ninth, one thousand eight hundred and seventy-eight.

41. L. 1878, c. 187, p. 575, entitled ''An act to provide for ascertaining and marking the boundary between the counties of

Passaic and Bergen,'' approved April fourth, one thousand eight hundred and seventy-eight.

42. L. 1880, c. 33, p. 393, entitled ''A supplement to 'An act to provide for establishing and marking the boundary line between the counties of Passaic and Bergen,' approved April fourth, one thousand eight hundred and seventy-eight,'' approved February nineteenth, one thousand eight hundred and eighty.

43. L. 1882, c. 103, p. 365 (C.S. p. 1700, §§ 96, 973), entitled ''An act to define, locate and establish that part of the division line between the counties of Union and Essex, which separates the township of Union, in the county of Union, from the townships of Clinton and South Orange, in the county of Essex,'' approved March seventeenth, one thousand eight hundred and eighty-two.

44. L. 1892, c. 4, p. 483 (C.S. p. 1697, § 88), entitled ''An act to amend an act entitled 'An act to change the boundary line between the counties of Essex and Union,' approved February twenty-second, one thousand eight hundred and seventy-six,'' approved February third, one thousand eight hundred and ninety-two.

45. L. 1892, c. 285, p. 441 (C.S. p. 1679, §§ 16, 17), entitled ''A further supplement to an act entitled 'An act for dividing and ascertaining the boundary lines of all the counties in this province,' passed January twenty-first, one thousand seven hundred and nine,'' approved April ninth, one thousand eight hundred and ninety-two.

46. L. 1902, c. 131, p. 403 (C.S. pp. 1700, 1701, §§ 98 to 101), entitled ''An act to annex a portion of the town of Hammonton, in the county of Atlantic, and a portion of the township of Waterford, in the county of Camden, to the county of Burlington, and to annex the territory so acquired by the county of Burlington to the townships of Shamong and Washington, in said county of Burlington,'' approved April third, one thousand nine hundred and two.

47. L. 1928, c. 270, p. 682, entitled ''An act altering and resettling a part of the boundary line between the counties of Monmouth and Ocean, and annexing certain lands to the county of Ocean,'' approved April third, one thousand nine hundred and twenty-eight.

48. L. 1931, c. 10, p. 38, entitled ''An act to annex to the township of Gloucester, in the county of Camden, a part of the town-

ship of Washington, in the county of Gloucester," approved March third, one thousand nine hundred and thirty-one.)

40A:13–25. Chapter 176 of the Laws of 1938 saved from repeal. Chapter 176 of the Laws of 1938 (C. 40:18–4.1) is saved from repeal. (This act alters, changes and fixes the boundary lines of the counties of Camden, Atlantic and Gloucester.)

40A:13–26. Chapter 244 of the Laws of 1939 saved from repeal. Chapter 244 of the Laws of 1939 (C. 40:18–4.2 and C. 40:18–4.3) is saved from repeal. (This act annexes to the borough of Matawan, in the county of Monmouth, a part of the township of Madison, in the county of Middlesex, and changes the boundaries between said counties to give effect thereto.)

40A:13–27. Chapter 253 of the Laws of 1950 saved from repeal. Chapter 253 of the Laws of 1950 is saved from repeal. (This act alters, changes and fixes the boundary line at the Piney Hollow-Winslow Road, between the counties of Gloucester and Camden.)

40A:13–28. Chapter 132 of the Laws of 1958 saved from repeal. Chapter 132 of the Laws of 1958 is saved from repeal. (This act annexes to the township of Millburn, in the county of Essex, a part of the township of Springfield, in the county of Union, and changes the boundaries between said counties to give effect thereto.)

40A:13–29. Chapter 203 of the Laws of 1965 saved from repeal. Chapter 203 of the Laws of 1965 is saved from repeal. (This act resettles a part of the boundary between the counties of Hunterdon and Somerset.)

### Article 4. Repealer

**Statutes repealed.**

40A:13–30. Statutes repealed. The following sections, chapters and acts, together with all amendments and supplements thereto, are hereby repealed:

Revised Statutes Sections:

R. S. 40:18–5 to 40:18–22 inclusive;
R. S. 40:43–67 to 40:43–73 inclusive.

Pamphlet Laws:

P. L. 1956, c. 199 (C. 40:7A–1 to C. 40:7A–3 inclusive).

# TITLE 40A. MUNICIPALITIES AND COUNTIES

## Boundaries

### Schedule of Allocations of Source Material

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| C. 40:7A–2 | L. 1956, c. 199, s. 2 | 40A:13–22 |
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| R. S. 40:18–8 | | 40A:13–4 |
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| R. S. 40:43–67 | As am. L. 1953, c. 37, s. 160 | 40A:13–10<br>40A:13–11 |
| R. S. 40:43–68 | | 40A:13–11 |
| R. S. 40:43–69 | | 40A:13–13 |

| *Source Sections* | | *Revised Sections* |
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| R. S. 40:43–70 | As am. L. 1953, c. 37, s. 161 | 40A:13–7<br>40A:13–14<br>40A:13–15 |
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## TITLE 40A. MUNICIPALITIES AND COUNTIES

### Boundaries

### Treatment of Source Material

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| 40A:13–2 | R. S. 40:18–5 | Editorial |
| 40A:13–3 | R. S. 40:18–6<br>R. S. 40:18–11 | Revised section derived from sources |
| 40A:13–4 | R. S. 40:18–7<br>R. S. 40:18–8 | Revised to consolidate source sections |
| 40A:13–5 | R. S. 40:18–9 | Editorial |
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| 40A:13–8 | R. S. 40:18–11<br>R. S. 40:18–12 | Revised section derived from sources |
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| 40A:13–10 | R. S. 40:18–14<br>R. S. 40:43–67 | Revised section derived from sources |
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| 40A:13–24 | R. S. 40:18–4 | Saved from repeal |
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| 40A:13–28 | P. L. 1958, c. 132 | Saved from repeal |
| 40A:13–29 | P. L. 1965, c. 203 | Saved from repeal |
| 40A:13–30 | | Statutes repealed |

*Section 4*

Effective Date.

This act shall take effect immediately.

Approved August 29, 1979.

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## CHAPTER 182

AN ACT concerning unpaid taxes, assessments and other municipal charges on real property, and providing for the collection thereof by the creation and enforcement of liens thereon and amending R. S. 54:5–78 and R. S. 54:5–79.

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

1. R. S. 54:5–78 is amended to read as follows:

**Redemption barred by lapse of time.**

54:5–78. If there shall be no redemption within the term limited by the notice provided in subsection a. of section 54:5–77 of this title, the right of redemption shall be barred.

2. R. S. 54:5–79 is amended to read as follows:

**When title void; exception.**

54:5–79. The title of a purchaser at a sale shall cease and determine and the certificate of sale shall be void at the expiration of 20 years from the date of the sale, unless the purchaser, his heirs or assigns shall, before the expiration of that term, foreclose the right to redeem it by notice or by a civil action in the nature of a proceeding in equity and record the evidence thereof, as provided in this chapter; provided, however, that this act shall not apply to titles acquired by a municipality under certificates of tax sales purchased and held by it at tax sales conducted therein which titles so acquired and certificates of tax sales are hereby expressly exempted from said limitation period of 20 years.

3. This act shall take effect immediately.

Approved August 29, 1979.

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## CHAPTER 183

AN ACT to amend "An act creating a Commission to Study Teacher Preparation Programs at New Jersey Colleges," approved May 23, 1978 (P. L. 1978, c. 25).

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

1. Section 5 of P. L. 1978, c. 25 is amended to read as follows:

5. 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 Legislature not later than January 1, 1980, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

2. This act shall take effect immediately.

Approved August 29, 1979.

## CHAPTER 184

AN ACT concerning the jurisdiction of municipal courts and amending N. J. S. 2A:8–21 and N. J. S. 2A–22.

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

1. N. J. S. 2A:8–21 is amended to read as follows:

**Jurisdiction of specified offenses.**

2A:8–21. Each municipal court, and the judge or judges thereof, shall have jurisdiction of the following offenses occurring within the territorial jurisdiction of the court:

a. Violations of the motor vehicle and traffic laws;

b. Violations of the fish and game laws;

c. Violations of the ordinances of the municipality wherein the municipal court is located or of the municipalities to which its jurisdiction extends;

d. Violations of disorderly persons offenses and petty disorderly persons offenses in Title 2C of the New Jersey Statutes or any other disorderly persons or petty disorderly persons offense as defined by the laws of this State;

e. Violations of chapters one and four of Title 44, Poor, of the Revised Statutes;

f. Violations of chapters six and seventeen of Title 9, Children, of the Revised Statutes; and

g. Offenses as to which no indictment by a grand jury is required.

2. N. J. S. 2A:8–22 is amended to read as follows:

**Jurisdiction of specified offenses where indictment and trial by jury are waived and county prosecutor consents.**

2A:8–22. Each municipal court, and the judge or judges thereof, shall also have jurisdiction of the following crimes or offenses occurring within the territorial jurisdiction of the court, where the person charged shall in writing waive indictment and trial by jury and the county prosecutor consents in writing:

a. All crimes enumerated in chapters 17, 18, 20 and 21 of Title 2C of the New Jersey Statutes, where the price or value of the article, property or thing alleged to have been taken or stolen or the damage alleged to have been inflicted, or the sum, or price or

value of the thing alleged to have been embezzled, converted or misappropriated, is under $500.00;

b. Other criminal offenses where the penalty that may be imposed therefor does not exceed a fine of $1,000.00 or imprisonment for a term not exceeding 1 year; provided, that where the judge is not an attorney-at-law the municipal court shall not have such jurisdiction to try and determine an indictable offense even though the person charged offers to waive in writing indictment and trial by jury. In such case, and in any case in which the municipal judge is not required by this section to try the same, the municipal judge may commit, or if the offense charged is bailable in law, admit the person charged to bail with sufficient surety to appear before such court as shall have jurisdiction in such case to hear and determine the crime or offense charged, but in any case in which any person so waiving indictment and trial by jury is charged with a violation of any offense above described, if the municipal judge is an attorney-at-law, and the county prosecutor consents, such person shall be tried therefor in the municipal court.

3. This act shall take effect September 1, 1979.

Approved August 29, 1979.

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## CHAPTER 185

AN ACT appropriating funds from the Institutional Construction Fund for the construction, renovation and improvement of institutional facilities.

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

1. There is hereby appropriated to the Department of Corrections from the Institutional Construction Fund, the sum of $30,000,000.00 for the following construction projects:

| | |
|---|---|
| A. Trenton State Prison, Phase II | $23,000,000 |
| B. Other Institutions, Repair and Renovations | |
| (a) Energy Conservation Projects | $1,925,000 |
| (b) Essential Maintenance | $1,230,000 |
| (c) Utility and Support System Improvements | $2,169,000 |

| | |
|---|---|
| (d) Program and Life Safety Improvements | $1,676,000 |
| Total, Department of Corrections | $30,000,000 |

2. There is also appropriated from the proceeds of the sale of the bonds hereinafter mentioned, such items as may be necessary to meet any expense incurred by the issuing officials under the act hereinafter mentioned, for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of said act.

3. The appropriations authorized by this act shall be funded from the proceeds of the sale of the Institutional Construction Bonds, the issuance and sale of which has been provided for in P. L. 1978, c. 79 and approved by the people at the general election held on November 7, 1978.

4. The Director of the Division of Budget and Accounting in the Department of the Treasury is authorized and directed to make such corrections in the title or text, or both, of any appropriation item authorized under this act necessary to make such appropriation available for the purposes for which it was intended. Such correction shall be made by a written ruling which shall set forth an explanation of the need for such correction and which shall be signed by the Director of the Division of Budget and Accounting and shall be filed by the director in his office as an official record. Any action pursuant to such ruling, including disbursements and the audit thereof, shall be legally binding and of full force and effect.

5. The Director of the Division of Budget and Accounting is authorized to approve expenditures for pre-design program planning and other related costs for capital projects authorized under this act.

6. In order to provide flexibility in administering the provisions of this act, the Commissioner of Corrections may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item to any other item within the respective department accounts in the Institutional Construction Fund. Such transfer shall be made upon the written approval of said director and of the Legislative Budget Officer in the Office of Legislative Services.

7. This act shall take effect immediately.

Approved September 4, 1979.

# CHAPTER 186

AN ACT concerning the inspection of certain solid waste disposal facilities and supplementing the "Solid Waste Management Act," approved May 6, 1970 (P. L. 1970, c. 39, C. 13:1E–1 et seq.), as said short title was amended by P. L. 1975, c. 326.

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

**C. 13:1E-42.1 Inspection of solid waste disposal facility; "hazardous or special wastes" defined.**

1. The Department of Environmental Protection shall conduct a complete inspection, at least weekly, of each solid waste disposal facility that handles or disposes of hazardous or special wastes. For the purposes of this act, hazardous or special wastes means any waste or combination of wastes which pose a present or potential threat to human health, living organisms or the environment including, but not limited to, waste material that is toxic, carcinogenic, corrosive, irritating, sensitizing, radioactive, biologically infectious, explosive or flammable, and any wastes so designated by the Occupational Safety and Health Administration, the United States Department of Transportation, and the United States Environmental Protection Agency.

**C. 13:1E-42.2 Assessment of cost of inspection.**

2. The Department of Environmental Protection is hereby authorized to make an assessment against any solid waste disposal facility that handles or disposes of hazardous or special wastes in an amount sufficient to cover the costs of the inspections required pursuant to section 1 of this act. Any such assessment shall be charged and collected in accordance with a fee schedule adopted by the department as a rule and regulation pursuant to the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.).

3. This act shall take effect immediately.

Approved September 6, 1979.

## CHAPTER 187

AN ACT to amend the "Department of Energy Act," approved July 11, 1977 (P. L. 1977, c. 146).

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

1. Section 22 of P. L. 1977, c. 146 (C. 52:27F–24) is amended to read as follows:

**C. 52:27F-24 Violations of section 15; penalties; recommendation to suspend or revoke license; collection of penalties.**

22. a. Any person purchasing or attempting to purchase energy in violation of section 15 of this act or any rules, regulations, or orders promulgated thereunder, shall be subject to a penalty of not more than $25.00 for the first offense, not more than $100.00 for the second offense, and not more than $200.00 for the third offense or subsequent offenses.

b. Any retail dealer who violates section 15 of this act or any rules, regulations, or orders promulgated thereunder, shall be subject to a penalty of not more than $25.00 for the first offense, not more than $200.00 for the second offense, and not more than $400.00 for the third offense or subsequent offenses.

c. Any distributor or any other supplier of energy who violates any of the provisions of section 15 of this act or of any rules, regulations, or orders promulgated thereunder, shall be subject to a penalty of not more than $1,000.00 for the first offense, not more than $5,000.00 for the second offense, and not more than $10,000.00 for the third offense or subsequent offenses.

d. In addition to any other penalties provided under this or any other act, the commissioner may recommend to the appropriate agency the suspension or revocation of the license of any retail dealer, gasoline jobber, wholesale dealer, distributor, or supplier of fuel, who has violated this act or any rules, regulations, or orders promulgated hereunder.

e. All penalties imposed pursuant to this section shall be collected in a civil action by a summary proceeding under the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.). If the violation is of a continuing nature, each day during which it continues shall constitute an additional and separate offense. In addition to the jurisdiction conferred by N. J. S. 2A:58–2, the municipal court

shall have jurisdiction of proceedings initiated on or after June 20, 1979 for the enforcement of the penalties provided by this section.

2. This act shall take effect immediately and shall be retroactive to June 20, 1979.

Approved September 10, 1979.

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## CHAPTER 188

AN ACT to amend the "Charitable Fund Raising Act of 1971," approved March 2, 1972 (P. L. 1971, c. 469).

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

1. Section 6 of P. L. 1971, c. 469 (C. 45:17A–6) is amended to read as follows:

**C. 45:17A-6 Annual report; contents; failure to file; inspection of records.**

6. (a) Every charitable organization registered pursuant to section 4 of this act which shall receive in any fiscal year of such organization contributions in excess of $10,000.00 and every charitable organization whose fund-raising functions are not carried on solely by persons who are unpaid for such services shall file a written report with the department upon forms prescribed by it, within 6 months after the close of such fiscal year, which shall include a financial statement covering such fiscal year, clearly setting forth the gross income, expenses, and net income inuring to the benefit of the charitable organization, a balance sheet as of the close of such fiscal year and a schedule of the activities carried on by the organization in the performance of its purposes, and the amounts expended thereon, during such fiscal year. Each such organization shall report its expenditures in accordance with standards and classifications of accounts prescribed by the Attorney General to effect uniform reporting by organizations having similar activities and programs. Such report shall also include a statement of any changes in the information required to be contained in the registration form filed on behalf of such organization. The report shall be signed by the president or other authorized officer and the chief fiscal officer of the organization. In addition,

reports of all organizations shall be accompanied by an opinion signed by an independent public accountant that the financial statement and balance sheet therein fairly represent the financial operations and position of the organization; the reports of all organizations receiving less than $50,000.00 shall be certified by such president or other authorized officer if, upon application to the Attorney General for a waiver, the Attorney General waives the requirement for an opinion signed by an independent public accountant.

(b) Every organization registered pursuant to section 4 of this act which shall receive in any fiscal year of such organization contributions not in excess of $10,000.00 and all of whose fund-raising functions are carried on by persons who are unpaid for such services shall file a written report with the Attorney General upon forms prescribed by it, within 6 months after the close of such fiscal year, which shall include a financial statement covering such fiscal year limited to a statement of such organization's gross receipts from contributions, fund-raising expenses including a separate statement of the costs of any goods, services or admissions supplied as part of its solicitations, and the disposition of the net proceeds from contributions. Such report shall also include a statement of any changes in the information required to be contained in the registration form filed on behalf of such organization. The report shall be signed by the president or other authorized officer and the chief fiscal officer of the organization who shall certify that the statements therein are true and correct to the best of their knowledge.

(c) For any fiscal year of any organization registered pursuant to section 4 of this act in which such organization would have been exempt from registration pursuant to section 5 of this act if it had not been so registered, or in which it did not solicit or receive contributions, such organization shall file, instead of the reports required by subsections (a) or (b) of this section, a report in the form of an affidavit of its president and chief fiscal officer stating the exemption and the facts upon which it is based or that such organization did not solicit or receive contributions in such fiscal year. The affidavit shall also include a statement of any changes in the information required to be contained in the registration form filed on behalf of such organization.

(d) (1) Any charitable organization registered pursuant to section 4 of this act, which is the parent organization of one or more chapters thereof within the State, and such chapters may comply

with the reporting requirements of subsections (a), (b) or (c) of this section, by filing a consolidated written report upon forms prescribed by the Attorney General.

(2) As used in this subsection the term "chapter" shall include any branch, auxiliary, affiliate or other subordinate unit of any registered charitable organization, howsoever designated, whose policies, fund-raising activities, and expenditures are supervised or controlled by such parent organization.

(3) There shall be appended to each consolidated report a schedule containing such information as may be prescribed by the Attorney General, reflecting the activities of each chapter, which shall contain a certification, under penalty of perjury, by an official of the organization, certifying that the information contained thereon is true.

(4) The failure of a parent organization to file an appropriate consolidated written report shall not excuse either the parent organization or its chapters from complying with the provisions of subsections (a), (b) or (c) of this section.

(e) The Attorney General shall cancel the registration of any organization which fails to comply with subsection (a), (b) or (c) of this section within the time therein prescribed, or fails to furnish such additional information as is requested by the Attorney General within the required time; except that the time may be extended by the Attorney General for a period not to exceed 6 months. Notice of such cancellation shall be mailed to the registrant at least 15 days before the effective date thereof.

(f) All records, books and reports maintained by any charitable organization registered or required to register pursuant to section 4 of this act shall at all times be available for inspection, at the principal office of such organization, by the Attorney General or his duly authorized representatives.

2. This act shall take effect immediately.

Approved September 11, 1979.

## CHAPTER 189

AN ACT concerning education, amending N. J. S. 18A:37–2 and supplementing chapter 37 of Title 18A of the New Jersey Statutes.

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

1. N. J. S. 18A:37–2 is amended to read as follows:

**Suspension or expulsion from school; grounds.**

18A:37–2. Any pupil who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school.

Conduct which shall constitute good cause for suspension or expulsion of a pupil guilty of such conduct shall include, but not be limited to, any of the following:

a. Continued and willful disobedience;

b. Open defiance of the authority of any teacher or person, having authority over him;

c. Conduct of such character as to constitute a continuing danger to the physical well-being of other pupils;

d. Physical assault upon another pupil;

e. Taking, or attempting to take, personal property or money from another pupil, or from his presence, by means of force or fear;

f. Willfully causing, or attempting to cause, substantial damage to school property;

g. Participation in an unauthorized occupancy by any group of pupils or others of any part of any school or other building owned by any school district, and failure to leave such school or other facility promptly after having been directed to do so by the principal or other person then in charge of such building or facility;

h. Incitement which is intended to and does result in unauthorized occupation by any group of pupils or others of any part of a school or other facility owned by any school district; and

i. Incitement which is intended to and does result in truancy by other pupils.

**C. 18A:37-2.1 Assault cases; suspension; procedure.**

2. (New section) Any pupil who commits an assault, as defined pursuant to N. J. S. 2C:12–1, upon a teacher, administrator, board member or other employee of a board of education, acting in the performance of his duties and in a situation where his authority to so act is apparent, or as a result of the victim's relationship to an institution of public education of this State, shall be immediately suspended from school consistent with procedural due process pending expulsion proceedings before the local board of education. Said proceedings shall take place no later than 21 calendar days following the day on which the pupil is suspended.

3. This act shall take effect immediately.

Approved September 11, 1979.

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## CHAPTER 190

AN ACT concerning certain fees and costs of sheriffs, and other officers and amending N. J. S. 22A:4–8.

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

1. N. J. S. 22A:4–8 is amended to read as follows:

**Fees and mileage of sheriffs and other officers.**

22A:4–8. Fees and mileage of sheriffs and other officers.

For the services hereinafter enumerated sheriffs and other officers shall receive the following fees:

In addition to the mileage allowed by law, for serving every summons and complaint, attachment or any mesne process issuing out of the Superior Court or County Court, the sheriff or other officer serving such process shall, for the first defendant or party on whom such process is served, be allowed $12.00 and, for service on the second defendant named therein, $10.00, and for serving such process on any other defendant or defendants named therein, $6.00 each, and no more. If a man and his wife be named in such process they shall be considered as one defendant, except where they are living separate and apart.

Serving summons and complaint in matrimonial actions, in addition to mileage, $12.00.

Serving capias ad respondendum, capias ad satisfaciendum, warrant of commitment, writ of ne exeat, in addition to mileage, $35.00.

Serving order to summon juries and return, $1.75.

Serving every execution against goods or lands and making an inventory and return, in addition to mileage, $35.00.

For returning every writ, $1.00.

Executing every writ of possession and return, in addition to mileage, $35.00.

Executing every writ of attachment, sequestration or replevin issuing out of any of the courts, in addition to mileage, $35.00.

For serving each out-of-State paper, in addition to the mileage allowed by law, $15.00 for the first defendant on whom such paper is served, $10.00 for service on the second defendant named therein, and $6.00 for serving such paper on any other defendant or defendants named therein. If a man and wife be named in such paper, they shall be considered as one defendant, except where they are living separate and apart.

For serving or executing any process or papers where mileage is allowed by law, the officer shall receive mileage actually traveled to and from the courthouse, at the rate per mile of $0.16.

The sheriff shall be entitled to retain out of all moneys collected or received by him on a forfeited recognizance, whether before or after execution, or from amercements, or from fines and costs on conviction, on indictment or otherwise, whether such moneys are payable to the State or to the county treasurer of the county wherein conviction was had, 5%.

For transporting each offender to the State Prison, per mile, but not less than $3.00 for each offender, to be certified by the keeper of the prison and the certificate to be delivered to the county treasurer of the county where the conviction was had, $0.23.

EXECUTION SALES

When a sale is made by virtue of an execution the sheriff shall be entitled to charge the following fees: On all sums not exceeding $5,000.00, 4%; on all sums exceeding $5,000.00 on such excess, 2½%; the minimum fee to be charged for a sale by virtue of an execution, $20.00.

On an execution against wages, commissions and salaries, the sheriff shall charge the same percentage fees on all sums collected

as those percentage fees applicable in cases wherein an execution sale is consummated.

When the execution is settled without actual sale and such settlement is made manifest to the officer, the officer shall receive ½ of the amount of percentage allowed herein in case of sale.

Making statement of execution, sales and execution fees, $5.00.

Advertising the property for sale, provided the sheriff or deputy sheriff attend in pursuance of the advertisement, $10.00.

Posting property for sale, $7.00.

For the crier of the vendue, when the sheriff proceeds to sell, for every day he shall be actually employed in such sale, $3.00.

Every adjournment of a sale, but no more than one adjournment shall be allowed, and if the sheriff shall have several executions against a defendant, he shall only be allowed for advertising, attending and adjourning, as if he had but one execution, $20.00.

Drawing and making a deed to a purchaser of real property, $35.00.

Drawing and making a bill of sale to the purchaser of personal property when such bill of sale is required or demanded, $15.00.

When more than one execution shall be issued out of the Superior Court upon any judgment, each sheriff to whom such execution shall be directed and delivered shall be entitled to collect and receive from the defendant named in such execution the fees allowed by law for making a levy and return and statement thereon, or for such other services as may be actually performed by him, and the sheriff who shall collect the amount named in said execution or any part thereof, shall be entitled to the legal percentage upon whatever amount may be so collected by him, but in case any such judgment shall be settled between the parties and the amount due thereon shall not be collected by either sheriff, then the percentage on the amount collected which would be due the sheriff thereon in case only one execution had been issued shall be equally divided among the several sheriffs in whose hands an execution in the same cause may have been placed.

The sheriff shall file his taxed bill of costs with the clerk of the court out of which execution issued, within such time as the court shall direct by general rule or special order, or, in default thereof, he shall not be entitled to any costs. If any sheriff shall charge in such bill of costs for services not done, or allowed by law, or shall

take any greater fee or reward for any services by him done than is or shall be allowed by law, he shall be liable for the damages sustained by the party aggrieved including a penalty of $30.00, to be recovered in a summary manner, in the action or proceeding wherein the execution was issued or otherwise.

2. This act shall take effect immediately.

Approved September 12, 1979.

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## CHAPTER 191

AN ACT prescribing the form of ballots containing public questions amending R. S. 19:14–13 and 19:14–14, repealing R. S. 19:14–15.

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

1. R. S. 19:14–13 is amended to read as follows:

**Arrangement of public questions.**

19:14–13. Arrangement of public questions.

All public questions to be voted upon by the voters of the entire State shall be placed first and shall be printed in order as certified by the Secretary of State. All public questions to be voted for by the voters of a municipality shall be placed second and shall be printed in the order as determined by the drawing of lots by the county clerk. All public questions to be voted for by the voters of a county shall be placed last and shall be printed in the order as determined by the drawing of lots by the county clerk. The county clerk shall draw lots in substantially the same manner as the drawing is made for the arrangement of candidates' names upon the ballot.

2. R. S. 19:14–14 is amended to read as follows:

**Public questions at foot of ballot; instructions to voters.**

19:14–14. Public questions at foot of ballot; instructions to voters. Immediately below the six-point diagram rule to be printed in place of the last two-point hair line rule across the entire ballot, from one four-point rule to the other, shall be printed as near to the center of the ballot as possible the following words: "Public Questions to be voted upon". Below these words and above the

first public question, beginning one and one-half inches to the right of the four-point rule at the left of the ballot and extending to not more than one and one-half inches from the four-point rule at the right of the ballot, shall be printed in one line, if possible, the following instructions: "To vote upon the Public Questions printed below, if in favor thereof mark a cross × or plus + in the square at the left of the word 'Yes', and if opposed thereto, mark a cross × or plus + in the square at the left of the word 'No'," underscored with a two-point diagram rule. Below and flush with the left end of said two-point diagram rule shall be printed two separate squares, one under the other, three-eighths of an inch in size formed by two-point diagram rules. Immediately to the right of the upper square shall be printed the word "Yes", and immediately to the right of the lower square shall be printed the word "No". To the right of the words "Yes" and "No" shall be printed a bracket embracing these words and to the right of the bracket shall be printed across the ballot, to not nearer than one and one-half inches from the four-point diagram rule at the right of the ballot, each public question to be voted upon. Below each such public question shall be printed two-point diagram rule beginning one and one-half inches to the right of the four-point rule at the left of the ballot and extending to not nearer than one and one-half inches from the four-point rule at the right of the ballot. In place of the last two-point diagram rule there shall be printed a four-point diagram rule extending across the entire ballot not less than a half inch from the lower edge of the paper and terminating at the lower ends of the four-point diagram rules at either side of the ballot.

3. R. S. 19:14–15 is repealed.

**Repealer.**

4. This act shall take effect immediately.

Approved September 13, 1979.

## CHAPTER 192

AN ACT concerning the development of quality educational programs for gifted and talented children.

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 Gifted Child Development Act."

2. The Legislature hereby finds and declares that there are enrolled in the public school districts of the State gifted and talented students whose full potential for development may be significantly impaired by failure to receive an appropriate special educational program, or whose ability to profit from a regular educational program may be significantly impaired as a consequence of special characteristics sometimes associated with such gifted or talented students. It is the intent of the Legislature that such gifted and talented students be identified and provided educational programs appropriate for the realization of such students' development.

3. Definitions. As used in this act:

a. "Commissioner" means the Commissioner of Education.

b. "Department" means the State Department of Education.

c. "Gifted or talented students" means students enrolled in the public schools of this State whose intellectual capacity or talent potential may be significantly impaired by failure to receive an appropriate special educational program or that their ability to profit from the regular educational program usually offered to students their age may be significantly impaired.

4. The Department of Education shall conduct a 1-year study of existing pilot programs that provide such appropriate special education for gifted or talented students. Within 90 days, after the effective date of this act, the commissioner shall develop criteria to be used in such a study. Within 60 days thereafter he shall select districts representing various types of communities and programs to participate in the study.

5. Within 1 year of the effective date of this act, the department shall report to the Governor and the Legislature its findings and recommendations accompanying the same, with any legislative bills which may be necessary in order to effectuate full implementa-

tion of appropriate special educational programs for gifted or talented students in all local public school districts in the State.

6. The commissioner is hereby authorized to adopt, amend or repeal rules and regulations to effectuate the purposes of this act.

7. This act shall take effect 60 days after its enactment provided that steps necessary to prepare for its implementation may be taken in advance of the effective date.

Approved September 13, 1979.

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## CHAPTER 193

AN ACT concerning the regulation of advertising by banks and other financial institutions and supplementing Title 17 of the Revised Statutes.

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

**C. 17:16H-1 Definitions.**

1. As used in this act: a. "Financial institution" shall mean any bank, savings bank, state association, credit union, secondary mortgage lender, small loan company or any other institution, corporation, partnership or individual subject to the supervision, regulation or licensing by the Department of Banking.

b. "Commissioner" shall mean the Commissioner of Banking of New Jersey.

**C. 17:16H-2 Inaccurate or deceptive advertising by banks and other financial institutions; prohibition.**

2. No financial institution 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, magazine 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 containing any assertion, representation or statement with respect to the business of banking, lending or being a financial institution or with respect to any person in the conduct of such business, which is inaccurate, untrue, deceptive or misleading, or which negatively affects the public's confidence in such financial institution or financial institutions in general.

**C. 17:16H-3 Promulgation of rules and regulations.**

3. The commissioner shall enforce the provisions of this act and shall promulgate such regulations as he deems necessary for the effective implementation of this act, including regulations establishing standards for advertising by financial institutions.

**C. 17:16H-4 Order to cease and desist from violations of act; failure to comply.**

4. The commissioner may, after notice and opportunity for a hearing, order any financial institution to cease and desist from violations of this act. Any financial institution which fails to comply with an order of the commissioner shall be subject to a penalty not to exceed $500.00 for each violation. Any penalty imposed by the commissioner shall be enforced and collected pursuant to the penalty enforcement law (N. J. S. 2A:58–1 et seq.).

5. This act shall take effect immediately.

Approved September 13, 1979.

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## CHAPTER 194

AN ACT to amend and supplement "An act providing for the purchase and loan of textbooks to students attending public and nonpublic schools and supplementing chapter 234 of the laws of 1970," approved August 5, 1974 (P. L. 1974, c. 79).

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

1. Section 5 of P. L. 1974, c. 79 (C. 18A:58–37.5) is amended to read as follows:

**C. 18A:58-37.5 Appropriation of aid.**

5. The commissioner shall, upon request of the local board and pursuant to the rules and regulations of the State Board of Education distribute to each school district an amount equal to the cost of textbooks purchased and loaned by the school district pursuant to this act, but in no event shall the aid appropriated to the district exceed the following amount:

a. The expenditures for the purchase of textbooks pursuant to this act made during the school year 1979-80 shall not exceed an average of $10.00 for each student residing in the district, who, on

September 30 of the preceding school year was enrolled in grades kindergarten through 12 of a public or nonpublic school; and,

b. The expenditures for the purchase of textbooks made during the school year 1980-81, and in any subsequent year shall not exceed the State average budgeted textbook expense per public school pupil for the prebudget year for each student residing in the district, who, on September 30 of the preceding school year was enrolled in grades kindergarten through 12 of a public or nonpublic school.

2. Section 6 of P. L. 1974, c. 79 (C. 18A:58–37.6) is amended to read as follows:

**C. 18A:58-37.6 Expenditure of aid.**

6. State aid provided pursuant to the "Public School Education Act of 1975," P. L. 1975, c. 212 (18A:7A–1 et seq.) may be expended for the purchase and loan of textbooks for public school pupils in an amount which shall not exceed the State average budgeted textbook expense for the prebudget year per pupil in resident enrollment. Nothing contained herein shall prohibit a board of education in any district from purchasing textbooks in excess of the amounts provided pursuant to this act.

**C. 18A:58-37.6a Amount of aid; increase; determination of budgeted textbook expenditures.**

3. (New section) a. Beginning in the school year 1981-82 and in each subsequent year, the amount of State aid per pupil pursuant to this act shall increase by the percentage increase in the State average budgeted textbook expense per public school pupil.

b. Annually, by November 1, the commissioner shall determine the State average budgeted textbook expenditures per public school pupil.

4. This act shall take effect immediately.

Approved September 13, 1979.

## CHAPTER 195

AN ACT appropriating certain funds from the Institutional Construction Fund for the construction of a records storage center and a library for the blind and handicapped.

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

1. There is appropriated to the Department of Education, from the Institutional Construction Fund, the sum of $6,500,000.00 for the purpose of constructing a records storage center and a library for the blind and handicapped as part of the New Jersey State Library, Department of Education.

2. There is also appropriated from the proceeds of the sale of the bonds authorized under P. L. 1978, c. 79, such items as may be necessary to meet any expense incurred by the issuing officials under said act, for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them.

3. The appropriations authorized by this act shall be funded from the proceeds of the sale of the Institutional Construction Bonds, the issuance and sale of which has been provided for in P. L. 1978, c. 79 and approved by the people at the general election held on November 7, 1978.

4. The State Treasurer is authorized and directed to establish and maintain an account in the Institutional Construction Fund for funds appropriated by this act.

5. The Department of Education may requisition funds from the Institutional Construction Fund for the purposes enumerated above, subject to the same restrictions and control as are exercised over appropriated State funds but not inconsistent with the provisions of P. L. 1978, c. 79.

6. This act shall take effect immediately.

Approved September 13, 1979.

## CHAPTER 196

AN ACT appropriating funds from the Emergency Flood Control Fund for the purposes of providing State grants to local units for the acquisition, development, construction and maintenance of flood control facilities; for the preparation, development and maintenance of a comprehensive Statewide flood control master plan; for the delineation of flood plains; and for the purpose of grants to counties and other regional agencies for the preparation, development and maintenance of comprehensive regional flood control master plans.

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

1. There is hereby appropriated to the Department of Environmental Protection from the Emergency Flood Control Fund created pursuant to the Emergency Flood Control Bond Act (P. L. 1978, c. 78), the sum of $7,000,000.00 for the purpose of State grants to local units for the acquisition, development, construction and maintenance of flood control facilities including State administrative costs. The terms and conditions of such grants shall be specified pursuant to section 5 of P. L. 1978, c. 78; provided, however, that no such grant shall be for more than 50% of the cost of any project.

2. There is hereby appropriated to the Department of Environmental Protection from the Emergency Flood Control Fund created pursuant to the Emergency Flood Control Bond Act, the sum of $3,000,000.00 for the preparation, development and maintenance of a comprehensive Statewide flood control master plan, for the delineation of flood plains and for the purpose of grants to counties and other regional agencies for the preparation, development and maintenance of comprehensive regional flood control master plans including State administrative costs. Of such sum, up to $1,500,000.00 may be used for the purpose of grants to counties and other regional agencies for the preparation, development and maintenance of comprehensive regional flood control master plans. The terms and conditions of any such grants shall be pursuant to rules and regulations adopted by the Department of Environmental Protection pursuant to section 5 of P. L. 1978, c. 78.

3. Any applicant for a grant to be made pursuant to this act for a flood control facility or a comprehensive regional flood control master plan shall be supported by a resolution of the governing body that such a facility or such a planning process will contribute to the overall management of the surface water of the affected river basins or subbasins. Prior to reaching such a conclusion on a proposed flood control facility, said governing body shall provide notice to, by registered mail, and request comments from every upstream and downstream municipality and county on such proposal. Such a resolution and supporting documents shall be submitted as part of the application.

4. The Department of Environmental Protection shall develop a priority system for making grants pursuant to the provisions of P. L. 1978, c. 78 and this act. Such a priority system shall favor applications for flood control facilities and for comprehensive regional flood control master plans which, to the greatest extent possible, a. contribute to the preservation of lives; and b. reduce existing flood damage potential.

5. The appropriations made pursuant to this act shall be subject to the provisions of P. L. 1978, c. 78.

6. This act shall take effect immediately.

Approved September 17, 1979.

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## CHAPTER 197

AN ACT concerning electric and gas utilities, supplementing Title 48 of the Revised Statutes, making an appropriation and repealing P. L. 1977, c. 440.

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

**C. 48:2-29.15 Lifeline credit program established.**

1. The Board of Public Utilities shall establish a program which shall be known as the "Lifeline Credit Program."

**C. 48:2-29.16 Eligibility.**

2. Any residential electric or gas customer: a. who is currently enrolled in, or applies during the remainder of the 1979 calendar

year and is found eligible for, the program of "Pharmaceutical Assistance to the Aged," established pursuant to P. L. 1975, c. 194 (C. 30:4D–20 et seq.), as amended and supplemented; or, b. who is currently receiving, or who receives during the remainder of the 1979 calendar year, benefits under the program of Supplemental Security Income (P. L. 1973, c. 256, C. 44:7–85 et seq.), or c. who is defined as disabled pursuant to the Federal Social Security Act (42 U. S. C. section 416(i)) and satisfies the income eligibility requirements for the Pharmaceutical Assistance to the Aged program, shall be eligible for the "Lifeline Credit Program" established by this act.

The Board of Public Utilities shall establish a schedule of eligible customers who meet such qualifications.

**C. 48:2-29.17 Contents of program.**

3. The "Lifeline Credit Program" shall consist of a credit of $100.00 against the electric or gas utility bill of each eligible residential electric or gas customer at his principal residence. Such credit shall be applied to the electric or gas utility bills of such customer as soon as may be practicable, but in no case later than the bills issued in October, 1979 or as soon thereafter as eligibility is determined, and shall be applied to each subsequent utility bill after the first until the full amount of the credit is exhausted. No household shall receive more than $100.00 credit. In the event that electric and gas are provided to the same customer by the same utility, a credit of $100.00 shall be applied to the combined bills from such utility. In the event that electric and gas are provided to the same customer by two separate utilities, a credit of $50.00 shall be applied to the bills from each such utility. Subject to the availability of appropriations, the level of credit shall be increased to $125.00 beginning in October, 1980.

**C. 48:2-29.18 Payment of credit.**

4. Upon certification by the President of the Board of Public Utilities, the State Treasurer shall pay to each electric and gas utility the amount of the credit provided for each eligible residential customer served by such utility. The payments shall be made pursuant to a schedule approved by the President and the Director of the Division of Budget and Accounting and payments made for unused credit shall be returned to the Casino Revenue Fund pursuant to a plan approved by them.

**C. 48:2-29.19 Rules and regulations.**

5. a. The Board of Public Utilities is authorized to promulgate, pursuant to law, such rules and regulations as it may deem necessary to effectuate the purposes of this act.

b. The board shall be entitled to call to its assistance, avail itself, or contract for the services of any State department, board, bureau, commission, or agency it may deem necessary to implement the provisions of this act.

**C. 48:2-29.20 Information to customers.**

6. Each electric and gas utility shall, by separate notice, inform each eligible residential customer of the "Lifeline Credit Program." The time of mailing and the content of such notice shall be approved by the Board of Public Utilities.

**C. 48:2-29.21 Annual report to Legislature; contents.**

7. The board shall submit a report on the "Lifeline Credit Program" to the Legislature on March 15, 1980, and annually thereafter. Such report shall include, but shall not be limited to, a summary of the implementation of the program, a study of its impact, any recommendations for its revision, and an estimate of the practicability and feasibility of expanding the program to include other needy residential electric and gas utility customers. The report shall also include an examination of alternative revenue sources to fund such a program.

8. a. There is hereby appropriated to fund the "Lifeline Credit Program" for fiscal year 1980, the sum of $44,000,000.00 from the revenues deposited in the Casino Revenue Fund, as established in section 145 of P. L. 1977, c. 110 (C. 5:12–145).

b. For the purposes of administering the provisions of this act until June 30, 1980, there is hereby appropriated to the Board of Public Utilities the sum of $2,000,000.00 from the revenues deposited in the Casino Revenue Fund.

**Repealer.**

9. P. L. 1977, c. 440 (C. 48:2–29.6 et seq.) is repealed.

10. This act shall take effect immediately but shall remain inoperative until the enactment of P. L. 19. . . ., c. . . ., now pending before the Legislature as Assembly Bill No. 3602.

Approved September 18, 1979.

# CHAPTER 198

AN ACT concerning the taxation of casinos, and amending the "Casino Control Act," approved June 2, 1977 (P. L. 1977, c. 110).

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

1. Section 140 of P. L. 1977, c. 110 (C. 5:12–140) is amended to read as follows:

**C. 5:12-140 License fee on slot machines.**

140. License Fee on Slot Machines.

a. In addition to any other tax or fee imposed by this act, there is also hereby imposed an annual license fee of $500.00 upon every slot machine; maintained for use or in use in any licensed casino establishment in this State.

b. License fees imposed under the provisions of this section shall be imposed as of the first day of July of each year with regard to all slot machines maintained for use or in use on that date, and on a pro rata basis thereafter during the year with regard to all slot machines maintained for use or placed in use after July 1.

2. Section 144 of P. L. 1977, c. 110 (C. 5:12–144) is amended to read as follows:

**C. 5:12-144 Tax on gross revenues.**

144. Tax on Gross Revenues. a. There is hereby imposed an annual tax on gross revenues as defined in section 24 of this act in the amount of 8% of such gross revenues; but upon the effective date of this amendatory act, the tax shall be 12% of such gross revenues when two or three licensed casinos are in operation, 10% when four licensed casinos are in operation, and 8% when five or more licensed casinos are in operation, provided, however, that if a third casino is not in operation by April 1, 1980, the tax rate for two casinos shall be 14% for that portion of fiscal year 1980 that the third casino is not in operation and the full tax payment shall be made prior to July 1, 1980.

b. Commencing with the first annual tax return of a licensee for any calendar year beginning after December 31, 1978, and based upon a determination that in said return or any annual return thereafter the gross revenue of a licensee in the calendar year

upon which the tax is based exceeds the cumulative investments in this State of said licensee as of that year, such licensee shall make investments in an amount not less than 2% of the gross revenue for said calendar year within a period of 5 years from the end of said calendar year. Fifty percent of the investments required as a result of any of the three annual tax returns commencing with the first annual tax return for any calendar year beginning after December 31, 1978 shall be made in the municipality in which the licensed premises are located, and 50% of such investment shall be made in any other municipality of this State. Twenty-five percent of investments required as a result of any annual tax return subsequent to the third such return in a series of returns the first of which is for a calendar year beginning after December 31, 1978 shall be made in the municipality in which the licensed premises are located, and 75% shall be made in any other municipality of this State.

All investments and cumulative investments made pursuant to this article shall be subject to a determination by the commission as to the eligibility of such investments. In determining eligibility, the commission shall consider the public interest, including the social and economic benefits to be derived from such investments for the people of this State.

c. For the purposes of this article, ''investments'' means equity investments in land and real property on which improvements are made and in real property improvements. For the purpose of this article, ''cumulative investments'' means investments in and debt financing of the licensed premises, plus other investments in and debt financing of land and real property on which improvements are made and real property improvements; provided, however, that the investments and debt financing not associated with the licensed premises have been subsequent to July 6, 1976. Real property and real property improvements sold or otherwise disposed of by the licensee shall not be included for the purposes of determining cumulative investments.

d. For the purposes of satisfying the amount of investments in any given year and of determining cumulative investments as of any given year, pursuant to subsection b., contributions of money or realty shall be included if the commission determines that such contributions best serve the public interest and either (1) directly relate to the improvement, furtherance, and promotion of the tourist industry in this State through the planning, acquisition, construction, improvement, maintenance and operation of recreational,

entertainment, and other facilities for the public, including, without limitation, a performing arts center, the beaches and shore front of this State, and transportation facilities providing or enhancing service in resort areas of this State, or (2) directly relate to the improvement, furtherance, and promotion of the health and well-being of the people of this State through the planning, acquisition, construction, improvement, maintenance, and operation of a facility, project or program approved by the commission.

e. In the event that the investments required in subsection b. of this section are not made within the time set forth therein, there shall be imposed an investment alternative tax in an amount equivalent to 2% of gross revenue, which tax shall be added to the tax determined under subsection a. of this section and shall be due and payable in accordance with this section. For purposes of determining whether the investment alternative tax shall be paid, the State Treasurer shall certify, under such rules and regulations as he shall promulgate consistent with the provisions of this article, the amount of cumulative investments made by each licensee. In the event of the sale or other disposition of the licensed premises, any investment obligation imposed by subsection b. which is not satisfied shall be immediately deemed due and payable as investment alternative tax, and said amount shall constitute a lien upon the licensed premises until paid, together with interest at the rate specified in the "State Tax Uniform Procedure Law," Subtitle 9 of Title 54 of the Revised Statutes; provided, however, that the appointment of a conservator under section 31 of P. L. 1978, c. 7, shall not constitute a sale or other disposition of the licensed premises within the meaning of this subsection, and provided further, that if, in the judgment of the commission, a sale or other disposition does not significantly affect the operations of a casino licensee with respect to such premises, the commission may permit the investment obligation imposed on such licensee to continue under such conditions as the commission may deem appropriate.

f. The commission shall promulgate rules and regulations consistent with the provisions of this article as to the eligibility of the investments and cumulative investments required by this article.

3. Section 153 of P. L. 1977, c. 110 is amended to read as follows:

153. Any outstanding loan to the Casino Control Fund from the General Fund as of July 1, 1980 shall be repaid, including interest, to the General Fund from a special assessment to casinos in operation or with applications pending on that date. Such as-

sessment shall be determined by the Casino Control Commission and shall be payable in full by December 31, 1980.

4. This act shall take effect immediately, but shall remain inoperative until enactment of P. L. . . . . , c. . . . (now pending before the Legislature as Assembly No. 3601) establishing a Lifeline Credit Program, and shall be applied retroactively to July 1, 1979.

Approved September 18, 1979.

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## CHAPTER 199

AN ACT concerning marine fisheries management, the development of the commercial fisheries industry, and the support of recreational fishing, establishing a Marine Fisheries Council, providing certain powers, duties and responsibilities to the Commissioner of Environmental Protection, the Marine Fisheries Council and the New Jersey Economic Development Authority, providing penalties for its violation, making an appropriation and amending, supplementing and repealing parts of the statutory law.

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

**C. 23:2B-1 Short title.**

1. (New section) This act shall be known and may be cited as the "Marine Fisheries Management and Commercial Fisheries Act."

**C. 23:2B-2 Legislature's findings.**

2. (New section) a. The Legislature hereby finds that:

(1) The fisheries resources of the State make a material contribution to our economy and food supply, as well as to the health, recreation, and well-being of our citizens; and,

(2) The fisheries resources of the State are a living, renewable form of wealth capable of being maintained and greatly increased with proper management, but equally capable of destruction if neglected or unwisely exploited.

b. It is hereby declared to be the policy of this State to:

(1) Provide an organizational framework that will permit the State to manage more effectively its fisheries resources with the following objectives:

(a) The conservation of fisheries resources and their habitat to promote their continued productivity;

(b) The maintenance and enhancement of fisheries resources to support a recreational use where a species is the object of recreational fishing;

(c) The maintenance and enhancement of fisheries resources to support a commercial use where a species is the object of commercial fishing;

(d) The management, on a basis of scientific information, of the fisheries resources under the State's jurisdiction, and the participation in the management of other fisheries in which New Jersey fishermen are engaged, with the objective of optimum yield;

(2) Develop an active and modern commercial fisheries fleet, docks, freezing, processing and marketing facilities;

(3) Encourage citizen participation through advisory councils and otherwise, since decisions concerning the distribution and allocation of fisheries resources have important consequences for all citizens of this State; and,

(4) Provide for conservation and management measures involving a reciprocal and cooperative relationship among States and between States and the Federal Government, and between States and the fisheries management councils established pursuant to the "Federal Fisheries Conservation and Management Act of 1976" (16 USC §§ 1801 to 1882), since many species of fisheries resources travel across state and state-federal boundaries;

(5) Develop a viable aquaculture industry in the State, utilizing existing Federal and other programs where appropriate, and necessary supportive infrastructure.

**C. 23:2B-3 Definitions.**

3. (New section) As used in this act:

a. "Aquaculture" means the propagation and rearing of aquatic species in controlled or selected environments;

b. "Commissioner" means the Commissioner of Environmental Protection;

c. "Council" means the Marine Fisheries Council created pursuant to this act, except in those sections of this act amending sections of Title 50 of the Revised Statutes;

d. "Department" means the Department of Environmental Protection;

e. "Fish" means any marine or anadromous animal or plant, or part thereof, excepting mammals and birds;

f. "Fisheries management plans" means plans to prevent overfishing, achieve optimal yield from each fishery on a continuing basis, which are based on the best scientific information available, are in accordance with management plans promulgated pursuant to the Fisheries Conservation and Management Act of 1976 and any appropriate interstate programs, provide for the management of stock as a unit throughout their range, and allow for flexibility management; provided, however, that such plans, where practicable and feasible, give preference to the interests and concerns of fishermen in this State;

g. "Marine waters" means all the salt waters of this State, and none of the fresh waters of this State as defined in R. S. 23:1–2. Specifically it includes the waters of the Atlantic ocean, and all bays, inlets and estuarine waters located below the mouth of any fresh water river, stream or creek;

h. "Optimum yield" means the amount of fish from a fishery which will provide the greatest overall benefit to the State, with particular reference to food production and recreational opportunities, and the amount of fish which is prescribed as such on the basis of the maximum sustainable yield from such fishery as modified by any relevant economic, social or ecological factor;

i. "Processing" means handling, storing, freezing, preparing, preserving, packing, transporting, holding, or selling fish or fish products;

j. "Taking" means to catch, net, capture, possess, or collect any fish or to attempt to engage in any such conduct;

k. "Fishery" means one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational and economic characteristics and any fishing for such stocks.

**C. 23:2B-4 Marine fisheries council; creation; membership; appointment; removal; compensation; quorum.**

4. (New section) There is hereby created in the department a Marine Fisheries Council, which shall consist of 11 members, nine of whom shall be appointed by the Governor, with the advice and consent of the Senate, of whom four shall represent and be knowledgeable of the interests of sports fishermen, two shall be active commercial fin fishermen, one shall be an active fish processor, and two shall represent the general public; the other two

members shall be the chairmen of the two sections of the Shell Fisheries Council.

Of the nine members first to be appointed by the Governor, three shall be appointed for a term of 1 year, three for a term of 2 years, and three for a term of 3 years. Thereafter, all appointments shall be made for terms of 3 years. All appointed members shall serve after the expiration of their terms until their respective successors are appointed and shall qualify, and any vacancy occurring in the appointed membership of the council, by expiration of term or otherwise, shall be filled in the same manner as the original appointment for the unexpired term only, notwithtsanding that the previous incumbent may have held over and continued in office as aforesaid. The Governor may remove any member of the council for cause upon notice and opportunity to be heard.

Members of the council shall serve without compensation, but shall be reimbursed for expenses actually incurred in attending meetings of the council and in the performance of their duties as members thereof.

The Governor shall appoint a chairman, from the citizen members of the council, who shall serve at his pleasure. Six members of the council shall constitute a quorum to transact its business.

**C. 23:2B-5 Powers and duties of council.**

5. (New section) The Marine Fisheries Council shall:

a. Contribute to the preparation and revision of fisheries management plans;

b. Be empowered to disapprove, within 60 days of the proposal thereof and the submittal thereto, any rule or regulation or any amendment thereto proposed by the commissioner pursuant to this act except for any rule or regulation adopted pursuant to subsection (c) of section 4 of the "Administrative Procedure Act," (C. 52:14B–4);

c. Advise the commissioner on policies of the department and in the planning, development, and implementation of all departmental programs related to this act;

d. Examine, consider and make recommendations in any matters pertaining to the conservation and management of fisheries resources throughout the State;

e. From time to time submit to the commissioner any recommendation for new rules and regulations or revision to existing rules and regulations which it deems necessary for the proper operation of an effective marine fisheries program;

f. Hold periodic public hearings in regard to current issues affecting the operation of the marine fisheries program;

g. Recommend the convening of species related citizen panels where appropriate;

h. Study and analyze economic, social and ecological data relating to the operation of the marine fisheries program.

**C. 23:2B-6 Fisheries management plans; review by citizen panels; rules and regulations.**

6. (New section) The commissioner shall prepare fisheries management plans for each major fishery in the State, with the advice and assistance of the council, and if deemed necessary, advisory species related citizen panels. The citizen panels shall be composed of persons appointed by the commissioner. They shall review suggested management plans and any rules and regulations implementing said plans. Such management plans shall be coordinated with and take into consideration the appropriate Federal, Federal-State, regional management council and interstate programs.

The commissioner, subject to the disapproval of the council as hereinbefore provided, shall prepare and promulgate and may amend and repeal rules and regulations to carry out the intent of this act and to implement the provisions of the fisheries management plans. Any such rules and regulations shall be promulgated in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.). Such rules and regulations may:

a. Prohibit, limit, condition, require or establish the use of specified types of fishing gear; the size, number and quantity of specific species that may be taken; the areas to be opened or closed to their taking, the time and manner of their taking; and may prescribe such other limitations, conditions, requirements, or restrictions as is necessary and appropriate to the policy and purposes of this act;

b. Establish and develop fisheries management areas and prescribe rules governing the use of such areas;

The commissioner may not regulate, pursuant to this section, any species in any body of water which is regulated pursuant to Title 50 of the Revised Statutes.

**C. 23:2B-7 Power and duties of commissioner.**

7. (New section) The commissioner shall have the following powers and duties:

a. Administer and enforce the laws, rules and regulations relating to fisheries resources;

b. Appoint the chief administrative officer of the marine fisheries program and all other necessary employees, including enforcement personnel, within the limits of available revenues;

c. Develop and implement a program for the management of fisheries resources, including such species related management plans as may be appropriate;

d. Acquire by gift or purchase and hold real property in the name of the State, or any right or interest therein, including, but not limited to, easements or rights of access;

e. Accept for the State any Federal funds apportioned under Federal law related to authorized programs of the department and to do such acts as are necessary for the purpose of carrying out such Federal laws; and to accept from any other agency or government, individual, group, or corporation, such funds, gifts, or devises as may be available to carry out the purposes of this act;

f. Make periodic reports to the Governor and the Legislature, including therein such recommendations for changes and amendments in existing law and licensing procedures as are warranted by investigations and research;

g. Conduct or sponsor a program or programs for research and development of fisheries resources of the State, in cooperation, where appropriate, with Rutgers, The State University, the Marine Sciences Consortium, and other responsible research or academic agencies, which programs shall include, but not be limited to biological, chemical, technological, hydrological, processing, marketing, financial, economic, and promotional research and development. The department may carry out such a program or programs in cooperation with other State agencies, Federal, regional, and local governmental entities, or with private institutions or persons;

h. Establish programs for public education concerning the conservation, utilization, development, and enhancement of fisheries resources;

i. Acquire, introduce, and propagate marine fish species in such manner as will carry out the fisheries resources management programs;

j. To coordinate and integrate the marine fisheries program established herein with the activities of all other State agencies which affect fisheries resources, and access thereto including but not limited to, freshwater fisheries, coastal zone management, water pollution control and marine law enforcement; and,

k. To encourage every agency which operates a bridge or road over any of the marine waters of this State to construct a fishing platform on each such bridge.

**C. 23:2B-8 Cooperation and agreements with other jurisdictions.**

8. (New section) In the management of fisheries resources which are shared by the State of New Jersey with other states or with other states and the Federal Government, the commissioner shall cooperate with the appropriate agencies of said states, the Federal Government and the regional fisheries management councils established under the Federal Fisheries Conservation and Management Act of 1976, and any appropriate interstate programs to develop integrated management plans for such shared resources.

The commissioner is empowered to make the following reciprocal agreements with other jurisdictions:

a. Rules and regulations with respect to fishing in boundary waters after consultation with the appropriate body in the neighboring states;

b. A procedure whereby valid fishing license issued by the parties to the reciprocal agreements may be used by their licensees within the jurisdiction of either in accordance with the terms of such agreements;

c. Any individual from a state who has the responsibility of enforcing that state's marine fisheries laws may pursue any person found fishing in the coastal waters of such state in violation of the marine fisheries laws thereof onto adjacent waters of this State and there arrest him and return him to the state where the violation occurred for the purpose of prosecuting him for such violation; provided, that such other state shall have enacted legislation giving substantially similar authority to individuals of this State who have responsibility for enforcing the marine fisheries laws of this State relative to persons found fishing in the coastal waters of this State in violation of the marine fishing laws thereof.

**C. 23:2B-9 Records, books and accounts; audit; confidentiality.**

9. (New section) a. The commissioner may by regulation require that every person, who takes fisheries resources, provide information on the species, number, weight, and any other information pertinent to management of the resources taken in a manner prescribed and on forms supplied by the department.

b. Every person engaged in the commerial buying, packing, storing, wholesaling, marketing, or processing of any fisheries resources within the State shall keep accurate records, books or

accounts showing the species, quantity, and source of fisheries resources.

c. Every record, book, or account referred to in subsection b. shall be open for inspection by the department at reasonable hours.

d. The department may audit the records, books, or accounts of any person referred to in subsection b., and of anyone who takes fisheries resources and ships directly to market in order to determine the quantity of resources taken and other information pertinent to management.

e. The records obtained by the department, and the information contained therein, shall except as otherwise provided in this section, be confidential, and the records shall not be public records and insofar as possible, the information contained in the records shall be compiled or published in such a manner so as not to disclose the business record of any person.

f. The information in the above records can be provided to other states, Federal agencies and regional fisheries agencies provided that those entities have similar confidentiality provisions that do not disclose the business record of any person.

**C. 23:2B-10 Aquaculture task force; membership; terms; powers and duties.**

10. (New section) For a period of 2 years from the effective date of this act the Commissioner of Labor and Industry, the Commissioner of Environmental Protection, the Secretary of Agriculture, the Executive Director of the Economic Development Authority and the Director of the Division of Fish, Game and Wildlife shall serve on an Aquaculture Task Force to be chaired by the Secretary of Agriculture and a Commercial Fisheries Development Task Force to be chaired by the Commissioner of Environmental Protection. The task forces shall be assigned to the Governor's office and shall promote the development of aquaculture, of the commercial fisheries industry, and of the commercial aspects of fish products. The task forces shall, to the extent practicable, encourage the growth and expansion of piers and docks, processing and storage facilities, fishing equipment and vessels and marketing facilities and the development of aquaculture, personnel training programs, research, or any other procedures designed to stimulate, expand and promote the commercial fisheries industry and the commercial aspects of recreational fishing and the development of processing and marketing facilities for fish and fish products. The task forces shall define the roles of the various concerned State agencies in carrying out a permanent program to promote

the development of an aquaculture program and of a commercial fisheries industry. The task forces shall report to the Governor and Legislature on their findings and conclusions, and shall recommend whatever legislative changes are necessary for a permanent program prior to the termination of the 2-year period.

11. Section 3 of P. L. 1974, c. 80 (C. 34:1B–3) is amended to read as follows:

**C. 34:1B-3 Definitions.**

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

a. "Authority" means the New Jersey Economic Development Authority, created by section 4 of this act.

b. "Bonds" means bonds or other obligations issued by the Authority pursuant to this act.

c. "Cost" means the cost of the acquisition, construction, reconstruction, repair, alteration, improvement and extension of any building, structure, facility including water transmission facilities, or other improvement; the cost of machinery and equipment, the cost of acquisition, construction, reconstruction, repair, alteration, improvement and extension of pollution control devices, equipment or facilities; the cost of lands, rights-in-lands, easements, privileges, agreements, franchises, utility extensions, disposal facilities, access roads and site development deemed by the authority to be necessary or useful and convenient for any project or in connection therewith, discount on bonds, costs of issuance of bonds, engineering and inspection costs, cost of finanical, legal, professional and other estimates and advice, organization, administrative, insurance, operating and other expenses of the authority or any person prior to and during any acquisition or construction, and all such expenses as may be necessary or incident to the financing, acquisition, construction or completion of any project or part thereof, and also such provision for reserves for payment or security of principal of or interest on bonds during or after such acquisition or construction as the authority may determine.

d. "County" means any county of any class.

e. "Development property" means any real or personal property interest therein, improvements thereon, appurtenances thereto and air or other rights in connection therewith, including land, buildings, plants, structures, systems, works, machinery and equipment acquired or to be acquired by purchase, gift or otherwise by the authority within an urban growth zone.

f. "Person" means any person, including individuals, firms, partnerships, associations, societies, trusts, public or private corporations, or other legal entities, including public or governmental bodies as well as natural persons. "Person" shall include the plural as well as the singular.

g. "Pollution control project" means any device, equipment, improvement, structure or facility or any land and any building, structure, facility or other improvement thereon, or any combination thereof, whether or not in existence or under construction, or the refinancing thereof in order to facilitate improvements or additions thereto or upgrading thereof, and all real and personal property deemed necessary thereto, having to do with or the end purpose of which is the control, abatement or prevention of land, sewer, water, air, noise or general environmental pollution, including, but not limited to, any air pollution control facility, noise abatement facility, water management facility, thermal pollution control facility, radiation contamination control facility, waste water collection system, waste water treatment works, sewage treatment works system, sewage treatment system or solid waste disposal facility or site; provided that the authority shall have received from the Commissioner of the State Department of Environmental Protection or his duly authorized representative, a certificate stating the opinion that, based upon information, facts and circumstances available to the State Department of Environmental Protection and any other pertinent data, (1) said pollution control facilities do not conflict with, overlap or duplicate any other planned or existing pollution control facilities undertaken or planned by another public agency or authority within any political subdivision, and (2) that such facilities, as designed, will be a pollution control project as defined in this act and are in furtherance of the purpose of abating or controlling pollution.

h. "Project" means (1) (a) acquisition, construction, reconstruction, repair, alteration, improvement and extension of any building, structure, facility including water transmission facilities or other improvement, whether or not in existence or under construction, (b) purchase and installation of equipment and machinery, (c) acquisition and improvement of real estate and the extension or provision of utilities, access roads and other appurtenant facilities, and (2) (a) the acquisition, financing, or refinancing of inventory, raw materials, supplies, work in process, or stock in trade, or (b) the financing, refinancing or consolidation of secured or unsecured debt, borrowings, or obligations, or (c) the

provision of financing for any other expense incurred in the ordinary course of business; all of which are to be used or occupied by any person in any enterprise promoting employment, either for the manufacturing, processing or assembly of materials or products, or for research or office purposes, including, but not limited to, medical and other professional facilities, or for industrial, recreational, hotel or motel facilities, public utility and warehousing, or for commercial and service purposes, including, but not limited to, retail outlets, retail shopping centers, restaurant and retail food outlets, and any and all other employment promoting enterprises including, but not limited to motion picture and television studios and facilities and commercial fishing facilities, commercial facilities for recreational fishermen, fishing vessels, aquaculture facilities and marketing facilities for fish and fish products and (d) acquisition of an equity interest in, including capital stock of, any corporation; or any combination of the above, which the authority determines will (i) tend to maintain or provide gainful employment opportunities within and for the people of the State, or (ii) aid, assist and encourage the economic development or redevelopment of any political subdivision of the State, or (iii) maintain or increase the tax base of the State or of any political subdivision of the State, or (iv) maintain or diversify and expand employment promoting enterprises within the State; and (3) the cost of acquisition, construction, reconstruction, repair, alteration, improvement and extension of a pollution control project which the authority determines will tend to reduce, abate or prevent environmental pollution within the State. Project may also include (i) reimbursement to any person for costs in connection with any project, or the refinancing of any project or portion thereof, if determined by the authority as necessary and in the public interest to maintain employment and the tax base of any political subdivision and will facilitate improvements thereto or the completion thereof, and (ii) development property and any construction, reconstruction, improvement, alteration, equipment or maintenance or repair, or, planning and designing in connection therewith.

i. "Revenues" means receipts, fees, rentals or other payments to be received on account of lease, mortgage, conditional sale, or sale and payments and any other income derived from the lease, sale or other disposition of a project, moneys in such reserve and insurance funds or accounts or other funds and accounts and income from the investment thereof, established in connection with the

issuance of bonds or notes for a project or projects, and fees, charges or other moneys to be received by the authority in respect of projects and contracts with persons.

j. "Resolution" means any resolution adopted or trust agreement executed by the authority pursuant to which bonds of the authority are authorized to be issued.

k. "Urban growth zone" means any area within a municipality receiving State aid pursuant to the provisions of P. L. 1971, c. 64, or a municipality certified by the Commissioner of Community Affairs to qualify under such law in every respect except population, which area has been so designated pursuant to an ordinance of the governing body of such municipality.

**C. 23:2B-11 Unlawful interference with device used to take fish.**

12. (New section) No person shall, willfully and without reasonable cause, interfere with, break, damage or destroy any net, trap, seine, fyke pot or any other device used to take fish, which is being utilized in a lawfully authorized manner.

**C. 23:2B-12 Enforcement.**

13. (New section) The marine police shall devote a sufficient number of hours and sufficient resources to the enforcement of the marine management statutes and rules and regulations promulgated pursuant thereto to assure compliance therewith. The chief administrative officer of the marine fisheries program and of the marine police shall jointly work out an effective marine fisheries enforcement program. The two chief administrative officers shall periodically report to the Marine Fisheries Council on enforcement activities, whether completed, underway or contemplated. Each marine policeman shall be trained for a minimum of one full work week on marine resources management procedures during his first year on the job and for a minimum of one working day every year thereafter.

14. R. S. 50:1–5 is amended to read as follows:

**Control and direction of industry; rules and regulations.**

50:1–5. The Commissioner of Environmental Protection shall have full control and direction of the shellfish industry and resource and of the protection of shellfish throughout the entire State subject to the provisions of this Title. He shall make such rules and regulations as may be necessary for the preservation and improvement of the shellfish industry and resource of the State, after consultation with the Shell Fisheries Council and subject to the

disapproval, as hereinbefore provided, of the Marine Fisheries Council. For purposes of this title the term "shellfish" shall mean hard clams (Mercenaria mercenaria), soft clams (Mya arenaria), sea clams (Mactra solidissma) and oysters (Cassostrea virginica) and the term "commissioner" shall mean Commissioner of Environmental Protection.

15. R. S. 50:1–18 is amended to read as follows:

**Shell fisheries council; membership; appointment; terms; vacancies; removal; compensation; formulation of policies; lease of lands under tidal waters; council divided into two sections.**

50:1–18. a. The Shell Fisheries Council shall be composed of nine members; one each residing in the counties of Monmouth, Ocean, Burlington, Atlantic, Cape May and Salem, and three residents of Cumberland county; each of whom shall be a licensed and practicing shellfisherman and shall be chosen with due regard to his knowledge of and interest in the shellfish industry and in the conservation and management of shellfish. Each member of the council shall be appointed by the Governor, with the advice and consent of the Senate, for a term of 4 years and shall serve until his successor has been appointed and has qualified.

Any vacancies in the membership of said council occurring other than by expiration of term shall be filled by the Governor, with the advice and consent of the Senate, for the unexpired term only. Any member of the council may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

The members of the council shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. Each section of the council shall annually elect a chairman of the council from its own members.

b. The council shall, subject to the approval of the commissioner, formulate comprehensive policies for the preservation and improvement of the shellfish industry and resource of the State. The council shall also: (1) consult with and advise the commissioner and the Marine Fisheries Council with respect to the implementation of the shellfisheries program; (2) study the activities of the shellfisheries program and hold hearings with respect thereto as it may deem necessary or desirable; and (3) initiate, by resolution of the council, proposed rules and regulations concerning shellfish to the commissioner.

c. No lease of any of the lands of the State under the tidal waters thereof, to be exclusively used and enjoyed by the lessee for the

planting and cultivating of shellfish, shall hereafter be allowed except when approved by a majority of the appropriate section of the council; and no such lease shall hereafter in any case be allowed except when approved and signed by the commissioner.

d. The council shall be divided into two sections one to be known as the "Delaware Bay Section," consisting of the members from the counties of Cumberland and Salem, and the other to be known as the "Atlantic Coast Section" consisting of the members from the counties of Atlantic, Burlington, Ocean and Monmouth. The member of the said council from Cape May shall be entitled to participate in the exercise of the powers and the performance of the duties of each of the said two sections.

The Delaware Bay Section shall, subject to the approval of the commissioner, exercise all the powers and perform all the duties of the council in matters relating to the shellfish industry in the tidal waters of Delaware river, Delaware bay and their tributaries.

The Atlantic Coast Section shall, subject to the approval of the commissioner, exercise all the powers and perform all the duties of the council in matters relating to the shellfish industry in all of the tidal waters of the State except in the tidal waters of the Delaware river, Delaware bay and their tributaries.

16. R. S. 50:1–22 is amended to read as follows:

**Offices.**

50:1–22. The commissioner shall establish and maintain several offices located at places convenient to persons engaged in the shellfish industry. The records of all leases and licenses issued by him shall be kept therein. One office shall be located in the area served by the Atlantic Coast Section and one office shall be located in the area served by the Delaware Bay Section of the Council.

17. R. S. 50:1–24 is amended to read as follows:

**Exclusive power to lease.**

50:1–24. The power granted by this title to the council, subject to the provisions of R. S. 50:1–18, to lease lands under the tidal waters of this State for the planting and culture of shellfish is exclusive, and no other State agency may, in the name of the State or otherwise, give, grant or convey to any person the exclusive right to plant or take shellfish from any of such waters; and no grant or lease of lands under tidewater, whereon there are natural oyster beds, shall be made by any other state agency except for the purpose of building wharves, bulkheads or piers.

18. R. S. 50:1–25 is amended to read as follows:

**Only residents may lease.**

50:1–25. No lease shall be granted to any person who is not at the time of granting such lease a resident of this State.

19. R. S. 50:1–27 is amended to read as follows:

**Fixing term, rental and acreage.**

50:1–27. The council, with the approval of the commissioner, shall fix the term for which leases may be granted, not exceeding 30 years, the rental to be paid, the maximum size of any single ground to be leased, and the total acreage which may be leased to any person or persons.

20. R. S. 50:1–28 is amended to read as follows:

**Measuring and mapping of leased lands.**

50:1–28. The commissioner shall, from time to time, cause the leased lands to be measured, and the metes and bounds thereof ascertained and located by ranges, monuments or other means, so that the limits thereof may be accurately fixed and easily located.

The commissioner shall cause the leased lands to be mapped, and the maps to be filed in the office of the department.

The expense of surveying, measuring, locating and mapping any ground or grounds shall be paid by the applicant therefor before he shall be entitled to a lease or leases for the same.

21. R. S. 50:1–29 is amended to read as follows:

**Recording of leases and assignments.**

50:1–29. The commissioner shall cause leases, and assignments and transfers thereof, to be recorded in books kept in the offices of the department; and no assignment or transfer of any ground or lease therefor shall be valid unless approved by the commissioner and the council and forthwith recorded in the office of the department.

22. R. S. 50:1–30 is amended to read as follows:

**Leasing lands condemned by health department.**

50:1–30. The council with the approval of the commissioner may lease to applicants therefor any of the lands of this State that have been or may hereafter be condemned pursuant to the provisions of chapter 14 of Title 24 of the Revised Statutes.

23. R. S. 50:1–31 is amended to read as follows:

**Removal and distribution of shellfish from leased condemned lands.**

50:1–31. The commissioner may make such rules and regulations for the removal and distribution of shellfish from lands leased under section 50:1–30 of this Title, as in his judgment will be in accord with the object of the condemnation. Such rules and regulations shall not be inconsistent with those adopted pursuant to the provisions of chapter 14 of Title 24 of the Revised Statutes.

24. R. S. 50:1–34 is amended to read as follows:

**Permission to plant foreign shellfish; application for permission.**

50:1–34. No oysters, native to, or brought directly or indirectly, from any foreign country or any other state shall be planted or lodged in the waters of this State without written permission issued by the commissioner, after notice to the council, for each separate shipment. Application for such permission shall be made in writing, and shall state:

a. The species of such oysters;

b. The location from which they were, or are to be, immediately taken;

c. The source from which they were originally obtained; and

d. The country to which their kind is native.

The same information shall be shown upon a tag attached to, or upon the billing accompanying each shipment upon its arrival in this State.

25. R. S. 50:1–35 is amended to read as follows:

**Issuance of permission; prerequisites; form.**

50:1–35. The commissioner may issue such permission after due inspection and examination of the nature, species, quantity, source, location of proposed planting or lodging, and the condition of the oysters and after his determination that the same will not be detrimental to the native oysters or to the oyster industry of this State.

Such permission shall specify the nature, species, quantity and proposed location of planting or lodgment of the oysters and shall apply only to the particular shipment for which it is issued.

26. R. S. 50:1–36 is amended to read as follows:

**Cost.**

50:1–36. The commissioner shall make such charge, and collect in advance, for the issuance of such permission, such sum of money as may be necessary to defray the cost of the inspection, examination and certification.

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

**License required.**

50:2–1. No person shall catch or take clams from any of the natural clam grounds in the waters of this State, without first obtaining a license from the commissioner. Such licenses shall grant the privilege of taking clams upon any natural clam ground of this State, except such as may be leased by the council.

28. R. S. 50:2–2 is amended to read as follows:

**Residency requirement; exception.**

50:2–2. No recreational license shall be granted to any applicant who does not present satisfactory evidence that he is a resident of this State; except that a nonresident's recreational license effective only in the months of June, July, August and September in any calendar year may be granted to a nonresident of this State upon payment of a license fee.

No holder of either such recreational license may take more than 150 clams per day or shall sell or offer for sale clams taken under said license and any such sale or offer for sale shall constitute ground for the revocation of said license. No person shall take or catch more than 150 clams per day unless such person is a holder of a commercial clam license.

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

**License fee.**

50:2–3. The license fee shall be fixed by the commissioner, with the approval of the council, at not less than $5.00 nor more than $10.00 for either recreational license, and shall be not less than $25.00 nor more than $50.00 for a commercial clam license. No fee shall be charged for a recreational license to a person who is 62 or more years of age; provided such person is a resident of this State.

30. R. S. 50:2–4 is amended to read as follows:

**Term and record of license.**

50:2–4. Each license shall be for the term of 1 year from January 1 of the year of issue, and shall be granted by the commissioner. Each license shall be numbered and shall state the name and residence of the licensee, and a record thereof shall be kept by the commissioner.

31. R. S. 50:2–5 is amended to read as follows:

**Possession and exhibition of license.**

50:2–5. Each licensee shall have the license on his person and shall exhibit it for inspection to any officer or employee of the department or other person requesting to see the same.

32. Section 1 of P. L. 1950, c. 310 (C. 50:2–6.1) is amended to read as follows:

**C. 50:2-6.1 License to harvest or dredge for sea clams; regulations for issuance; permits for research and educational projects.**

1. No person or vessel shall take, harvest or dredge for sea clams (Mactra solidissima) also known as Spisula solidissima from any waters of this State without first obtaining a license from the commissioner. The commissioner may license every vessel engaged in the harvesting of sea clams within the waters of this State. Such license shall be issued on an annual basis.

Such licenses shall grant the privilege of gathering sea clams by dredging, but only in the Atlantic ocean, but not in the Delaware bay northerly of a line from Cape May Point lighthouse tower to Brandywine lighthouse or in the Sandy Hook bay west of a line from the west point of Sandy Hook to Roamer Shoal lighthouse. No boat or vessel shall be licensed under this act unless its bona fide owner is a resident of this State.

The commissioner may adopt regulations regarding the issuance procedures of such licenses.

The commissioner may issue permits for sea clam research, inventory and educational projects. Nothing in this section shall be construed to limit the activities of such projects.

33. R. S. 50:2–7 is amended to read as follows:

**Culling immediately after emptying tongs or dredges.**

50:2–7. All oysters, oyster shells and other material dredged, tonged or in any manner raised or taken from any of the beds and grounds above what is known as the southwest line in Delaware bay, or from any natural oyster bed or ground, shell bed or reef, where oysters naturally spawn and grow under the tidal waters of the State, shall be culled as soon as the same are emptied out of the tongs or dredges on the culling board, conveyor, culling device, or deck of the boat or vessel employed for the purpose, and before the same are shoveled back from the culling board or portion of the deck used for emptying the tongs or dredges.

34. R. S. 50:2–8 is amended to read as follows:

**Percentage of shells; throwing back culled material.**

50:2–8. Such culling shall be so close that three bushels of oysters, oyster shells and other material taken from any part of a boat or vessel, after having been shoveled back from the culling board, conveyor, culling device or that part of the boat or vessel used for emptying the tongs and dredges, shall not contain more than 15% of shells and other material.

All shells and other material except oysters and clams, shall be immediately thrown back upon the beds or grounds from which they shall have been taken.

35. R. S. 50:2–9 is amended to read as follows:

**Revocation of license on refusal to permit examination.**

50:2–9. When the person in charge of any boat or vessel licensed under the provisions of this Title, or any person holding a tonger's license, is hailed or signaled by any officer of the department and refuses to stop and permit such officer or officers to board his boat, vessel or other craft and examine the oysters, oyster shells and other material thereon, the commissioner may revoke the license of such boat or vessel and the license of the tonger.

36. R. S. 50:2–10.1 is amended to read as follows:

**Taking shellfish with power boat.**

50:2–10.1. No person shall use or employ any boat or other vessel propelled wholly or in part by steam, naphtha, gasoline, electricity or any other mechanical motive power, or any motor driven apparatus, for the purpose of catching or taking of clams from any of the waters of this State, whereby the soil or bottom on or in which the clams are found is agitated or disturbed by the propeller wheel or wheels of such boat or vessel or by any other motor or mechanically driven apparatus thereon for the purpose of catching or taking clams as aforesaid, except by permit issued by the Department of Environmental Protection with the approval of the council for taking clams from the waters of the Raritan bay, Sandy Hook bay, Shrewsbury river or Navesink river.

37. R. S. 50:2–11 is amended to read as follows:

**Taking shellfish after sunset, before sunrise or on Sunday; exceptions.**

50:2–11. No person shall dredge upon, or throw, cast or drag an oyster dredge or any other instrument or appliance used for catching clams or oysters, or assist in so doing, or tread for clams, upon any of the lands lying under the tidal waters of this State before sunrise or after sunset, or at any time on Sunday, except that

clams may be taken from the waters of Raritan bay, Sandy Hook bay, Shrewsbury river or Navesink river on Sunday.

38. R. S. 50:2–12 is amended to read as follows:

**Selling, purchasing or transporting seed oysters or clams for planting outside of state.**

50:2–12. Seed oysters of any size and hard shell clams measuring less than 1½ inches in length caught and taken from any of the natural oyster or clam beds or grounds under the tidal waters of this State shall not be sold and taken out of this State for the purpose of planting on grounds in any other state, excepting for methods of aquaculture approved by the commissioner. No person may sell natural seed oysters or clams in violation of this section nor shall any person purchase or transport such oysters or clams in violation of this section.

Possession of such oysters or clams outside of the boundaries of this State shall be prima facie evidence of violation of this section.

39. R. S. 50:3–1 is amended to read as follows:

**License requirement; issuance.**

50:3–1. No boat or vessel shall be used or employed in the catching or taking of oysters in the Delaware river, Delaware bay or Maurice river cove, in this State, without a license for that purpose issued by the commissioner.

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

**License fee; term and recording of license.**

50:3–2. The council may fix the license fee at any sum on the gross tonnage measurement of such boat or vessel.

No license shall be issued for a period longer than 1 year.

All licenses shall be numbered and recorded by the commissioner.

41. R. S. 50:3–3 is amended to read as follows:

**Residence of vessel owners; filing of statement.**

50:3–3. The commissioner, before issuing a license to any boat or vessel as provided in this article, shall cause the master or captain thereof to file with him a statement that such boat or vessel is wholly owned bona fide by residents of this State; and no boat or vessel owned wholly or in part by a nonresident and licensed in any other state to catch oysters on natural beds or grounds in such other state shall be licensed in this State within the same year in

which such license to catch oysters in such other state shall have been or shall be issued. The commissioner may revoke a license issued by reason of a false statement filed by any applicant.

42. R. S. 50:3–5 is amended to read as follows:

**Revocation of license.**

50:3–5. The commissioner may revoke the license of any boat or vessel, the owner, captain, master or person in charge of which shall violate or cause or permit to be violated any of the provisions of this Title or any rule or regulation of the commissioner, and the commissioner may refuse thereafter to allow any license to be issued to the boat or vessel for such period of time as he shall fix.

43. R. S. 50:3–7 is amended to read as follows:

**Size of dredge regulated.**

50:3–7. No person shall use any dredge for the purpose of catching or taking oysters or clams from any of the natural beds or grounds in Delaware bay or Delaware river above the line running direct from the mouth of Straight creek to Cross Ledge lighthouse, commonly known and hereafter referred to as the "southwest line", the tooth bar of which dredge measures more than fifty-four inches across from center of bolt hole to center of bolt hole where the frame thereof is fastened to the tooth bar, or any dredge which measures more than 5 feet 2 inches in width from the extreme outside to outside of frame, or any dredge which measures more than 21 inches from center of tooth bar to center of cross bar, or any dredge the bag of which contains more than 17 rows of 2 inch rings, or any dredge the rings of which are less than 2 inches in diameter, inside measurement, or any dredge the bag of which measures more than 5 feet around the bag from center of tooth bar to center of cross bar, or any dredge which weighs more than 250 pounds.

44. R. S. 50:3–11 is amended to read as follows:

**Season for taking oysters; protection by lessees during closed season.**

50:3–11. No oysters shall be dredged for, caught or taken from any of the lands lying under the tidal waters of the Delaware bay and Maurice river cove below a line running direct from the mouth of Straight creek to Cross Ledge lighthouse, commonly known and hereinafter referred to as the "southwest line," at any time except from September 1 to June 30 then next, both inclusive, of each year; but the commissioner may, upon application, give permission, in writing, to any lessee of oyster grounds to dredge, catch or take

oysters or to employ such methods for the protection of his oysters on said grounds and for the promotion of the growth thereof during the closed season as the commissioner may deem advisable.

45. R. S. 50:3–12 is amended to read as follows:

**Permission to inspect unleased lands.**

50:3–12. The council may upon application give permission, in writing, to any prospective lessee to examine and inspect, with proper appliances, any of the unleased lands of the State below the southwest line for the purpose of determining their suitability or adaptability for oyster culture or propagation; but no oysters shall be permanently removed from any such lands by virtue of any such permit.

46. R. S. 50:3–13 is amended to read as follows:

**Dredging by person other than lessee forbidden.**

50:3–13. No person shall dredge upon or throw, cast or drag an oyster or clam dredge, or any other instrument or appliance used for catching oysters or clams, upon any of the land of the State lying under the tidal waters of the Delaware bay or Maurice river cove, in this State, below the southwest line, other than land or ground for which such person then holds a lease from the Shell Fisheries Council under this Title.

47. Section 2 of P. L. 1966, c. 52 (C. 50:3–16.2) is amended to read as follows:

**C. 50:3-16.2 Marking of areas by stakes or buoys.**

2. The commissioner shall cause the limits of each of said areas to be plainly marked by stakes or buoys as soon as practical after the effective date of this act.

48. Section 5 of P. L. 1966, c. 52 (C. 50:3–16.5) is amended to read as follows:

**C. 50:3-16.5 Necessity of license for taking shellfish.**

5. No person shall catch or take any shellfish from the natural shellfish beds contained within said Area No. 1 unless there shall have been first issued by the Council for each boat or vessel, so to be used or employed therein, a special license authorizing the catching or taking of shellfish within said area, which shall be issued for a term not longer than 1 year and shall contain an agreement on the part of the holder thereof that any person or officer authorized by regulation of said council to make inspections of such area may board said boat or vessel to inspect shellfish therein contained, and all licenses issued under this act shall be numbered.

49. Section 14 of P. L. 1966, c. 52 (C. 50:3–16.14) is amended to read as follows:

**C. 50:3-16.14 Necessity of license for taking shellfish.**

14. No person shall catch or take any shellfish from the natural shellfish beds, contained within said Area 3, unless there shall have been first issued by the Council for each boat or vessel, so to be used or employed therein, a special license authorizing the catching or taking of shellfish within said area, which shall be issued for a term not longer than 1 year and shall contain an agreement on the part of the holder thereof.

(a) That any person or officer authorized by regulation of said council to make inspections of such area may board said boat or vessel to inspect shellfish therein contained, and

(b) That such holder will deliver or cause to be delivered to said council the shells taken in said area in the process of opening or shucking, from 40% of all of the oysters taken from under the tidal waters of said area and delivered by such holder or for his account to any shucking houses, pursuant to chapter 39 of the laws of 1945, at the times and in the manner prescribed therein.

(c) That such holder will, in the case of oysters packed and shipped or otherwise sold in the shells by him to persons not required to be licensed under this act, pay to the State of New Jersey the true, fair, cash market value of the oyster shells so packed and shipped and otherwise sold, as fixed by the Council of Shell Fisheries, under the provisions of this act, on the basis of one bushel of shells for each bushel of oysters so sold or shipped which payments shall be made as statements are submitted.

All licenses issued under this act shall be numbered.

50. Section 21 of P. L. 1966, c. 52 (C. 50:3–16.21) is amended to read as follows:

**C. 50:3-16.21 Rules and regulations.**

21. The council may, subject to the approval of the commissioner, by rule and regulation, prohibit the taking or catching of shellfish in such area at such times as, in the judgment of the council, may be necessary to close said beds or any part thereof for conservation purposes.

51. Section 22 of P. L. 1966, c. 52 (C. 50:3–16.22) is amended to read as follows:

**C. 50:3-16.22 Applications for licenses; filing and recording.**

22. All applications for licenses made under this act shall be filed, and all licenses issued under this act shall be recorded, in books to be kept for said purposes by the department.

52. Section 2 of P. L. 1945, c. 39 (C. 50:3–20.11) is amended to read as follows:

**C. 50:3-20.11 License required.**

2. It shall be unlawful for any person to operate within this State an oyster shucking house or to engage in or carry on the business of an oyster planter or an oyster dealer, as defined in this act, without first obtaining a license so to do from the commissioner as provided in this act.

53. Section 4 of P. L. 1945, c. 39 (C. 50:3–20.13) is amended to read as follows:

**C. 50:3-20.13 License fee.**

4. The license to conduct an oyster shucking house or to engage in and conduct the business of an oyster planter or an oyster dealer shall be issued upon the payment of a license fee of $100.00.

54. Section 6 of P. L. 1945, c. 39 (C. 50:3–20.15) is amended to read as follows:

**C. 50:3-20.15 Payments by licensees in lieu of delivery of oyster shells.**

6. The license to engage in the business of an oyster dealer shall be issued in consideration of the agreement of the licensee to pay to the commissioner the sums prescribed to be paid by this act in lieu of the delivery of oyster shells.

55. Section 7 of P. L. 1945, c. 39 (C. 50:3–20.16) is amended to read as follows:

**C. 50:3-20.16 Storing, planting and spreading oyster shells delivered.**

7. Said oyster shells so to be returned to the State shall be returned by the respective oyster planters by whom or for whose account they are delivered to the respective oyster shucking houses and shall be stored and loaded on boats, to be furnished by such oyster planters by the operators of such oyster shucking houses and shall be planted or spread upon said natural oyster beds, at the cost and expense of said oyster planters, at times and places to be designated by the council.

56. Section 8 of P. L. 1945, c. 39 (C. 50:3–20.17) is amended to read as follows:

**C. 50:3-20.17 Cost of storage and loading shells.**

8. The cost of storage and loading of such shells upon boats shall be paid to the operators of the respective oyster shucking houses by the State through the commissioner at a price to be fixed by said commissioner, but not to exceed the market price of shells.

57. Section 9 of P. L. 1945, c. 39 (C. 50:3–20.18) is amended to read as follows:

**C. 50:3-20.18 Value of shells to be paid by dealers selling oysters in shells to unlicensed persons.**

9. In the case of oysters packed and shipped or otherwise sold in the shells by oyster dealers to persons not required to be licensed under this act, the respective oyster dealers shall pay to the State of New Jersey the true, fair, cash, market value of the oyster shells so packed and shipped and otherwise sold, as fixed by the commissioner, under the provisions of this act, on the basis of one bushel of shells for each bushel of oysters so sold or shipped which payments shall be made as statements are submitted.

58. Section 11 of P. L. 1945, c. 39 (C. 50:3–20.20) is amended to read as follows:

**C. 50:3-20.20 Annual survey; prices to be paid.**

11. The council shall, between June 1 and July 1 of each year, make a survey and determine the locations in which, in the judgment of the council, oyster shells should be returned to the natural oyster beds lying within said tidal waters within the year beginning on said July 1 in order to prevent depletion of said natural oyster beds and seed grounds and in order to improve the same and effectuate an increase in the nation's food supply, and shall, at the same time, ascertain the number of bushels of oyster shells to be returned to the State by each licensed oyster planter, and to be stored and loaded on boats by the operators of the respective oyster shucking houses, as required by this act, and, at the same time, shall fix the price to be paid to the operators of the respective oyster shucking houses by the State for storing and loading such shells and shall ascertain the true, fair, cash, market value of oyster shells per bushel to be paid in lieu of the return of oyster shells under this act during said year.

59. Section 12 of P. L. 1945, c. 39 (C. 50:3–20.21) is amended to read as follows:

**C. 50:3-20.21 Purchase of oyster shells and oysters for spreading and planting.**

12. All moneys received as license fees and in lieu of the return of oyster shells under the provisions of this act shall be used by the

commissioner for the purchase of oyster shells and oysters which shall be spread over and planted in said natural oyster beds and seed grounds of the State and to establish and maintain oyster sanctuaries.

60. Section 13 of P. L. 1945, c. 39 (C. 50:3–20.22) is amended to read as follows:

**C. 50:3-20.22 Rules and regulations.**

13. The commissioner shall have power to make rules and regulations for the carrying out of the purposes of, and enforcement of, the provisions of this act.

61. R. S. 50:4–2 is amended to read as follows:

**Dredge, drag or scrape prohibited upon natural beds; exceptions.**

50:4–2. No person shall use or cause to be used any dredge with bag or pocket, drag or scrape upon any of the natural oyster or clam beds under the tidal waters of the Atlantic seaboard of this State and tributaries thereof, except Delaware bay, and no license shall be issued by the commissioner contrary to this section; but this section shall not prohibit the use of any fork, hoe or drag used by hand in the taking of soft clams; nor shall it prohibit the catching of oysters with hand power dredges from the natural oyster grounds of this State north of Shrewsbury river; nor shall it prohibit the taking of clams with power dredges from specified leased lands under said waters, except Delaware bay, with the approval of the Commissioner of Environmental Protection and under such conditions and supervision as he may prescribe, and under rules and regulation of the Shell Fisheries Council.

62. R. S. 50:4–3 is amended to read as follows:

**Protection of leased lands from invasion; certain acts thereon unlawful.**

50:4–3. No person shall go upon, take or remove oysters, clams or other material, dredge upon, throw, cast or drag an oyster dredge, use oyster tongs, rakes, forks or other instruments or appliances used for catching oysters or clams, or tread for clams, upon any of the leased lands of this State lying under the tidal waters of the Atlantic seaboard or tributaries thereof, above Cape May Point, other than land or ground for which such person or his employer then holds a lease from the council.

**C. 23:2B-13 Review of rules and regulations.**

63. (New section) Within 1 year of the effective date of this act, the commissioner shall review all rules and regulations previously adopted pursuant to the provisions of Title 50 of the Re-

vised Statutes for conformance to the revisions to that Title contained herein and shall, after consultation with the Shell Fisheries Council, amend or repeal any rules and regulations which are not in conformance herewith.

64. R. S. 23:3–41 is amended to read as follows:

**License to operate fish-pound nets; requirements.**

23:3–41. No person shall erect, set, operate or maintain a fish-pound net in the waters of the Atlantic ocean, within 3 nautical miles from the coast line of this State, or in Sandy Hook or Raritan bay, without first obtaining a license for that purpose, as hereinafter provided.

An application for a license for such purpose shall be made to the commissioner. The commissioner upon the payment to him of the sum of $100.00 for each pound net to be erected or set in the Atlantic ocean, and $50.00 for each pound net to be erected or set in Sandy Hook or Raritan bay, as a license fee, may in his discretion issue to the applicant, if he is a citizen of the United States, a license, to erect, set, operate and maintain a fishpound net in one of the waters above specified. The method of numbering and identification of pounds shall be that which the commissioner determines. A license issued hereunder shall expire annually on December 31 next succeeding its issuance, and may be renewed by the commissioner upon the payment of the same fee and upon the same terms as those upon which the original license was granted.

65. R. S. 23:3–47 is amended to read as follows:

**Application for license; issuance; fee; term.**

23:3–47. A person who intends to take fish with shirred or purse seines, otter or beam trawls in the waters of the Atlantic ocean within the jurisdiction of this State shall make application to the commissioner for a license for that purpose for each vessel proposed to be engaged in the fishing.

The commissioner upon the receipt of the application and the payment to him of the sum of $100.00 for each vessel proposed to be engaged in the fishing, shall issue to the applicant a license for the vessel to take with shirred or purse seine, otter or beam trawl, fish of any kind, excepting striped bass, in the waters of the Atlantic ocean within the jurisdiction of this State at a distance of not less than 2 miles from the coast line. The license shall expire on December 31 in the year in which it is issued.

66. R. S. 23:3–51 is amended to read as follows:

**License; application; issuance; term.**

23:3–51. A person intending to take menhaden with purse or shirred nets in any waters in the jurisdiction of this State, including the waters of the Atlantic ocean, within 3 nautical miles of the coast line of this State, shall apply to the commissioner for a license therefor. The commissioner, upon the receipt of the application and payment to him of the fee provided in section 23:3–52 of this Title, may, in his discretion, issue to the applicant a license, to take menhaden with purse or shirred nets. The license shall be void after December 31 next succeeding its issuance.

67. R. S. 23:5–9 is amended to read as follows:

**Minimum size of lobsters to be taken.**

23:5–9. No person shall take from the salt waters of this State by any means, import, export, have in his possession, buy, sell or offer to buy or sell, any lobster, which in length shall be less than 3⅛ inches measured from the rear end of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell, or any spawning lobster. This section shall not apply to the taking or possession of lobsters bearing a tag that has been issued or affixed by the Department of Environmental Protection or by any other state or Federal agency with which the department cooperates in a research project.

68. R. S. 23:5–16 is amended to read as follows:

**Taking eels in tidal waters with certain devices.**

23:5–16. No person shall catch or take, or attempt to catch or take, eels from the tidal waters of this State by means or use of a dredge, rake, spear or other device attached to or drawn by a boat or vessel.

69. Section 2 of P. L. 1941, c. 211 (C. 23:5–24.2) is amended to read as follows:

**C. 23:5-24.2 Application; issuance of license; fees.**

2. A person intending to take fish with a net in the waters aforesaid shall, except as hereinafter provided, apply to the commissioner for a license therefor, and the commissioner upon receipt of the application and the fee hereinafter prescribed may in his discretion issue licenses for the taking of fish with nets as follows:

(a) Haul seines, the mesh of which shall not be larger than 3 inches stretched mesh while being fished, and not to exceed 70 fathoms in length, whether singly or attached, for all species, excepting striped bass. November 1 to April 30. Fee, $25.00.

(b) Fykes, with leaders, shall not exceed 30 fathoms in length and no part of net or leaders to be larger than 3 inches stretched mesh while being fished, for all species excepting striped bass. November 1 to April 30. Fee, $30.00.

(c) Special fyke for flounder only, the length of the net not to exceed 30 fathoms and the mesh of which shall not be less than 4 inches stretched mesh. October 1 to April 30. Fee, $4.00.

(d) Miniature fykes or pots for the taking of catfish, suckers and eels, the same not to exceed 16 inches in diameter. March 15 to December 15. Fee, $1.00.

(e) Run around net the smallest mesh of which shall be 2¾ inches wide stretched mesh and the length of which net shall not exceed 200 fathoms, for all species excepting striped bass. March 15 to December 15. Fee, $20.00. This net shall be used in the Atlantic ocean only. The limit shall be one run around net per boat.

(f) Shad nets, either staked or anchored, the smallest mesh of which shall be 5 inches while being fished, and shall not exceed 50 fathoms in length, for all species excepting striped bass. March 1 to June 15. Fee, $3.00.

These nets shall be used in the Atlantic ocean only.

(g) Bait seines, over 50 feet long and not exceeding 150 feet. Fee, $3.00.

(h) Bait seines, not more than 50 feet long, may be used without application for or granting of license.

(i) Dip nets, not to exceed 24 inches in diameter, may be used for the taking of herring for live bait without application for or granting of license.

(j) Drifting gill net, the smallest mesh of which shall be 2¾ inches stretched mesh and the length of which net shall not exceed 150 fathoms, for all species excepting striped bass. The limit shall be two drifting gill nets per boat. March 15 to December 15. Fee, $20.00. These nets shall be used in the Atlantic ocean only.

70. R. S. 23:5–35 is amended to read as follows:

**Taking female crab with eggs prohibited.**

23:5–35. No person shall take from any of the tidal waters of this State, or have in possession, any female crustacean, commonly known as crab, with eggs or spawn attached thereto, or from which the egg pouch or bunion has been removed.

71. R. S. 23:9–115 is amended to read as follows:

**License fee; season; lift period.**

23:9–115. Upon application to the commissioner and the payment of a fee of $60.00 for each net, the commissioner may issue, in his discretion, a license permitting the licensee to fish for shad, in the Hudson river, from March 15 to June 15; provided further, however, no net shall be set or put in position and no shad shall be taken during the period from Friday noon until Saturday midnight of each week; provided, however, that any net which has been set prior to Friday noon shall be permitted to remain in position and be lifted at the next high water; provided further, however, that the aforementioned 36-hour lift period shall be the minimum period and the maximum lift period shall be at the discretion of the commissioner.

72. Section 26 of P. L. 1948, c. 448 (C. 13:1B–24) is amended to read as follows:

**C. 13:1B-24 Fish and Game Council; membership; terms.**

26. There shall be within the Division of Fish, Game and Wildlife, a Fish and Game Council which shall consist of 11 members, each of whom shall be chosen with due regard to his knowledge of and interest in the conservation of fish and game. Each member of the council shall be appointed by the Governor, with the advice and consent of the Senate. Three of such members shall be farmers, recommended to the Governor for appointment to the council by the agricultural convention held pursuant to the provisions of article 2 of chapter 1 of Title 4 of the Revised Statutes; six of such members shall be sportsmen, recommended to the Governor for appointment to the council by the New Jersey State Federation of Sportsmen's Clubs; one of such members shall be the chairman of the committee established pursuant to section 7 of the "Endangered and Nongame Species Conservation Act" (P. L. 1973, c. 309; C. 23:2A–7), and one of such members shall be a person knowledgeable in land use management and soil conservation practices. One of such farmer representatives and two of such sportsmen representatives in the council shall be chosen from among residents of any of the following counties—Bergen, Essex, Hudson, Morris, Passaic, Sussex and Warren; one of such farmer representatives and two of such sportsmen representatives in the council shall be chosen from among residents of any of the following counties—Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset and Union: and one of such farmer representatives and two of such sportsmen representatives shall be chosen from among residents

of any of the following counties—Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem.

Each member of the council shall be appointed for a term of 4 years and shall serve until his successor has been appointed and has qualified.

**C. 23:2B-14 "Act" defined; remedies for violations.**

73. (New section) For purposes of this section, the "act" means and includes all the new sections and amended sections contained herein, all the remaining sections of Title 50 of the Revised Statutes, sections 23:3-41, 23:3-46, 23:3-47, 23:3-48, 23:3-51, 23:3-52, 23:5-9, 23:5-16, 23:5-35, 23:9-114, 23:9-115 and 23:9-120 of Title 23 of the Revised Statutes, sections 1, 2, 3 and 7 of P. L. 1938, c. 318 (C. 23:5-5.1 through 23:5-5.3 and 23:5-5.7), P. L. 1952, c. 216 (C. 23:5-5.1a); and sections 1, 2, and 3 of P. L. 1941, c. 211 (C. 23:5-24.1 to 23:5-24.3).

The commissioner may utilize any or all of the following remedies for any violation of this act:

a. (1) Any person who violates the provisions of this act or of any rule, regulation, license or permit promulgated or issued pursuant to this act shall be liable to a penalty of not less than $100.00 or more than $3,000.00 for the first offense and not less than $200.00 or more than $5,000.00 for any subsequent offense, unless the commissioner has established an alternate penalty for a specific offense pursuant to subsection a. (2) of this section.

(2) The Commissioner of Environmental Protection, with the approval of the Marine Fisheries Council, may, by regulation, establish a penalty schedule for any specific violation of this act or of any rule or regulation promulgated pursuant to this act. No such penalty may be less than $10.00 nor more than $100.00 on the first offense or less than $20.00 nor more than $200.00 on any subsequent offense. Any penalty provided for by this act or by the fee schedule promulgated by the commissioner shall be collected in a civil action by a summary proceeding under the penalty enforcement law (N. J. S. 2A:58-1 et seq.). The Superior Court or any County Court, county district court or municipal court shall have jurisdiction to enforce said 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. Any person who violates the provisions of this act or any rule or regulation or any license or permit promulgated or issued pursuant to this act shall be liable to the revocation of any license

which he holds pursuant to this act for such period of time as the court may choose.

c. If any person violates any of the provisions of this act, or any rule or regulation or any license or permit promulgated or issued pursuant to the provisions of this act, the department may institute a civil action in a court of competent jurisdiction for injunctive relief to prohibit and prevent such violation or violations and the said court may proceed in the action in a summary manner.

The department is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances.

**C. 23:2B-15 The division continued and constituted as Division of Fish, Game and Wildlife.**

74. (New section) a. The Division of Fish, Game and Shellfisheries is continued and constituted as the Division of Fish, Game and Wildlife in the Department of Environmental Protection. Except as otherwise provided by this act, all the functions, powers and duties of the existing Division of Fish, Game and Shellfisheries, and the director, thereof, are continued in the Division of Fish, Game and Wildlife and the director thereof, and whenever the term "Division of Fish, Game and Shellfisheries" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed or mean to refer to the Division of Fish, Game and Wildlife.

b. The Fish and Game Council, together with all its functions, powers and duties, is continued as the Fish and Game Council in the Division of Fish, Game and Wildlife in the Department of Environmental Protection.

**C. 23:2B-16 Partial invalidity; construction.**

75. (New section) If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby. This act shall be liberally construed to effectuate the purpose and intent thereof.

**C. 23:2B-17 Continuation of rules, orders, regulations, proceedings and other matters.**

76. (New section) This act shall not affect, impair or invalidate any action or proceeding, civil or criminal, brought by or against the department, pending on the effective date of this act, and all

such actions or proceedings may and shall be continued to final judgment, decree or decision, as if the foregoing provisions had not taken effect; nor shall this act affect orders, rules and regulations heretofore made, promulgated or issued by the department or other matters or proceedings pending before the department on the effective date of this act. Such orders, rules, regulations, matters or proceedings shall continue in full force and effect until amended or repealed pursuant to law.

77. R. S. 50:3–15 is amended to read as follows:

**Closed season; exception.**

50:3–15. No person shall gather, scrape, rake or tong any oysters in or upon the beds, rivers or creeks of this State named in section 50:3–14 of this Title, for and during the period from June 30 until September 1 in each and every year; but this closed season shall not apply to the beds (a) at the mouth of Maurice river, described as follows: Beginning at a point with co-ordinates x=1,897,678 y=132,207 said point being now or formerly East Point Lighthouse and running thence N 48°-23′-07″ W 9,400. feet to a point x=1,890,650 y=138,450 on the east bank of the mouth of New England creek; thence following in an easterly direction the shore line and crossing the mouth of the Maurice river and following the shore line to the point of beginning, and in Maurice river, from which oysters may be taken between sunrise and sunset at any time, except on Sundays; or (b) to the Nantuxent beds in that area at the mouth of Nantuxent creek, Back creek and Cedar creek and the Cohansey beds at the mouth of Cohansey river, from which oysters may be taken at any time between sunrise and sunset, except on Sunday, provided, however, that any oysters so taken shall be 3 inches from hinge to mouth or longer; or (c) to the Back creek beds at the mouth of Back creek, Back creek from the mouth to the south bank of the mouth of Tweed creek, which areas are described as follows: Beginning at the intersection of the southerly bank of the mouth of Tweed creek with the westerly bank of Back creek, said intersection being at high-water mark, thence from said point in a southeasterly, southwesterly, and southerly direction, being along the westerly bank of Back creek and the westerly shore of Nantuxent Cove to a point on the said shore, said point being N 71° E 700 feet more or less from the Sextant tower on Ben Davis Point; thence N 71° E 4,300 feet more or less to a stake set in Nantuxent Cove; thence N 19° E 3,300 feet more or less to a stake set at the high-water mark along the north shore of Nantuxent Cove; thence bounding on the said high-water mark in a general westerly direction to

the mouth of Back creek, thence along the easterly bank of Back creek in a general, easterly, northerly and northwesterly direction to a point due east from the southerly bank of the mouth of Tweed creek; thence crossing Back creek in a due west direction to the place of beginning, from which oysters may be taken only during the months of April, May, June, September, October and November between sunrise and sunset, except on Sunday.

78. R. S. 50:3–17 is amended to read as follows:

**License required to take crabs.**

No person shall take or attempt to take edible crabs from any of the waters of the Delaware bay or any of its tributaries within the jurisdiction of this State, in any manner except by rod, hand line, or scoop net operated by hand, without first obtaining a license so to do from the commissioner.

79. R. S. 50:3–18 is amended to read as follows:

**Issuance of licenses.**

50:3–18. The commissioner may grant licenses, under such rules and regulations as it may establish, to catch and take edible crabs from the waters of the Delaware bay and its tributaries in this State, by means of layout lines, crabpots or trawl lines; but such licenses shall be granted only to persons who are residents of this State, or of any other state bordering on Delaware bay or its tributaries, if any such other state grants to New Jersey residents the privilege of obtaining licenses to take such crabs in the waters of Delaware bay and its tributaries within the area of its jurisdiction.

80. R. S. 50:3–20 is amended to read as follows:

**Rules and regulations.**

The commissioner may establish and enforce rules and regulations for the propagation and protection of edible crabs in the waters of the Delaware bay and its tributaries in this State.

**Repealer.**

81. The following statutes, acts and parts of acts are repealed:

a. R. S. 23:3–42
R. S. 23:3–44 and 23:3–45
R. S. 23:3–49
R. S. 23:3–53
R. S. 23:5–8
R. S. 23:5–18 through 23:5–20

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R. S. 23:5–22 and 23:5–23
R. S. 23:5–26
R. S. 23:5–36 through 23:5–42
R. S. 23:9–22 through 23:9–35
R. S. 23:9–37 through 23:9–42
R. S. 23:9–44
R. S. 23:9–46
R. S. 23:9–50 and 23:9–51
R. S. 23:9–53 through 23:9–58
R. S. 23:9–94 through 23:9–98
R. S. 23:9–108 through 23:9–112
R. S. 23:9–116 through 23:9–119
P. L. 1938, c. 318, ss. 8, 9 (C. 23:5–5.8 and 23:5–5.9)
P. L. 1952, c. 71 (C. 23:5–8.1 and 23:5–8.2)
P. L. 1941, c. 211, ss. 5–13 (C. 23:5–24.4 through 23:5–24.12)
P. L. 1948, c. 154, s. 2 (C. 23:5–35.1)
P. L. 1944, c. 111 (C. 23:9–76.1)
P. L. 1947, c. 297 (C. 23:9–112.1 and 23:9–112.2)
P. L. 1941, c. 244 (C. 23:9–122 through 23:9–125)

b. R. S. 50:1–6 through 50:1–17
R. S. 50:1–19 through 50:1–21
R. S. 50:1–26
R. S. 50:1–32
R. S. 50:1–37 and 50:1–38
R. S. 50:2–6
R. S. 50:2–13 through 50:2–17
R. S. 50:3–4
R. S. 50:4–1
R. S. 50:5–1 through 50:5–4
R. S. 50:5–6 and 50:5–7
R. S. 50:5–9 through 50:5–13
R. S. 50:5–15 through 50:5–17
P. L. 1945, c. 22, ss. 18–22 (C. 13:1A–18 through 13:1A–22)
P. L. 1948, c. 448, ss. 93–97 (C. 13:1B–42 through 13:1B–46)
P. L. 1956, c. 191, s. 1 (C. 50:1–13.1)
P. L. 1950, c. 310, s. 4 (C. 50:2–6.4)
P. L. 1975, c. 398, s. 6 (C. 50:2–6.5)
P. L. 1945, c. 39, ss. 14–16 (C. 50:3–20.23 through 50:3–20.25)

**C. 23:2B-18 Saltwater recreational anglers license not authorized.**

82. Nothing in this act shall authorize the imposition of a saltwater recreational anglers license on any person.

83. (New section) There is hereby appropriated to the Department of Environmental Protection the sum of $500,000.00 for the administration of the fisheries management program authorized by this act.

84. (New section) This act shall take effect immediately, provided, however, that subsection a. of section 81 shall take effect 1 year after the effective date of this act.

Approved September 19, 1979.

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## CHAPTER 200

AN ACT concerning cemetery companies and supplementing chapter 5 of Title 8A of the New Jersey Statutes.

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

**C. 8A:5-18.1 Written evidence provided by funeral director, other directions given by decedent, court or relatives; multiple death burials.**

1. It shall be unlawful for any cemetery company, religious corporation, or religious society to knowingly inter the remains of more than one deceased person or stillborn infant in any interment space, unless the funeral director provides written evidence that other directions have been given by the decedent, or a court of competent jurisdiction, or the relative or relatives of the decedent in the following order:

(1) Surviving spouse;

(2) A majority of surviving children of the decedent or the surviving child if one;

(3) The surviving parent or parents of the decedent;

(4) A majority of the brothers and sisters of the decedent if no child or parent is living; or

(5) Other next of kin according to the degree of consanguinity.

Nothing in this section shall be construed as preventing multiple depth burials if said burials have been contracted for between the purchaser of the interment space and the owner of the cemetery.

**C. 8A:5-18.2 Violation of act; penalty.**

2. Any person who violates this act shall be guilty of a misdemeanor and shall remain liable for any other penalties imposed by the board, where applicable.

3. This act shall take effect immediately.

Approved September 20, 1979.

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## CHAPTER 201

A SUPPLEMENT to the "Mortuary Science Act," approved June 18, 1952 (P. L. 1952, c. 340, C. 45:7–32 et seq.).

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

**C. 45:7-65.4 Written directions given by decedent, court and relatives to funeral director.**

1. It shall be unlawful for a funeral director to place the remains of more than one deceased person or stillborn infant in a coffin, casket, or other container for the purpose of interment, unless other written directions have been given by the decedent or a court of competent jurisdiction, or the relative or relatives of the decedent in the following order:

(1) Surviving spouse;

(2) A majority of surviving children of the decedent or the surviving child if one;

(3) The surviving parent or parents of the decedent;

(4) A majority of the brothers and sisters of the decedent if no child or parent is living; or

(5) Other next of kin according to the degree of consanguinity.

**C. 45:7-65.5 Violation of act.**

2. Any person who violates this act shall be guilty of a misdemeanor and shall remain liable for any other penalties which may be imposed by the board, where applicable.

3. This act shall take effect immediately.

Approved September 20, 1979.

# CHAPTER 202

AN ACT to permit minors between 16 and 18 years of age to work in the executive offices, maintenance departments, or pool or beach areas of hotels, motels and guesthouses, and amending P. L. 1940, c. 153.

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

1. Section 17 of P. L. 1940, c. 153 (C. 34:2–21.17) is amended to read as follows:

**C. 34:2-21.17 Employments for minors under 16 and 18; prohibitions; exceptions.**

17. No minor under 16 years of age shall be employed, permitted or suffered to work in, about, or in connection with power-driven machinery.

No minor under 18 years of age shall be employed, permitted or suffered to work in, about, or in connection with the following:

The manufacture or packing of paints, colors, white lead, or red lead;

The handling of dangerous or poisonous acids or dyes; injurious quantities of toxic or noxious dust, gases, vapors or fumes;

Work involving exposure to benzol or any benzol compound which is volatile or which can penetrate the skin;

The manufacture, transportation or use of explosives or highly inflammable substances;

Oiling, wiping, or cleaning machinery in motion or assisting therein;

Operation or helping in the operation of power-driven woodworking machinery; provided, that apprentices operating under conditions of bona fide apprenticeship may operate such machines under competent instruction and supervision;

Grinding, abrasive, polishing or buffing machines; provided, that apprentices operating under conditions of bona fide apprenticeship may grind their own tools;

Punch presses or stamping machines if the clearance between the ram and the dye or the stripper exceeds ¼ inch;

Cutting machines having a guillotine action;

Corrugating, crimping or embossing machines;

Paper lace machines;

Dough brakes or mixing machines in bakeries or cracker machinery;

Calender rolls or mixing rolls in rubber manufacturing;

Centrifugal extractors, or mangles in laundries or dry cleaning establishments;

Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or any other place in which the heating, melting, or heat treatment of metals is carried on;

Mines or quarries;

Steam boilers carrying a pressure in excess of 15 pounds;

Construction work of any kind;

Fabrication or assembly of ships;

Operation or repair of elevators or other hoisting apparatus;

The transportation of payrolls other than within the premises of the employer.

No minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, or are sold for consumption on the premises, or in a pool or billiard room; provided, however, this section shall not apply to minors 16 years of age or over, employed as pinsetters only in public bowling alleys as provided in section 3 hereof. Minors 14 years of age or over may be employed as golf course caddies and pool attendants.

No girl under the age of 18 years shall be employed, permitted, or suffered to work as a messenger in the distribution or delivery of goods or messages for any person, firm or corporation engaged in the business of transmitting or delivering goods or messages.

No minor under 18 years of age shall be employed, permitted, or suffered to work in any place of employment, or at any occupation hazardous or injurious to the life, health, safety, or welfare of such minor, as such occupation shall, from time to time, be determined and declared by the Commissioner of Labor and Industry to be hazardous or injurious to the life, health, safety, or welfare of such minors, after a public hearing thereon and after such notice as the commissioner may by regulation prescribe.

None of the provisions of this section regarding employment in connection with alcoholic liquors shall be construed to prevent the employment of minors between 16 and 18 years of age or more in a restaurant as defined in section 1 and as provided for in section 3 of this act, or in the executive offices, maintenance departments, or pool or beach areas of a hotel, motel or guesthouse; provided, however, that no minor shall engage in the preparation, sale or serving of alcoholic beverages, nor in the sale of cigarettes or other tobacco products, nor in the preparation or sale of photographs, nor in any dancing or theatrical exhibition or performance while so employed.

Nothing in this section shall be deemed to apply to the work done by pupils in public or private schools of New Jersey, under the supervision and instruction of officers or teachers of such organizations or schools, or to a child who is at least 17 years of age employed in the type of work in which he majored under the conditions of the special vocational school graduate permit provided in section 15 of this act (C. 34:2–21.15).

2. This act shall take effect immediately.

Approved September 20, 1979.

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## CHAPTER 203

AN ACT to amend the "State Police Retirement System Act," approved June 9, 1965 (P. L. 1965, c. 89).

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

1. Section 8 of P. L. 1965, c. 89 (C. 53:5A–8) is amended to read as follows:

**C. 53:5A-8 Retirement for service and age; service retirement allowance; payments upon death.**

8. a. Any member of the retirement system who was a member of the former "State Police Retirement and Benevolent Fund" on June 30, 1965, may retire on a service retirement allowance upon the attainment of age 50 years and the completion of at least 20 years of creditable service as a State policeman. Upon the filing of a written and duly executed application with the retirement system, setting forth at what time, not less than 1 month, subsequent

to the filing thereof he desires to be retired, any such member retiring for service shall receive a service retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his aggregate contributions and

(2) A pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of 50% of his final compensation plus 1% of his final compensation multiplied by his number of years of creditable service which exceed 25 years of such service.

Except for the Superintendent of State Police, any member of the retirement system who was a member of the former "State Police Retirement and Benevolent Fund" on June 30, 1965, who has completed at least 25 years of creditable service and who has reached the age of 55 years shall be retired forthwith on the first day of the next calendar month.

b. Except for the Superintendent of State Police, any member of the retirement system who was not a member of the former "State Police Retirement and Benevolent Fund" on June 30, 1965 who has attained the age of 55 years shall be retired forthwith on the first day of the next calendar month provided, however, such member, at his option, may continue in the employment of the Division of State Police upon the request of the Superintendent, and with the concurrence of the Attorney General, for an additional year beyond the date upon which he would otherwise be required to retire hereunder, and such member may thereafter in each succeeding year continue in the employment of the Division of State Police upon the request of the Superintendent, with the concurrence of the Attorney General, until he has attained the age of 65 years, whereupon he shall be retired forthwith on the first day of the next calendar month. Any such member, including the superintendent, having attained at least the age of 55 years and retiring for service hereunder shall receive a service retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his aggregate contributions and

(2) A pension in the amount which when added to the member's annuity will provide a total retirement allowance of 2% of his final compensation multiplied by his number of years of creditable service up to 25 plus 1% of his final compensation multiplied by his number of years of creditable service over 25.

c. Upon the receipt of proper proofs of the death of a member who has retired on a service retirement allowance, there shall be paid to the member's beneficiary, an amount equal to one-half of the final compensation received by the member.

2. This act shall take effect immediately.

Approved September 20, 1979.

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## CHAPTER 204

AN ACT to amend the "New Jersey Controlled Dangerous Substances Act," approved October 19, 1970 (P. L. 1970, c. 226).

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

1. Section 11 of P. L. 1970, c. 226 (C. 24:21–11) is amended to read as follows:

**C. 24:21-11 Registration.**

11. Registration. a. The State Department of Health shall not register an applicant to manufacture or distribute controlled dangerous substances included in Schedules I through IV of article 2 of this act unless it determines that the issuance of such registration is consistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled dangerous substances into other than legitimate medical, scientific, or industrial channels;

(2) Compliance with applicable State and local laws;

(3) Any convictions of the applicant under any Federal and State laws relating to any controlled dangerous substance;

(4) Past experience in the manufacture of controlled dangerous substances, and the existence in the applicant's establishment of effective controls against diversion;

(5) Furnishing by the applicant false or fraudulent material in any application filed under this act;

(6) Suspension or revocation of the applicant's Federal registration to manufacture, distribute, or dispense controlled dangerous substances as authorized by Federal law; and

(7) Such other factors as may be relevant to and consistent with the public health and safety.

b. Registration granted under subsection a. of this section shall not entitle a registrant to manufacture and distribute controlled dangerous substances in Schedule I or II other than those specified in the registration.

c. Practitioners shall be registered to dispense substances in Schedules II through IV if they are authorized to dispense or conduct research under the law of this State. The commissioner need not require separate registration under this article for practitioners engaging in research with nonnarcotic controlled dangerous substances in Schedules II through IV where the registrant is already registered under this article in another capacity. Practitioners registered under Federal law to conduct research in Schedule I substances are permitted to conduct research in Schedule I substances within this State upon furnishing the commissioner evidence of that Federal registration.

d. Compliance by manufacturers and distributors with the provisions of the Federal law respecting registration (excluding fees) entitles them to be registered under this act.

e. The State Department of Health shall initially permit persons to register who own or operate any establishment engaged in the manufacture, distribution or dispensing of any controlled dangerous substances prior to the effective date of this act and who are registered or licensed by the State.

f. An incorporated humane society or a licensed animal control facility may designate an officer, a member of its board of trustees, the owner, the operator or the manager as its duly authorized agent. The State Department of Health shall, consistent with the public interest, register such duly authorized agent for the limited purpose of buying, possessing, and dispensing to registered and certified personnel sodium pentobarbital to euthanize injured, sick, homeless and unwanted domestic pets or domestic or wild animals. The duly authorized agent shall file, on a quarterly basis, a report of any purchase, possession and use of sodium pentobarbital, which report shall be certified by the humane society or animal control facility as to its accuracy and validity. This report shall be in addition to any other recordkeeping and reporting requirements of State and Federal law and regulation.

The State Department of Health shall adopt rules and regulations providing for the registration and certification of any in-

dividual who, under the direction of the duly authorized and registered agent of an incorporated humane society or licensed animal control facility, uses sodium pentobarbital to euthanize injured, sick, homeless and unwanted domestic pets or domestic or wild animals. The State Department of Health may also adopt such other rules and regulations as shall provide for the safe and efficient use of sodium pentobarbital by animal control facilities and humane societies. Nothing herein shall be deemed to waive any other requirement imposed on animal control facilities and humane societies by State and Federal law and regulation.

2. This act shall take effect immediately.

Approved September 20, 1979.

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## CHAPTER 205

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:*

**Validating act.**

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that a supplemental debt statement required by section 18A:24–16 of Title 18A, Education, of the New Jersey Statutes was not prepared and filed as required by section 18A:24–17 of Title 18A, Education, of the New Jersey Statutes, or notwithstanding that notices relating to such election were not published as required by the provisions of the Absentee Voting Law (1953), as amended, provided, however, that a supplemental debt statement, prepared as of a date on or prior to the date of such election shall have been made, sworn to and filed in the places required by law prior to the issuance of such bonds; and provided further, that any applications received by the secretary of the board of education of the school

district for military service ballots or civilian absentee ballots for such election were forwarded to the clerk of the county in which such school district is located; and provided further, that notices of such election were posted prior to the election as required by law; and provided further, that no action, suit or other proceedings of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved September 20, 1979.

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## CHAPTER 206

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 $95,000,000.00 for higher education facilities, their construction, reconstruction, renovation, development, extension, improvement and equipment; providing the ways and means to pay the interest of the debt, and also to pay and discharge the principal thereof; 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. This act shall be known and may be cited as the "New Jersey Higher Education Facilities Construction Bond Act of 1979."

2. The Legislature hereby finds and determines that:

a. Of all residents of this State who go on to colleges and universities, 38% still seek their higher education outside the State.

b. There exists an urgent need to provide for energy conservation projects, life safety requirements and elimination of barriers to the handicapped in many of the institutions for higher education. There is further a need for major projects to protect and preserve the substantial investment in these facilities made during the last decade and provide for their efficient operations.

c. It has been determined that many of the institutions in the system are deficient in support space and utilities which were not provided in the rapid expansion of the system during the past decade. Included are substandard and inadequate libraries, physical education facilities, rehabilitation of existing space, space for performing arts and music, electrical system, plant maintenance and operational facilities.

d. The Governor's commission to evaluate the capital needs of New Jersey in 1968 estimated the immediate need for $500,000,000.00 to finance high priority higher education construction projects.

e. The voters in November of 1968 and 1971 authorized a total of $357,500,000.00 for higher education construction projects as commitments of funds toward meeting the total requirement.

f. This State requires that another step be taken in the comprehensive and integrated program for the construction of higher education facilities buildings begun in 1968. Since this essential construction program will serve the people of the State for many years, financing of the program by a bond issue is in the public interest.

g. To this end, the New Jersey Commission on Capital Budgeting and Planning has reviewed the 5-year Capital Improvement Program submitted by the Department of Higher Education and has determined that there is an urgent need for $95,000,000.00 to finance projects which remain crucial to the public interest of this State and its residents.

3. As used in this act:

a. "Higher education facilities" shall mean buildings, structures and facilities required for the operation of State institutions of higher education.

b. "Chancellor" means the Chancellor of the Department of Higher Education or any other official who succeeds to the duties, functions, powers and responsibilities of the Chancellor of Higher Education with respect to higher education facilities.

c. "Commission" means the New Jersey Commission on Capital Budgeting and Planning.

d. "Construction" means the planning, erection, acquisition, improvement, rehabilitation, reconstruction, renovation, repair, development and extension of facilities including equipment necessary to the operation thereof and includes the acquisition of land necessary for said purposes.

e. "Department" means the Department of Higher Education, or any other department of the Executive Branch which succeeds to the duties, functions, powers and responsibilities of the Department of Higher Education with respect to higher education facilities.

f. "State institutions of higher education" means Rutgers, The State University, the State colleges, New Jersey Institute of Technology, and the College of Medicine and Dentistry of New Jersey.

4. The chancellor shall issue and promulgate rules and regulations necessary and appropriate to carry out the provisions of this act. The chancellor shall review and consider the findings and recommendations of the commission in the administration of the provisions of this act.

5. Bonds of the State of New Jersey in the sum of $95,000,000.00 are authorized for the purpose of capital expenditure for cost of the construction of higher education facilities.

6. The bonds shall be serial bonds and known as "Higher Education Facilities Construction Bonds" and, as to each series, the last annual installment thereof, subject to redemption prior to maturity, shall mature and be paid not later than 35 years from the date of its issuance, but may be issued in whole or in part for a shorter term.

7. The Governor, State Treasurer and Comptroller of the Treasury or any two of such officials, hereinafter referred to as "the issuing officals," are authorized to carry out the provisions of this act relating to the issuance of said bonds, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

8. Said bonds shall be issued from time to time as the issuing officials herein named shall determine.

9. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

e. "Department" means the Department of Higher Education, or any other department of the Executive Branch which succeeds to the duties, functions, powers and responsibilities of the Department of Higher Education with respect to higher education facilities.

f. "State institutions of higher education" means Rutgers, The State University, the State colleges, New Jersey Institute of Technology, and the College of Medicine and Dentistry of New Jersey.

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8. Said bonds shall be issued from time to time as the issuing officials herein named shall determine.

9. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

10. Said bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the Great Seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury. Interest coupons attached to said bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall cease to hold office at the time of such issue or at the time of the delivery of such bonds to the purchaser.

11. a. Such bonds shall recite that they are issued for the purposes set forth in section 5 of this act and that they are issued in pursuance of this act and that the act was submitted to the people of the State at the general election held in the month of November, 1979, and that it received the approval of the majority of votes cast for and against it at such election. Such recital in said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such 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 statutes applicable thereto, and shall be incontestable for any cause.

b. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

12. 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; provided, that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

13. Said bonds shall be issued and sold at such price not less than the par value thereof any accrued interest thereon, and under such terms, conditions and regulations, as the issuing officials may prescribe, after notice of said sale, published at least once in at least three newspapers published in the State of New Jersey, and at least once in a publication carrying municipal bond notices and devoted

primarily to financial news, published in the city of New York or in New Jersey, the first notice to be at least 5 days prior to the day of bidding. The said notice of sale may contain a provision to the effect that any or all bids in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale at such price not less than the par value thereof and accrued interest thereon 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 private sale, without advertisement.

14. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of such permanent bonds temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

15. The proceeds from the sale of the bonds shall be paid to the State Treasurer and be held by him in a separate fund, and be deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the "Higher Education Facilities Construction Fund."

16. a. The moneys in said Higher Education Facilities Construction Fund are specifically dedicated and shall be applied to the cost of the higher education facilities purpose set forth in section 5 of this act, and all of such moneys are appropriated for such purpose. The Board of Higher Education shall be empowered to make specific allocations of funds to projects, but no such moneys shall be expended for such purpose, except as otherwise herein below 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 hereby authorized to transfer from any available money in the Treasury of the State to the credit of the Higher Education Facilities Construction Fund such sum as may be deemed necessary for the purpose of this act by the State House Commission, which said 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 Higher Education Facilities Construction 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 funds shall be paid into the General Treasury and become a part of the General State Fund.

17. In case any coupon bonds or coupons thereunto appertaining or any registered bond shall become lost, mutilated, or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of such loss, multilation or destruction and proof of ownership and such security and indemnity and reimbursement for expenses as the issuing officials may require.

18. Accrued interest received upon the sale of said bonds shall be applied to the discharge of a like amount of interest upon said bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, 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 said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid.

19. Bonds of each series issued hereunder shall mature in annual installments commencing not later than the tenth year and ending not later than the thirty-fifth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, and the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

20. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, providing such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on

the bonds refunded, shall not exceed the aggregate amount of interest which would be paid on the bonds to be refunded if such bonds were not so refunded. Refunding bonds shall constitute direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all of its limitations except as to the maturities thereof and to the extent herein otherwise expressly provided.

21. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

a. Revenue derived from the collection of taxes as provided by 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 in any year or at any time funds, as hereinabove appropriated, necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not available, then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on 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 such bonds as it is proposed to issue under this act in the calendar year in which such 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 thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such 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 said 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 shall determine that there are moneys in the General State 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, then and in that event such issuing officials shall by resolution

so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from the tax specified in subsection a. of this section shall thereupon be considered and treated as part of the General State Fund, available for general purposes.

22. Should the State Treasurer, by December 31 of any year, deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to meet the interest and principal payments for the year after the ensuing year, then the treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case the Comptroller of the Treasury shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said 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.

23. 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, 1979, 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 the said 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 (×), plus (+), or check (√) mark in the square opposite the word "Yes."

If you disapprove the act entitled below, make a cross (×), 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.

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| | Yes. | NEW JERSEY HIGHER EDUCATION FACILITIES CONSTRUCTION BOND ISSUE<br>Should the "New Jersey Higher Education Facilities Construction Act of 1979," which authorizes the State to issue bonds in the amount of $95,000,000.00 for the construction, reconstruction, renovation, repair, development, extension, improvement and equipping of higher education facilities; and to provide the means to pay the principal and interest on these bonds, be approved? |
| | No. | INTERPRETIVE STATEMENT<br>This act if approved by referendum would authorize the sale of $95,000,000.00 in State Bonds for (1) barrier free renovations for the handicapped, energy management projects, and other projects needed to protect the State's capital investment in Higher Education, (2) the construction of needed academic and support space throughout the State system of Higher Education. |

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 said 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 said 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 such 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 such an election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

24. The chancellor shall submit to the State Treasurer, the Joint Appropriations Committee, the Legislative Budget Officer in the Office of Legislative Services and the New Jersey Commission on Capital Budgeting and Planning with the department's annual budget request a plan for the expenditure of funds, from the "Higher Education Facilities Construction Fund" 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 operation of programs that are financed, in part or in whole, by funds from the "Higher Education Facilities Construction Fund"; and an estimate of expenditures for the upcoming fiscal year.

25. Immediately following the submission to the Legislature of the Governor's Annual Budget Message the chancellor shall submit to the Joint Appropriations Committee, the Legislative Budget Officer in the Office of Legislative Services, the Education Committees of the Senate and General Assembly and the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature, as reconstituted and continued by the Legislature from time to time, a copy of the plan called for under section 24 of this act, together with such changes therein as may have been required by the Governor's budget message.

26. Not less than 30 days prior to the chancellor entering into any contract, lease, obligation, or agreement to effectuate the purposes of this act the chancellor shall report to and consult with the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature as reconstituted and continued from time to time by the Legislature. Any contract, lease, obligation or agreement for the construction of higher education facilities shall be subject to the requirements of "The Law Against Discrimination" P. L. 1945, c. 169 (C. 10:5–1 et seq.).

27. There is appropriated the sum of $5,000.00 to the Secretary of State for expenses in connection with the publication of notice pursuant to section 22 of this act.

28. This section and sections 23 and 27 of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in section 23 of this act.

Approved September 25, 1979.

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## CHAPTER 207

AN ACT concerning State aid for the education of children in State facilities, assigning responsibility for such education, establishing criteria for determining the school district of residence for certain children, revising parts of the statutory law and repealing P. L. 1972, c. 187.

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

**C. 18A:7B-1 Short title.**

1. This act shall be known and may be cited as "The State Facilities Education Act of 1979."

2. N. J. S. 18A:46–14 is amended to read as follows:

**Facilities and programs.**

18A:46–14. The facilities and programs of education required under this chapter shall be provided by one or more of the following:

a. A special class or classes in the district, including a class or classes in hospitals, convalescent homes, or other institutions;

b. A special class in the public schools of another district in this State or any other state in the United States;

c. Joint facilities including a class or classes in hospitals, convalescent homes or other institutions to be provided by agreement between one or more school districts;

d. A jointure commission program;

e. A State of New Jersey operated program;

f. Instruction at school supplementary to the other programs in the school, whenever, in the judgment of the board of education

with the consent of the commissioner, the handicapped pupil will be best served thereby;

g. Sending children capable of benefiting from a day school instructional program to privately operated day classes, in New Jersey or, with the approval of the commissioner to meet particular circumstances, in any other state in the United States, the services of which are nonsectarian whenever in the judgment of the board of education with the consent of the commissioner it is impractical to provide services pursuant to subsections a., b., c., d., e., or f. otherwise;

h. Individual instruction at home or in school whenever in the judgment of the board of education with the consent of the commissioner it is impracticable to provide a suitable special education program for a child pursuant to subsections a., b., c., d., e., f. or g., otherwise.

Whenever any child shall be confined to a hospital, convalescent home, or other institution in New Jersey or in any other state in the United States and is enrolled in an education program approved under this article, or shall be placed in any other State facility as defined in section three of P. L. 1975, c. 212 (C. 18A:7A–3), the board of education of the district in which the child resides shall pay the tuition of said child.

The board of education may also furnish (a) the facilities or programs provided in this article to any person over the age of 20 who does not hold a diploma of a high school approved in this State or in any other state in the United States, (b) suitable approved facilities and programs for children under the age of 5.

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

**C. 18A:7A-3 Definitions.**

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

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

"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: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 valuations" 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 pre-budget 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 transportation amount in the current expense budget 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 expenses 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.

"Pre-budget 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 resident of the district and are enrolled in day or approved evening schools on the last school day of September of the pre-budget 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.

"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 budget 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 Division of Tax Appeals 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, 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; 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.

4. Section 17 of P. L. 1975, c. 212 (C. 18A:7A–17) is amended to read as follows:

**C. 18A:7A-17 Report; filing.**

17. Annually, on or before October 5, the secretary of the board of education, with the approval of the superintendent of schools, or if there be no superintendent of schools, with the approval of the county superintendent of schools, shall file with the commissioner a report stating the number of pupils enrolled by grade, the number of these pupils in approved programs of (a) special education classes, (b) compensatory education, (c) bilingual education and (d) local vocational education, and the number of pupils in State facilities on the last school day of September. In addition, districts shall file annual reports providing such information as the commissioner may require for pupils receiving special education services.

5. Section 20 of P. L. 1975, c. 212 (C. 18A:7A–20) is amended to read as follows:

**C. 18A:7A-20 Categorical program support payments; calculations.**

20. In addition to the equalization support authorized in section 18 of this act, categorical program support shall be paid in accordance with the following calculations:

a. The number of categorical aid units shall be determined by adding the products obtained by multiplying the pupils in each category by the appropriate additional cost factors. Unless the schedule of additional cost factors is or has been revised pursuant to section 21 of this act, the additional cost factors shall be the following:

CATEGORICAL PROGRAMS

| Special Education Classes | Additional Cost Factors |
|---|---|
| Educable | 0.53 |
| Trainable | 0.95 |
| Orthopedically handicapped | 1.27 |
| Neurologically impaired | 1.06 |
| Perceptually impaired | 0.85 |

| Special Education Classes | Additional Cost Factors |
|---|---|
| Visually handicapped | 1.91 |
| Auditorially handicapped | 1.38 |
| Communication handicapped | 1.06 |
| Emotionally disturbed | 1.27 |
| Socially maladjusted | 0.95 |
| Chronically ill | 0.85 |
| Multiply handicapped | 1.27 |
| Other Classes and Services | Additional Cost Factors |
| Approved private school tuition | 1.0 plus the additional cost factor of the handicap |
| Special Education Classes | Additional Cost Factors |
| Supplementary and speech instruction | 0.09 based on the number of pupils actually receiving such instruction in the prior school year |
| Resource room | 0.65 |
| Bilingual education | 0.16 |
| State compensatory education | 0.11 |
| Approved local vocational education | 0.53 |
| Classes in State Facilities | Additional Cost Factors |
| Residential facility for the retarded | 1.26 |
| Day training center | 2.07 |
| Residential youth center | 1.06 |
| Training school or correctional facility | 0.27 |
| Child treatment center or psychiatric hospital | 0.16 |

b. The number of categorical aid units for home instruction shall be determined by multiplying the number of hours of instruction actually provided in the prior school year by 0.006.

c. For the purposes of this section, aid shall be paid to districts in which the pupils reside except in the case of home, supplementary or speech instruction where aid shall be paid to the district providing the service. No tuition may be charged for such home, supplementary or speech instruction for costs covered by State support as provided in this section.

d. Categorical program support shall equal the number of units of additional cost multiplied by the State average net current expense budget per pupil for the prebudget year.

e. Each child in a State facility shall be eligible only for that categorical aid provided by the additional cost factor for that facility.

**C. 18A:7B-2 Deductions; forwarding of sums to appropriate departments; disposition.**

6. (New section) For each child who is resident in a district and in a State facility on the last school day in September of the prebudget year, the Commissioner of Education shall deduct from the State aid payable to such district an amount equal to the State average net current expense budget per pupil plus the appropriate categorical program support.

This amount shall be forwarded to the Department of Human Services if the facility is operated by or under contract with that department, or to the Department of Corrections if the facility is operated by that department, and shall serve as payment by the district of tuition for the child. This amount shall be used solely for the support of educational programs and shall be maintained in a separate account for that purpose. No district shall be responsible for the tuition of any child admitted to a State facility after September 30 of the prebudget year.

**C. 18A:7B-3 Increase in net current expense budget.**

7. (New section) For the purpose of calculating State aid for the 1980-81 school year for each school district with a resident enrollment which includes pupils in State facilities, the net current expense budget for the 1979-80 school year shall be increased for each such pupil by an amount equal to the State average net current expense budget per pupil. Such increase shall not be subject to the limitations imposed by section 25 of P. L. 1975, c. 212 (C. 18A:7A–25).

**C. 18A:7B-4 Use of funds.**

8. (New section) Funds received pursuant to this act by the Department of Human Services or by the Department of Corrections shall be used only for the salaries of teachers, educational administrators at the program level, child study team personnel, and paraprofessionals assigned to educational programs in State facilities, and for the costs of educational materials and supplies for these programs. No such funds shall be used for the renovation or construction of capital facilities, for the maintenance and operation of educational facilities, or for custodial, habilitation or other noneducational costs.

There are hereby authorized to be appropriated to the Departments of Human Services and Corrections such funds as may be

necessary to provide for adult, post-secondary and college programs.

**C. 18A:7B-5 Rules and regulations; review of operations.**

9. (New section) The Commissioner of Education, with the approval of the State Board of Education, shall promulgate rules and regulations to ensure a thorough and efficient education for the children in State facilities.

The commissioner shall continually review the operation of educational programs in State facilities. If he finds that the operation of any of these programs does not meet the educational standard required by the regulations, he shall direct that a remedial plan be prepared by the education director of the facility in which the program is located, together with the director of educational services of the department which is operating or contracting with the facility. The plan shall be submitted to the Commissioner of Education for his approval. If he approves the plan, it shall be implemented in a timely and effective manner. If he finds the plan or its implementation to be insufficient, he may, until the insufficiency is corrected, withhold and place in a special account any State aid funds which otherwise would have been forwarded pursuant to section 6 of this act.

**C. 18A:7B-6 Certificate required; salary schedules.**

10. (New section) All teaching staff members and administrators of the educational program in State facilities shall hold the appropriate certificate issued by the State Board of Examiners.

Salary schedules for teaching staff members and administrators shall be comparable to similar positions in the Department of Education and the Marie H. Katzenbach School for the Deaf.

**C. 18A:7B-7 Administrative review; procedure.**

11. (New section) a. Any parent or guardian of a pupil in a State facility, and any pupil in a State facility between 18 and 20 years of age, may request an administrative review on matters of educational classification or educational program.

b. The administrative review process shall include the following sequence:

(1) A conference with teaching staff members or child study team personnel;

(2) A conference with the Director of Educational Services of the Department of Human Services or the Department of Corrections, whichever is appropriate;

(3) A hearing by the Commissioner of Education pursuant to law and regulation.

c. The due process rights available to children, parents and guardians in the public schools on matters of educational classification or educational program shall be available to children, parents and guardians in State facilities.

d. The placement of a child in a particular State facility shall not be subject to an administrative review or hearing pursuant to this section.

**C. 18A:7B-8 Office of Education; establishment; director; appointment; salary; powers and duties.**

12. (New section) There is hereby created and established in the Department of Corrections an Office of Education to be headed by a Director of Educational Services who shall supervise the educational programs in all State facilities operated by that department and shall approve all personnel to be hired for such programs.

The director shall hold the appropriate certificate issued by the State Board of Examiners and shall be qualified by training and experience for his position and shall be appointed by the Commissioner of Corrections. He shall serve at the pleasure of the commissioner and shall receive such salary as shall be fixed by the commissioner.

The director shall establish primary, secondary, and vocational programs which meet the educational needs of school age persons for whom the department is responsible. Appropriate credit and certification shall be given for the successful completion of such programs.

Within any available appropriation, the program of education shall include adult, post-secondary and college programs offered by institutions licensed by the Department of Education or the Department of Higher Education.

**C. 18A:7B-9 Office of Education; establishment; director; appointment; salary; powers and duties.**

13. (New section) There is hereby created and established in the Department of Human Services an Office of Education to be headed by a Director of Educational Services who shall supervise the educational programs in all the State facilities operated by or under contract with that department and shall approve all personnel hired by the State for such programs.

The director shall hold the appropriate certificate issued by the State Board of Examiners and shall be qualified by training and experience for his position and shall be appointed by the Commissioner of Human Services. He shall serve at the pleasure of the commissioner and shall receive such salary as shall be fixed by the commissioner.

The director shall establish primary, secondary, and vocational programs which meet the educational needs of school age persons for whom the department is responsible. Appropriate credit and certification shall be given for the successful completion of such programs.

Within any available appropriation, the program of education shall include adult, post-secondary and college programs offered by institutions licensed by the Department of Education or the Department of Higher Education.

**C. 18A:7B-10 Review of operations of Garden State School District.**

14. (New section) The Commissioners of Education, Corrections and Human Services shall jointly review the current administrative practices, salary structure, operations and staffing of the Garden State School District and, with the approval of the Director of the Division of Budget and Accounting, shall establish by January 1, 1980 a plan for the orderely allocation or transfer of:

a. All personnel employed by the Garden State School District;

b. All appropriations, grants, or other money available to the Garden State School District, subject to any restrictions, limitations, or other requirements imposed by Federal or State law;

c. All files, books, papers, records, equipment, or other property of the Garden State School District.

Nothing in this act shall be construed to deprive employees of the Garden State School District of any rights or protections provided by Civil Service, pension, or retirement laws of this State.

**C. 18A:7B-11 Affect of act on Garden State School District.**

15. (New section) a. This act shall not affect actions or proceedings, civil or criminal, brought by or against the Garden State School District and pending on the effective date of this act, but such actions may be further prosecuted or defended in the same manner and to the same effect by the Department of Corrections, the Department of Human Services, or the Department of Education, whichever has assumed those duties, powers, and responsibilities which are the subject of the proceedings.

b. Whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceedings, or otherwise, reference is made to the Garden State School District, the same shall be considered and mean the Department of Corrections, the Department of Human Services, or the Department of Education, which has assumed those duties, powers, and responsibilities which are the subject of the reference.

All rights and privileges enjoyed by teaching staff members of the Garden State School District shall be enjoyed by teaching staff members employed in State facilities.

16. Section 43 of P. L. 1975, c. 212 (C. 18A:46–18.1) is amended to read as follows:

**C. 18A:46-18.1 Duties of Human Services Department; payment of tuition.**

43. It shall be the duty of the Department of Human Services to provide suitable facilities and programs for all the children who are classified as eligible for day training, and to provide transportation for all such children who attend day training centers.

The school district of residence shall pay tuition for each child in a State facility classified as eligible for day training, but shall not pay the cost of transportation for any such child.

17. Section 85 of P. L. 1965, c. 59 (C. 30:4–165.2) is amended to read as follows:

**C. 30:4-165.2 Functional services for mentally retarded.**

85. Functional services for the mentally retarded shall include both residential and nonresidential services as follows:

(1) Nonresidential functional services shall include but need not be limited to: evalution, counseling of family or guardian, of employer, or of retarded person; consultative services to social, educational, or welfare and health agencies and to the courts; day-care programs; and day training programs.

(2) Residential functional services shall include but need not be limited to: evaluation study, treatment, education, training, rehabilitation, care and protection provided in State schools and in other residential facilities operated by the department; family care and sheltered life programs; interim placement in approved residential facilities other than State schools. Such programs may be of short- or long-term duration as required.

18. Section 26 of P. L. 1951, c. 138 (C. 30:4C–26) is amended to read as follows:

**C. 30:4C-26 Placement of child in foster home, group home or institution.**

26. a. Whenever the circumstances of a child are such that his needs cannot be adequately met in his own home, the Division of Youth and Family Services may effect his placement in a foster home, with or without payment of board, in a group home, or in an appropriate institution if such care is deemed essential for him. The Division of Youth and Family Services shall make every reasonable effort to select a foster home, a group home or an institution of the same religious faith as the parent or parents of such child.

b. Whenever the Division of Youth and Family Services shall place any child, as provided by this section, in any municipality and county of this State, the child shall be deemed a resident of such municipality and county for all purposes except school funding, and he shall be entitled to the use and benefit of all health, recreational, vocational and other facilities of such municipality and county in the same manner and extent as any other child living in such municipality and county.

c. Whenever the Division of Youth and Family Services shall place any child, as provided by this section, in any school district, the child shall be entitled to the educational benefits of such district; provided, however, that the district of residence, as determined by the Commissioner of Education pursuant to law, shall be responsible for paying tuition for such child to the district in which he is placed.

d. No municipality shall enact a planning or zoning ordinance governing the use of land by, or for, single family dwellings which shall, by any of its terms or provisions or by any rule or regulation adopted in accordance therewith, discriminate between children who are members of such single families by reason of their relationship by blood, marriage or adoption, foster children placed with such families in such dwellings by the Division of Youth and Family Services, and children placed pursuant to law with families in single family dwellings known as group homes.

Any planning or zoning ordinance, heretofore or hereafter enacted by a municipality, which violates the provisions of this section, shall be invalid and inoperative.

**C. 18A:7B-12 Determination of district of residence.**

19. (New section) For school funding purposes, the Commissioner of Education shall determine district of residence as follows:

a. The district of residence for children in foster homes shall be the district in which the foster parents reside. If a child in a

foster home is subsequently placed in a State facility or by a State agency, the district of residence of the child shall then be determined as if no such foster placement had occurred.

b. The district of residence for children who are in residential State facilities, or who have been placed by State agencies in group homes, private schools or out-of-state facilities, shall be the present district of residence of the parent or guardian with whom the child lived prior to his most recent admission to a State facility or most recent placement by a State agency.

If this cannot be determined, the district of residence shall be the district in which the child resided prior to such admission or placement.

If neither can be determined, the district of residence shall be the district in which the child has been placed or the district in which the State facility is located.

c. The Commissioner of Education shall develop appropriate criteria for determining the district of residence for those children whose district cannot be determined according to the criteria contained herein.

**C. 18A:7B-13 Annual report.**

20. (New section) Beginning in the school year 1981-82, the Commissioner of Education shall annually report to the Legislature, describing the condition of educational programs in State facilities, the efforts of the Departments of Corrections and Human Services in meeting the standards of a thorough and efficient education in these facilities, the steps underway to correct any deficiencies in their educational programs, and the progress of the educational programs in New Jersey State facilities in comparison with those in the State facilities of other states. At that time the commissioner shall recommend to the Legislature any necessary or desirable changes or modifications in this act.

**Repealer.**

21. P. L. 1972, c. 187 (C. 30:4AA–1 et seq.) is hereby repealed.

22. Sections 1, 3, 4, 5, 7, 9, 14 and 19 shall take effect immediately for implementation during the 1979-80 school year. The remainder of the act shall take effect on July 1, 1980; provided, however, that all other necessary steps shall be taken prior to that date to facilitate the implementation of this act.

Approved September 25, 1979.

## CHAPTER 208

AN ACT to amend "An act concerning the care, custody, guardianship, maintenance and supervision of dependent and neglected children, promoting home life therefor, providing for the financing thereof, and repealing certain statutes relating thereto," approved May 31, 1951 (P. L. 1951, c. 138).

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

1. Section 2 of P. L. 1951, c. 138 (C. 30:4C–2) is amended to read as follows:

**C. 30:4C-2 Definitions.**

2. For the purposes of this act the following words and terms shall, unless otherwise indicated, be deemed and taken to have the meanings herein given to them:

(a) The title "Division of Youth and Family Services" successor to the "Bureau of Childrens Services" means the State agency for the care, custody, guardianship, maintenance and protection of children, as more specifically described by the provisions of this act, and succeeding the agency heretofore variously designated by the laws of this State as the State Board of Child Welfare or the State Board of Children's Guardians.

(b) The word "child" includes stepchild and illegitimate child, and further means any person under the age of 18 years.

(c) The term "care" means cognizance of a child for the purpose of providing necessary welfare services, or maintenance, or both.

(d) The term "custody" means continuing responsibility for the person of a child, as established by a surrender and release of custody or consent to adoption, for the purpose of providing necessary welfare services, or maintenance, or both.

(e) The term "guardianship" means control over the person and property of a child as established by the order of a court of competent jurisdiction, and as more specifically defined by the provisions of this act. Guardianship by the Division of Youth and Family Services shall be treated as guardianship by the Commissioner of Human Services, exercised on his behalf wholly by and in the name of the Division of Youth and Family Services, acting through the chief executive officer of the division or his authorized representative. Such exercise of guardianship by the division

shall be at all times and in all respects subject to the supervision of the commissioner.

(f) The term "maintenance" means moneys expended by the Division of Youth and Family Services to procure board, lodging, clothing, medical, dental, and hospital care, or any other similar or specialized commodity or service furnished to, on behalf of, or for a child pursuant to the provisions of this act; maintenance also includes but is not limited to moneys expended for shelter, utilities, food, repairs, essential household equipment, and other expenditures to remedy situations of an emergent nature to permit, as far as practicable, children to continue to live with their families.

(g) The term "welfare services" means consultation, counseling, and referral to or utilization of available resources for the purpose of determining and correcting or adjusting matters and circumstances which are endangering the welfare of a child, and for the purpose of promoting his proper development and adjustment in the family and the community.

(h) The term "foster parent" means any person other than a natural or adoptive parent with whom a child in the care, custody or guardianship of the Division of Youth and Family Services is placed by said division, or with its approval, for temporary or long-term care, but shall not include any persons with whom a child is placed for the purpose of adoption.

(i) The term "foster home" means and includes private residences, group homes and institutions wherein any child in the care, custody or guardianship of the Division of Youth and Family Services may be placed by the said division or with its approval for temporary or long-term care, and shall include any private residence maintained by persons with whom any such child is placed for adoption.

(j) The singular includes the plural form.

(k) The masculine noun and pronoun includes the feminine.

(l) The word "may" shall be construed to be permissive.

(m) The term "group home" means and includes any single family dwelling used in the placement of 12 children or less pursuant to law recognized as a group home by the Department of Human Services; in accordance with rules and regulations adopted by the Commissioner of Human Services; provided, however, that no group home shall contain more than 12 children.

2. This act shall take effect immediately.

Approved September 25, 1979.

## CHAPTER 209

AN ACT concerning sessions of the Legislature and amending R. S. 52:1–1.

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

1. R. S. 52:1–1 is amended to read as follows:

**Seat of government.**

52:1–1. Trenton, in the county of Mercer, shall be the seat of the government of this State. All sessions of the Legislature shall be held at Trenton or, on a temporary basis, for ceremonial or commemorative purposes, at such other place in the State as shall be designated by the Legislature by concurrent resolution.

2. This act shall take effect immediately.

Approved September 27, 1979.

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## CHAPTER 210

AN ACT concerning the receipt of motor vehicle abstract records into evidence and amending N. J. S. 2A:82–10.

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

1. N. J. S. 2A:82–10 is amended to read as follows:

**Copies of motor vehicle records.**

2A:82–10. Copies of any act, rule, order or decision made by the director of the division of motor vehicles, and of any paper filed in his office when authenticated under his seal shall be evidence in like manner, and with equal effect as the originals.

All transcripts and abstracts of the records of the division of motor vehicles as to the names of owners of motor vehicles and as to the holders of licenses to operate motor vehicles and their operating records, certified by the director of the division, to be true copies of the record, shall be received in any court as prima facie evidence of the matters and facts therein stated. Such transcripts and abstracts shall be copies of the original records made or copies of the record thereof as recorded by the clerk or other officer of the division of motor vehicles.

2. This act shall take effect immediately

Approved September 28, 1979.