

LAWS=NEW JERSEY
1982

New Jersey State Library

ACTS
OF THE
First Annual Session
OF THE
Two Hundredth Legislature
OF THE
STATE OF NEW JERSEY
AND
Twenty-ninth Under the New Constitution



New Jersey State Library

1982

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

Legislative Services Commission

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OF THE
FIRST ANNUAL SESSION
OF THE
Two Hundredth Legislature

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FOURTH DISTRICT
(Parts of Atlantic, Camden, Gloucester)
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SIXTH DISTRICT
(Part of Camden)
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(Part of Monmouth)
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THIRTEENTH DISTRICT
(Parts of Middlesex, Monmouth)
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FOURTEENTH DISTRICT
(Parts of Mercer, Middlesex, Somerset)
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FIFTEENTH DISTRICT
(Part of Mercer)
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SIXTEENTH DISTRICT
(Parts of Hunterdon, Morris, Somerset)
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(Parts of Middlesex, Union)
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EIGHTEENTH DISTRICT
(Part of Middlesex)
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NINETEENTH DISTRICT
(Part of Middlesex)
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(Parts of Middlesex, Union)
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TWENTY-FIRST DISTRICT
(Part of Union)
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* Resigned 7/22/82.

† Sworn in 9/16/82.

TWENTY-SECOND DISTRICT
(Parts of Essex, Union)
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TWENTY-THIRD DISTRICT
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Morris, Sussex, Warren)
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(Parts of Sussex, Warren)
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(Part of Morris)
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(Parts of Morris, Passaic)
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TWENTY-EIGHTH DISTRICT
(Part of Essex)
JOHN P. CAUFIELD

TWENTY-NINTH DISTRICT
(Part of Essex)
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(Part of Essex)
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THIRTY-FIRST DISTRICT
(Part of Hudson)
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(Part of Hudson)
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THIRTY-THIRD DISTRICT
(Part of Hudson)
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(Parts of Essex, Passaic)
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THIRTY-FIFTH DISTRICT
(Parts of Bergen, Passaic)
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(Parts of Bergen, Passaic)
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THIRTY-SEVENTH DISTRICT
(Part of Bergen)
MATTHEW FELDMAN

THIRTY-EIGHTH DISTRICT
(Part of Bergen)
JOHN B. PAOLELLA

THIRTY-NINTH DISTRICT
(Part of Bergen)
GERALD CARDINALE

FORTIETH DISTRICT
(Part of Bergen)
GARRETT W. HAGEDORN

** Forfeit 5/17/82.

†† Sworn in 6/24/82.

MEMBERS OF THE GENERAL ASSEMBLY

FIRST DISTRICT
(Cape May, part of Cumberland)

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GUY F. MUZIANI

SECOND DISTRICT
(Part of Atlantic)

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DOLORES G. COOPER†

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(Salem, parts of Cumberland, Gloucester)

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(Parts of Atlantic, Camden, Gloucester)

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NINTH DISTRICT
(Parts of Burlington, Ocean)

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Jr.
JORGE A. ROD

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(Part of Ocean)

JOHN PAUL DOYLE
WARREN H. WOLF

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(Part of Monmouth)

JOSEPH PALAIA
ANTHONY M. VILLANE, Jr.

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(Part of Monmouth)

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MARIE S. MUHLER

THIRTEENTH DISTRICT
(Parts of Middlesex, Monmouth)

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RICHARD VAN WAGNER

FOURTEENTH DISTRICT
(Parts of Mercer, Middlesex, Somerset)

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(Part of Mercer)

GERALD S. NAPLES
JOHN S. WATSON

SIXTEENTH DISTRICT
(Parts of Hunterdon, Morris, Somerset)

WALTER J. KAVANAUGH
ELLIOT F. SMITH

SEVENTEENTH DISTRICT
(Parts of Middlesex, Union)

ANGELA L. PERUN
DAVID C. SCHWARTZ

EIGHTEENTH DISTRICT
(Part of Middlesex)

THOMAS H. PATERNITI
FRANK M. PELLY

NINETEENTH DISTRICT
(Part of Middlesex)

ALAN KARCHER
GEORGE J. OTLOWSKI

* Resigned 9/16/82.

† Sworn in 11/15/82.

10 MEMBERS OF THE GENERAL ASSEMBLY

TWENTIETH DISTRICT
(Parts of Middlesex, Union)
THOMAS J. DEVERIN
RAYMOND LESNIAK

TWENTY-FIRST DISTRICT
(Part of Union)
EDWARD K. GILL
CHUCK HARDWICK

TWENTY-SECOND DISTRICT
(Parts of Essex, Union)
BOB FRANKS
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TWENTY-THIRD DISTRICT
(Parts of Hunterdon, Mercer,
Morris, Sussex, Warren)
KARL WEIDEL
RICHARD A. ZIMMER

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

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(Part of Morris)
ARTHUR R. ALBOHN
JAMES J. BARRY, JR.**
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(Parts of Morris, Passaic)
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DEAN A. GALLO

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

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

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

** Resigned 2/22/82.

†† Sworn in 5/3/82.

THIRTIETH DISTRICT
(Part of Essex)
BUDDY FORTUNATO
JOHN V. KELLY

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

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

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(Parts of Essex, Passaic)
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(Parts of Bergen, Passaic)
JOHN A. GIRGENTI
VINCENT OZZIE
PELLECCHIA

THIRTY-SIXTH DISTRICT
(Parts of Bergen, Passaic)
ROBERT HOLLENBECK
RICHARD VISOTCKY

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

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

THIRTY-NINTH DISTRICT
(Part of Bergen)
JOHN W. MARKERT
JOAN M. WRIGHT

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

L A W S

ACTS

ENACTED BY THE

First Annual Session

OF THE

Two Hundredth Legislature

CHAPTER 1

AN ACT creating districts for the election of members to the House of Representatives of the United States of America to serve in the 98th Congress and each subsequent Congress, and repealing sections 1 and 2 of P. L. 1966, c. 156 and P. L. 1981, c. 561.

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

C. 19:46-4 Short title.

1. This act shall be known and may be cited as the "Congressional District Act for the State of New Jersey (1982)."

C. 19:46-5 Congressional districts.

2. For the purpose of electing members of the House of Representatives of the United States of America from the State of New Jersey to serve in the 98th Congress and each subsequent Congress, the State of New Jersey shall be divided into the following 14 single-member districts:

First. The county of Gloucester and that portion of the county of Camden embracing Audubon, Audubon Park, Barrington, Bellmawr, Berlin, Berlin township, Brooklawn, Camden, Chesilhurst, Clementon, Gibbsboro, Gloucester city, Gloucester township, Haddonfield, Haddon Heights, Hi-Nella, Laurel Springs, Lindenwold, Magnolia, Mount Ephraim, Pine Hill, Pine Valley, Runnemede, Somerdale, Stratford, Tavistock, Voorhees, Waterford, Winslow, and Woodlynne.

Second. The counties of Salem, Cumberland, Cape May, and Atlantic, that portion of the county of Ocean embracing Barnegat,

Barneгат Light, Beach Haven, Eagleswood, Harvey Cedars, Little Egg Harbor, Long Beach, Ocean, Ship Bottom, Stafford, Surf City, Tuckerton, and that portion of the county of Burlington embracing Bass River, Tabernacle and Washington.

Third. That portion of the county of Monmouth embracing Aberdeen, Allenhurst, Asbury Park, Atlantic Highlands, Avon, Belmar, Bradley Beach, Deal, Eatontown, Englishtown, Fair Haven, Hazlet, Highlands, Interlaken, Keansburg, Keyport, Loch Arbour, Long Branch, Manalapan, Manasquan, Matawan, Middletown, Monmouth Beach, Neptune city, Neptune township, Oceanport, Ocean, Red Bank, Sea Bright, Sea Girt, South Belmar, Spring Lake, Spring Lake Heights, Union Beach, West Long Branch, that portion of the county of Ocean embracing Bay Head, Brick, Lakewood, Mantoloking, Point Pleasant Beach, Point Pleasant, and that portion of the county of Middlesex embracing Old Bridge.

Fourth. That portion of the county of Burlington embracing Beverly, Bordentown city, Bordentown township, Burlington city, Burlington township, Chesterfield, Cinnaminson, Delanco, Delran, Edgewater Park, Florence, Mansfield, Maple Shade, Palmyra, Pemberton borough, Pemberton township, Riverside, Riverton borough, Springfield, Willingboro, Wrightstown and Fieldsboro, that portion of the county of Camden embracing Merchantville and Pennsauken, that portion of the county of Mercer embracing East Windsor, Ewing, Hamilton, Hightstown, Lawrence, Trenton, Washington and West Windsor, that portion of the county of Middlesex embracing Plainsboro and that portion of the county of Monmouth embracing Allentown, Roosevelt and Upper Freehold.

Fifth. That portion of the county of Bergen embracing Allendale, Closter, Cresskill, Demarest, Harrington Park, Haworth, Hohokus, Mahwah, Midland Park, Montvale, Northvale, Old Tappan, Oradell, Park Ridge, Ramsey, Ridgewood, River Edge, River Vale, Rockleigh, Saddle River, Upper Saddle River, Waldwick and Wyckoff, that portion of the county of Hunterdon embracing Alexandria, Bethlehem, Bloomsbury, Delaware, East Amwell, Flemington, Franklin, Frenchtown, Hampton, Holland, Kingwood, Lambertville, Milford, Raritan, Stockton, Union, West Amwell and that portion of the county of Mercer embracing Hopewell, Hopewell township and Pennington, that portion of the county of Morris embracing Boonton, Boonton township, Denville, Jefferson, Mine Hill, Montville, Mount Arlington, Mount Olive, Randolph and Roxbury, that portion of the county of Passaic embracing Ringwood and West Milford, that portion of the county of Sussex embracing Branch-

ville, Frankford, Hampton, Lafayette, Montague, Sandyston, Stillwater, Sussex, Vernon, Walpack and Wantage and that portion of the county of Warren embracing Alpha, Belvidere, Blairstown, Franklin, Greenwich, Hackettstown, Hardwick, Harmony, Hope, Knowlton, Liberty, Lopatcong, Oxford, Pahaquarry, Phillipsburg, Pohatcong, Washington, Washington township and White.

Sixth. That portion of the county of Middlesex embracing Carteret, East Brunswick, Edison, Helmetta, Highland Park, Metuchen, Milltown, New Brunswick, Perth Amboy, Piscataway, Sayreville, South Amboy, South Plainfield, South River, Spotswood and Woodbridge and that portion of the county of Union embracing Linden, Rahway and Winfield.

Seventh. That portion of the county of Mercer embracing Princeton, Princeton township, that portion of the county of Middlesex embracing Cranbury, Dunellen, Jamesburg, Middlesex, Monroe, North Brunswick and South Brunswick, that portion of the county of Monmouth embracing Freehold, Freehold township, Marlboro and Millstone, that portion of the county of Somerset embracing Bound Brook, Franklin, Manville, Millstone, North Plainfield, Rocky Hill and South Bound Brook and that portion of the county of Union embracing Clark, Cranford, Elizabeth, Fanwood, Garwood, Plainfield, Roselle, Roselle Park, Scotch Plains and Westfield.

Eighth. That portion of the county of Bergen embracing Franklin Lakes, Garfield, Oakland and Wallington, that portion of the county of Morris embracing Butler, Dover, Kinnelon, Lincoln Park, Pequannock, Riverdale, Rockaway, Rockaway township, Victory Gardens and Wharton and that portion of the county of Passaic embracing Bloomingdale, Clifton, Haledon, Hawthorne, North Haledon, Passaic, Paterson, Pompton Lakes, Prospect Park, Wan-
aque and Wayne.

Ninth. That portion of the county of Bergen embracing Alpine, Bergenfield, Bogota, Carlstadt, Cliffside Park, Dumont, East Rutherford, Edgewater, Elmwood Park, Emerson, Englewood, Englewood Cliffs, Fair Lawn, Fairview, Fort Lee, Glen Rock, Hackensack, Hasbrouck Heights, Hillsdale, Leonia, Lodi, Maywood, Moonachie, New Milford, Norwood, Paramus, Ridgefield Park, Rochelle Park, Rutherford, Saddle Brook, South Hackensack, Teaneck, Tenafly, Teterboro, Washington, Westwood, Woodcliff Lake and Wood-Ridge.

Tenth. That portion of the county of Essex embracing East Orange, Glen Ridge, Irvington, Newark and South Orange, that

portion of the county of Union embracing Hillside, and that portion of the county of Hudson embracing Harrison.

Eleventh. That portion of the county of Bergen embracing North Arlington, that portion of the county of Essex embracing Belleville, Bloomfield, Caldwell, Cedar Grove, Essex Fells, Fairfield, Livingston, Lyndhurst, Maplewood, Montclair, North Caldwell, Nutley, Orange, Roseland, Verona, West Caldwell and West Orange, that portion of the county of Hudson embracing East Newark, Kearny and Secaucus, that portion of the county of Morris embracing East Hanover, Mountain Lakes and Parsippany-Troy Hills, and that portion of the county of Passaic embracing Little Falls, Totowa and West Paterson.

Twelfth. That portion of the county of Essex embracing Millburn, that portion of the county of Hunterdon embracing Califon, Clinton, Clinton township, Glen Gardner, High Bridge, Lebanon, Lebanon township, Readington and Tewksbury, that portion of the county of Morris embracing Chatham, Chatham township, Chester, Chester township, Florham Park, Hanover, Harding, Madison, Mendham, Mendham township, Morris Plains, Morris township, Morristown, Netcong, Passaic and Washington, that portion of the county of Somerset embracing Bedminster, Bernards, Bernardsville, Branchburg, Bridgewater, Far Hills, Green Brook, Hillsborough, Montgomery, Peapack-Gladstone, Raritan, Somerville, Warren and Watchung, that portion of the county of Sussex embracing Andover, Andover township, Byram, Franklin, Fredon, Green, Hamburg, Hardyston, Hopatecong, Newton, Ogdensburg, Sparta and Stanhope, that portion of the county of Union embracing Berkeley Heights, Kenilworth, Mountainside, New Providence, Springfield, Summit and Union township and that portion of the county of Warren embracing Allamuchy, Frelinghuysen, Independence and Mansfield.

Thirteenth. That portion of the county of Burlington embracing Eastampton, Evesham, Hainesport, Lumberton, Medford Lakes, Medford, Moorestown, Mount Holly, Mount Laurel, New Hanover, North Hanover, Shamong, Southampton, Westhampton and Woodland, that portion of the county of Ocean embracing Beachwood, Berkeley, Dover, Island Heights, Jackson, Lacey, Lakehurst, Lavallette, Ocean Gate, Pine Beach, Plumstead, Seaside Heights, Seaside Park, South Toms River and Manchester, that portion of the county of Monmouth embracing Brielle, Colts Neck, Farmingdale, Holmdel, Howell, Little Silver, Rumson, Shrewsbury, Shrewsbury township, Tinton Falls and Wall and that portion of the county of

Camden embracing Cherry Hill, Collingswood, Haddon, Lawnside and Oaklyn.

Fourteenth. That portion of the county of Bergen embracing Little Ferry, Palisades Park and Ridgefield and that portion of the county of Hudson embracing Bayonne, Guttenberg, Hoboken, Jersey City, North Bergen, Union City, Weehawken and West New York.

Repealer.

3. Sections 1 and 2 of P. L. 1966, c. 156 (C. 19:46-2 and 19:46-3) and P. L. 1981, c. 561 are repealed.

4. This act shall take effect immediately.

Approved January 19, 1982.

CHAPTER 2

AN ACT to amend "An act concerning annual salaries and salary ranges in the Executive Branch and revising and repealing parts of the statutory law," approved June 28, 1974 (P. L. 1974, c. 55).

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

1. Section 1 of P. L. 1974, c. 55 (C. 52:14-15.107) is amended to read as follows:

C. 52:14-15.107 Salaries for Cabinet members.

1. Notwithstanding the provisions of the Annual Appropriations Act and section 7 of P. L. 1974, c. 55 (C. 52:14-15.110), the Governor shall fix and establish the annual salaries for the following officers within the limits as follows:

Title	Salary Not to Exceed
Agriculture Department	
Secretary of Agriculture	\$70,000.
Banking Department	
Commissioner, Department of Banking	70,000.
Civil Service Department	
President, Civil Service Commission	70,000.
Commerce and Economic Development Department	
Commissioner, Commerce and Economic Development	70,000.

Title	Salary Not to Exceed
Community Affairs Department	
Commissioner of Community Affairs	\$70,000.
Corrections Department	
Commissioner, Department of Corrections ..	70,000.
Defense Department	
Chief of Staff	67,500.
Education Department	
Commissioner, Department of Education ..	70,000.
Energy Department	
Commissioner, Department of Energy	70,000.
President of the Board of Public Utilities	
Commissioners	70,000.
Member, Board of Public Utilities	
Commissioners	70,000.
Environmental Protection Department	
Commissioner, Environmental Protection ..	70,000.
Health Department	
Commissioner, Department of Health	70,000.
Higher Education Department	
Chancellor	70,000.
Human Services Department	
Commissioner, Human Services	70,000.
Insurance Department	
Commissioner of Insurance	70,000.
Labor Department	
Commissioner of Labor	70,000.
Law and Public Safety Department	
Attorney General	70,000.
Public Advocate Department	
Public Advocate	70,000.
State Department	
Secretary of State	70,000.
Transportation Department	
Commissioner of Transportation	70,000.
Treasury Department	
State Treasurer	70,000.

2. This act shall take effect January 19, 1982.

Approved January 21, 1982.

CHAPTER 3

AN ACT to amend "An act concerning assistance for dependent children, supplementing Title 44 of the Revised Statutes and repealing certain statutes relating thereto," approved June 11, 1959 (P. L. 1959, c. 86).

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

1. Section 1 of P. L. 1959, c. 86 (C. 44:10-1) is amended to read as follows:

C. 44:10-1 Definitions.

1. As used in this act and for the purpose of the determination of eligibility to receive financial assistance under the provisions of this act, the following words shall have the following meanings, unless the context indicates another meaning:

(a) "Aid to families with dependent children" means the assistance and other services to be extended under this act to or for eligible dependent children and the parents and relatives with whom they are living, for the following purposes:

(1) To provide for the care of eligible dependent children in their own homes or in the homes of relatives, under standards and conditions compatible with decency and health,

(2) To help maintain and strengthen family life,

(3) To help such parents or relatives to attain the maximum self-support and personal independence consistent with the maintenance of continuing parental care and protection, and

(4) To provide for the care of a dependent child whose parents have been denied assistance under the provisions of section 2.

(b) "Division of Public Welfare" means the Division of Public Welfare of the Department of Human Services.

(c) "Dependent child" means a child under the age of 18, or under the age of 19 and a full-time student in a secondary school or in the equivalent level of vocational or technical training, if, before he attains age 19, he may reasonably be expected to complete the program of the secondary school or the training, who

(1) Has been deprived of parental support or care by reason of (i) the death, continued absence from the home, or physical or mental incapacity of a parent; or

(ii) The unemployment of his father, when living with both parents, natural or adoptive, as the term "unemployment" is defined in the Federal Social Security Act; or

(iii) Insufficient income or insufficient other resources for the support of the family, when living with both parents, natural or adoptive, and

(2) Is living in New Jersey with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece, in a place of residence maintained by one or more of such relatives as his or their home, and

(3) Is found, after due investigation and determination, according to standards and procedures established pursuant to this act, to be eligible for financial assistance.

(d) "Parent or relative with whom a dependent child is living" means a person

(1) Who is related to the dependent child, in the manner prescribed in subsection (c) (2) of this section, and

(2) With whom the dependent child is living in a place of residence maintained by one or more of such relatives as his or their own home, and

(3) Who is found, after due investigation and determination according to standards and procedures established pursuant to this act, to be eligible for financial assistance.

(e) "Insufficient income" means that the total of monthly earned and unearned income of all employed individuals in a family with a dependent child as defined in subsection (c) (1) (iii), minus the first \$60.00 earned by each employed person, is less than $66\frac{2}{3}\%$ of the standard otherwise applicable to the applicant family's size, as established with regard to the eligibility standards contained in subsections (c) (1) (i) and (ii), except that the earned income of any minor child under 16, and the earned income of a minor child under 21, if he is attending on a full-time basis an accredited educational institution, shall be disregarded.

(f) "Other resources" means all property and assets, as otherwise defined by the Division of Public Welfare, legally or bene-

ficially owned by a member or members of a family, which are or can be readily made available for the use of the family.

(g) "Insufficient other resources" means that other resources are insufficient, as determined by standards set forth by the Director of the Division of Public Welfare.

2. This act shall take effect on February 1, 1982.

Approved February 1, 1982.

CHAPTER 4

AN ACT concerning municipal budgets.

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

1. Notwithstanding the provisions of any law to the contrary, the dates concerning the introduction and approval and adoption of local budgets for 1982 shall be as follows:

a. The governing body shall introduce and approve the annual budget of a municipality not later than March 18 of the fiscal year.

b. The budget shall be adopted not later than April 26 of the fiscal year, except that the governing body may adopt the budget at any time within 10 days after the Director of the Division of Local Government Services in the Department of Community Affairs has certified his approval thereof and returned the same, if the certification is later than the date of the advertised hearing.

2. Notwithstanding the provisions of any law to the contrary, the dates concerning budget transmission to the county board of taxation, county board advisement to the director of the failure to receive a budget, and the filling out of the table of aggregates for late budgets for the year 1982 shall be as follows:

a. The clerk of the municipality shall transmit a certified copy of the budget, as adopted, to the county board not later than May 10 of the fiscal year.

b. Where the county board has not received a copy of the budget resolution or other evidence showing the amount to be raised by taxation for the purposes of a taxing district not later than May 10 of the fiscal year, the board shall immediately notify the director.

c. Immediately upon receipt of the director's certificate and on or before May 17 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 municipality has adopted a budget for the fiscal year and has transmitted a certified copy thereof to the county board on or before May 17, the board may substitute the adopted budget in the place of the amount certified by the director, but no substitution shall be made after May 17 of the fiscal year.

3. Notwithstanding the provisions of any law to the contrary, the date concerning the preparation of the table of aggregates for the year 1982 shall be extended from May 3 to May 18.

4. The governing body may and, if any contracts, commitments or payments are to be made prior to the adoption of the 1982 budget, shall, by resolution adopted prior to March 1, 1982, make appropriations, in addition to any temporary appropriations made pursuant to N. J. S. 40A:4-19, to provide for the period between March 20 and the adoption of the 1982 budget. The total of the appropriations so made shall not exceed $\frac{1}{12}$ of the total of the appropriations made for all purposes in the budget for the 1981 fiscal year, excluding, in both instances, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance.

5. Notwithstanding the provisions of P. L. 1979, c. 268 (C. 40A:4-45.3a) to the contrary, any referendum conducted during the 1982 fiscal year by a municipality pursuant to subsection i. of section 3 of P. L. 1976, c. 68 (C. 40A:4-45.3i.), for the purpose of requesting approval for increasing the municipal budget by more than 5% over the previous year's final appropriations, shall be held on Tuesday, February 23 or Tuesday, March 30, 1982, as the governing body shall determine. The municipal budget proposing the increase shall be introduced and approved in the manner otherwise provided in N. J. S. 40A:4-5 at least 20 days prior to the date on which the referendum is to be held, and shall be published in the manner otherwise provided in N. J. S. 40A:4-6 at least 12 days prior to the referendum date.

6. Notwithstanding the provisions of N. J. S. 40A:4-27 or of any other law to the contrary, any municipality may anticipate as a miscellaneous revenue in its 1982 budget the total amount of all

payments due and payable to the municipality during the fiscal year, directly or indirectly, as a result of the sale of property by the municipality, when the obligation to make payment is entered into prior to March 18, 1982.

7. Notwithstanding the provisions of section 3-16 of P. L. 1950, c. 210 (C. 40:69A-46), the mayor shall submit to the council his recommended 1982 budget on or before February 19.

8. Notwithstanding the provisions of section 9-17 of P. L. 1950, c. 210 (C. 40:69A-97), the municipal manager shall submit to the council his recommended 1982 budget on or before February 19.

9. This act shall take effect immediately and shall expire December 31, 1982.

Approved February 5, 1982.

CHAPTER 5

AN ACT concerning the Budget Message to be transmitted by the Governor to the Legislature for the fiscal year July 1, 1982 to June 30, 1983.

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

1. Notwithstanding the provisions of any other law, the Governor shall transmit his Budget Message for the fiscal year July 1, 1982 to June 30, 1983 to the Legislature on or before March 15, 1982.

2. This act shall take effect immediately.

Approved February 5, 1982.

CHAPTER 6

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, 1982 and regulating the disbursement thereof," approved June 30, 1981 (P. L. 1981, c. 190).

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

1. The following additional sum is appropriated out of the General Fund for the purpose specified:

STATE AID

DEPARTMENT OF COMMUNITY AFFAIRS

Community Development and Environmental Management

41 Community Development Management—State Aid

03-8040 Division of State and Regional Planning

State Aid:

Hackensack Meadowlands Municipal Committee . . . (\$50,000*)

Total Appropriation, Community Development Management	\$50,000*
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2. This act shall take effect immediately.

* Reduced to \$32,500 by line item veto of the Governor.

See statement following.

Approved March 1, 1982.

STATEMENT TO ASSEMBLY BILL No. 612

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Assembly Bill No. 612 at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This bill makes a supplemental appropriation of \$50,000 to the Hackensack Meadowlands Municipal Committee. This sum coupled with the current appropriation of \$15,000 for the committee would give the committee a total of \$65,000 for the State's Fiscal Year 1982. Since we are already halfway through the fiscal year, I believe that the committee should receive half this amount, namely \$32,500. Accordingly, I am reducing the appropriation to \$32,500.

On page 1, section 1: "8040 Division of State and Regional Planning, State Aid: Hackensack Meadowlands Municipal Committee \$50,000"

This item is reduced to \$32,500.

Respectfully,

/s/ THOMAS H. KEAN,
Governor.

[SEAL]

Attest:

/s/ W. CARY EDWARDS,
Chief Counsel.

CHAPTER 7

AN ACT concerning public evening education and amending N. J. S.
18A:48-1.

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

1. N. J. S. 18A:48-1 is amended to read as follows:

Public evening schools.

18A:48-1. The board of education of any school district may establish and maintain public evening schools for the instruction of persons over 16 years of age. Unless such evening schools are maintained for at least 64 evening sessions of at least 2 hours each in each year and at least 3 evening sessions each week, the amount of State school aid payable to such district for the ensuing year shall be determined without including therein any sum for evening school pupils. Each board of education may, to the extent its facilities will permit and subject to the regulations of the Department of Education, accept students who are residents of any other school district in the State. For the purposes of calculating State school aid for approved public evening schools, the number of students shall be the sum of the resident and nonresident students.

2. (New section) For the purpose of calculating State aid for the 1982-1983 school year in districts in which the out-of-district adult evening school students attending approved public evening schools were excluded from the enrollment count on September 30, 1981, the resident enrollment shall include such out-of-district public evening school students.

3. This act shall take effect immediately.

Approved March 2, 1982.

CHAPTER 8

AN ACT concerning the merger or acquisition of certain depository 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. 17:16J-1 Definitions.

1. For the purposes of this act:

a. "Acquired depository" is a depository which is acquired as a result of a supervisory acquisition as provided in this act;

b. "Acquiring company" is a company which acquires one or more depositories as a result of a supervisory acquisition as provided in this act;

c. "Acquiring depository" is a depository which acquires one or more depositories as a result of a supervisory acquisition as provided in this act;

d. "Association" means a state chartered or federally chartered mutual savings and loan association or building and loan association which has its principal office in this State;

e. "Bank" means a state chartered or federally chartered bank which has its principal office in this State;

f. "Capital stock association" means an association organized pursuant to the provisions of P. L. 1974, c. 137 (C. 17:12B-244 et seq.), or a federally chartered capital stock association which has its principal office in this State;

g. "Capital stock savings bank" means a savings bank organized pursuant to the provisions of P. L. 1982, c. 9 (C. 17:9A-8.1 et seq.), or a federally chartered capital stock savings bank with its principal office in this State;

h. "Commissioner" means the Commissioner of Banking;

i. "Company" means (1) a corporation which is approved by the Board of Governors of the Federal Reserve System as a bank holding company, the operations of whose banking subsidiary or subsidiaries are principally conducted in this State, and which owns at least 25% of the stock of a bank in this State, or (2) a corporation which is approved by the Federal Home Loan Bank Board as a capital stock association holding company, the operations of whose subsidiary association or associations are principally conducted in this State, and which owns at least 25% of the stock of a capital stock association in this State;

j. "Department" means the Department of Banking;

k. "Depository" and "depository institution" mean a state chartered and a federally chartered corporation with its principal office in this State, which is authorized by the laws of this State or of the United States to receive deposits, and include only banks, savings banks, associations, capital stock savings banks, and capital stock associations;

l. "Foreign depository" means a state chartered or federally chartered depository with its principal office in a state other than this State (1) which is empowered to receive deposits; (2) whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, any other instrumentality of the United States, or any other state-approved insurance program, which is organized for the purpose of insuring time and demand deposits; and (3) which is empowered by the laws of the United States or the state of its domicile to merge into or acquire similar institutions organized under the laws of the other states of the United States;

m. "Merging depository" means a depository which merges into or is to be merged into one or more other depositories as provided in this act;

n. "Mutual depository" means an association or a savings bank as defined in subsection d. or q. of this section;

o. "Receiving depository" means a depository into which one or more depositories are merged or are to be merged as provided in this act;

p. "Resulting depository" is a depository which is created by the merger of two or more depositories;

q. "Savings bank" means a state chartered or federally chartered mutual savings bank which has its principal office in this State;

r. "Supervisory acquisition" means the acquisition of a depository to be operated as a subsidiary pursuant to the provisions of section 2 or 3 of this act;

s. "Supervisory merger" means a merger, consolidation or purchase of assets and assumption of liabilities effected under the conditions prescribed by section 2 or 3 of this act.

C. 17:16J-2 Supervisory acquisition or merger.

2. The commissioner may, if he deems it to be in the public interest, authorize a supervisory acquisition by a company or a supervisory acquisition or supervisory merger between two or more depositories under the terms and conditions established by this act if at least one of the depositories to be merged or acquired:

a. Has, in the opinion of the commissioner, a ratio of capital stock, surplus, undivided profits, and reserves to total assets which is declining to the extent that the ratio would reach a level of 2% or less within the ensuing 12 months; or

b. Does not have sufficient funds, as determined by the commissioner, to meet the liabilities and obligations of the depository during the ensuing 12 months.

C. 17:16J-3 Tests for merger or acquisition.

3. The commissioner shall have the authority to direct a depository to merge into or be acquired by another depository or a company only if the depository to be merged or acquired meets one of the following tests:

a. The depository has, in the opinion of the commissioner, a ratio of capital stock, surplus, undivided profits, and reserves to total assets which is declining to the extent that the ratio would reach a level of 1% or less within the ensuing 12 months; or

b. The depository does not have sufficient funds, as determined by the commissioner, to meet the liabilities and obligations of the depository during the ensuing 6 months.

C. 17:16J-4 Priority for acquisition.

4. a. The commissioner shall give priority to a proposal for supervisory acquisition of a depository over a proposal for supervisory merger, if the acquisition would be deemed by him to be feasible and to result in the successful operation of the acquired depository.

b. The commissioner shall give priority to supervisory acquisitions by or supervisory mergers with like institutions, without regard as to whether the like institutions are stock or mutual, if the acquisition or merger is deemed by him to be feasible and to result in the successful operation of the acquired or resulting depository.

c. In the case of a supervisory merger or supervisory acquisition involving two or more depositories, the commissioner shall take into account the relative sizes of the depositories involved.

C. 17:16J-5 Plan of acquisition.

5. If a supervisory acquisition is to take place, two-thirds of the members of the board of directors or managers of each company or depository which seeks to acquire another depository pursuant to this act, and two-thirds of the members of the board of directors or managers of a depository which is to be acquired shall authorize the execution of a plan of acquisition, which shall be submitted to the commissioner and which shall contain:

a. The name and address of the acquiring company or depository;

b. The name and address of the depository or depositories to be acquired;

- c. The name by which the acquired depository will be known after the acquisition is effected;
- d. The names of the persons who are directors or managers of the acquiring company or depository;
- e. The names of the persons who will be directors or managers of the acquiring company or depository;
- f. The names of the persons who will be directors of the acquired depository;
- g. The names of the persons who will be officers of the acquired depository;
- h. The locations then occupied by the principal offices and branches of the acquired depository;
- i. The locations at which the principal office and the branch offices of the acquired depository are to be maintained;
- j. The effective date of the acquisition;
- k. If the acquired depository will be a stock depository, the amount of the capital stock, the classes of stock to be issued, the number of shares into which it will be divided, the par value, if any, of each share, and the amount of surplus which the acquired depository will have after the acquisition is effected;
- l. If the acquired depository is to be a mutual depository, the amount of reserves, surplus, and capital deposits which it will have after the acquisition is effected;
- m. The terms and conditions of the acquisition, and the mode of carrying it into effect, including the manner of exchanging the shares, capital notes, or cash of the acquired depository or the means of effecting the bulk purchase of assets of the acquired depository;
- n. If an acquiring mutual depository or an acquired mutual depository is to convert to stock as an incident of the acquisition, the basis upon which the conversion will be effected;
- o. The names and addresses of all depositories, some or all of whose shares of capital stock are owned by the acquiring depository or company, with the total number of shares of each depository issued and outstanding, and the number of shares of each depository owned by the acquiring company or acquiring depository;
- p. Any other provision which may be necessary to effect the acquisition.

The commissioner, if he deems the supervisory acquisition to be in the public interest, may waive the provisions of any law or

regulation pertaining thereto, including, but not limited to, any regulation which would restrict the purchasing institution's ability to make the purchase because the cost of the acquisition would exceed an established percentage of the purchasing institution's capital stock and surplus. The acquired depository shall be a subsidiary and shall be governed by any laws under which organized.

If, after the initial acquisition, the parent depository or company desires to effect a merger with the subsidiary depository, it shall make application for a merger, which may be approved by the commissioner if he deems it to be in the public interest. The merger shall be effected pursuant to the provisions of this act, except that the subsidiary depository need not meet the test established by section 2 of this act.

C. 17:16J-6 Merger agreement.

6. If a supervisory merger pursuant to section 2 or 3 of this act is to take place, two-thirds of the members of the board of directors of a bank, association, or a capital stock association, or two-thirds of the members of the board of managers or directors of a savings bank or a capital stock savings bank, as the case may be, who are parties to the merger, shall authorize the execution of the merger agreement, which shall be submitted to the commissioner and which shall contain:

- a. The name of each merging depository, and the locations of its principal office and branch offices;
- b. The name of the receiving depository and the locations of its principal office and branch offices;
- c. The name by which the resulting depository will be known after the merger is effected;
- d. The names of the persons who will be directors or managers of the resulting depository;
- e. The names of the persons who will be officers of the resulting depository;
- f. The location at which the principal office of the resulting depository is to be maintained;
- g. The locations then occupied by the principal offices and branch offices of the merging and receiving depositories which will be continued as branch offices of the resulting depository;
- h. The effective date of the merger;
- i. If the resulting depository will be a capital stock depository, the amount of the capital stock, the classes of stock to be issued,

the number of shares into which it will be divided, the par value, if any, of each share, and the amount of surplus which the resulting depository will have after the merger is effected;

j. If the resulting depository will be a mutual depository, the amount of reserves, surplus, and capital deposits which the resulting depository will have after the merger is effected;

k. If the resulting depository is to be a capital stock depository, the basis upon which the bulk transfer of assets or shares of each merging depository will be exchanged for shares of the capital stock of a depository or a company, or for capital notes, or for cash, or for any one or more or all of the foregoing, as the case may be;

l. If the resulting depository is a mutual depository, the basis upon which a sale or bulk transfer of assets is to be accomplished;

m. If a mutual depository is to convert to a stock depository attendant to the merger, the basis upon which the conversion will be effected;

n. Any other provisions which may be necessary or appropriate to effectuate the merger.

C. 17:16J-7 Additional provisions.

7. If a mutual depository is a party to a supervisory merger or a supervisory acquisition, the merger agreement or plan of acquisition shall also contain:

a. A provision that each depositor of a mutual depository shall have an account in the resulting or acquired depository equal in amount to the depositor's account in the mutual depository;

b. If the supervisory merger or supervisory acquisition results in the conversion of a mutual depository to a stock depository, a provision setting forth the participation, if any, by officers, directors, and employees of the mutual depository and their associates in the cash, capital stock or capital notes of the receiving, resulting, or acquired depository or company or in other products of the merger or acquisition, which shall be subject to the approval of the commissioner. The term "associate," as used in this paragraph, means parents, spouse, sisters, brothers, children, and the spouse of any of the foregoing persons; any corporation of which the person is an officer, director or owner of more than 10% of the outstanding voting stock of the corporation; any trust of which the person is a trustee or substantial beneficiary; and any partnership in which the person is a general or limited partner. The interests of the directors, officers, employees, and associates shall be dis-

closed in the application for merger or acquisition filed with the commissioner. Each depositor of the merging mutual depository as of the date of merger or acquisition shall receive any rights with respect to the capital stock of the receiving, resulting, or acquired depository or company, or other products of the merger or acquisition as may be approved by the commissioner, and these rights shall be consistent with the provisions of federal law for federally chartered mutual depositories.

C. 17:16J-8 Liquidation account.

8. In the event of a merger of two mutual depositories or the conversion of a mutual depository to a capital stock depository, which is related to a supervisory merger or supervisory acquisition, the merger agreement or plan of acquisition may provide for the establishment and maintenance of a liquidation account for the benefit of the account holders of the merging or converted mutual depository in the event of the subsequent liquidation of the resulting or acquiring depository. The account shall be in an amount approved by the commissioner, and shall be maintained by the resulting or acquiring depository for a length of time determined by the commissioner. Payment to depositors entitled to an interest in the liquidation account shall be made in a manner prescribed by the commissioner.

C. 17:16J-9 Supervisory merger methods.

9. A merger agreement shall provide for supervisory mergers by any one, or by any combination of, or by all of the following methods:

- a. The exchange of shares of capital stock of each merging depository for shares of capital stock of the receiving or resulting depository;
- b. The exchange of shares of capital stock of each merging depository for shares of capital stock of a company;
- c. The exchange of shares of capital stock of each merging depository for capital notes or mutual capital certificates of the receiving or resulting depository;
- d. The exchange of shares of capital stock of each merging depository for cash or mutual capital certificates received from the receiving or resulting depository or company;
- e. The exchange of shares of capital stock of each merging depository for the capital notes of a company, when the receiving depository is a subsidiary of the company;

f. The transfer, sale, or exchange of all or any part of the assets of a depository to the receiving depository for cash, capital stock, mutual capital certificates, or accounts;

g. Any other method approved by the commissioner.

C. 17:16J-10 Submission to commissioner.

10. Each depository which is a party to a supervisory merger or a supervisory acquisition shall submit to the commissioner: a. an executed merger agreement or plan of acquisition approved by resolution of the board of directors or board of managers; and b. any other information which the commissioner deems necessary to complete the application for a supervisory merger or a supervisory acquisition. Upon the approval of the merger agreement or plan of acquisition by the commissioner, the merger agreement or plan of acquisition, endorsed by each party to the merger or acquisition as being duly approved by the board, shall be filed with the department. Each depository which is a bank, capital stock savings bank, or capital stock savings and loan association shall mail a copy of the merger agreement or plan of acquisition to each of its stockholders.

C. 17:16J-11 Approval by stockholders.

11. If the commissioner approves the merger agreement or plan of acquisition, it shall be submitted to the stockholders of each merging party or each party to an acquisition which is a bank, a capital stock savings bank, or a capital stock association, at separate meetings called for that purpose within a time period established by the commissioner. The merger agreement or plan of acquisition shall be approved by the stockholders of each capital stock depository holding at least two-thirds of the capital stock entitled to vote, and that fact shall be certified to the commissioner by the president or vice president.

A stockholder of a depository which is a bank or capital stock savings bank which is a party to a supervisory merger shall have the same rights afforded to stockholders by sections 140 through 145 of P. L. 1948, c. 67 (C. 17:9A-140 to 17:9A-145). A member of an association or a stockholder of a capital stock association which is a party to a supervisory merger shall have the same rights afforded to members of associations and stockholders of capital stock associations by section 199 of P. L. 1963, c. 144 (C. 17:12B-199) and section 36 of P. L. 1974, c. 137 (C. 17:12B-266). A stockholder of a bank or capital stock savings bank which is a party to a supervisory acquisition shall have the same rights

afforded to stockholders by sections 6 through 15 of P. L. 1969, c. 118 (C. 17:9A-360 to 17:9A-369).

C. 17:16J-12 When merger effective.

12. The merger shall become effective upon the last to occur of the following:

a. In the case of a mutual depository, on the date the approved merger agreement or plan of acquisition is filed with the department as provided in section 10 of this act;

b. In the case of a capital stock depository, on the date the stockholders' vote is certified to the commissioner as provided in section 11 of this act; or

c. Where required, all necessary federal approvals have been obtained or waived.

C. 17:16J-13 Corporate existence to be merged.

13. Upon the merger of one depository institution into another, and after the merger agreement is approved, endorsed and filed:

a. The corporate existence of the merging depository shall be merged into that of the receiving depository, and all its rights, privileges and franchises, and its right, title and interest in and to all property of whatever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest or asset of value or benefit then existing which would inure to it under an unmerged existence, shall be transferred to and vested in the depository into which it has merged, without further act or deed and without any right of reversion. The resulting depository shall have and hold the same in its own right as fully as the same was possessed and held by the merging depository;

b. The rights, liabilities, obligations and relations of the merging depository to any person shall remain unimpaired, and the resulting depository shall, by the merger, succeed to all the relations, obligations, and liabilities, as though it had itself assumed or incurred them. No obligation or liability of a member, depositor, or stockholder of a depository which is a party to a merger shall be affected by the merger, but the obligations and liabilities shall continue as they existed before the merger;

c. A pending action or other judicial proceeding to which a merging depository is a party shall not abate or be discontinued by reason of the merger, but may be prosecuted to final judgment, order or decree as if the merger has not been effected, or the resulting depository may be substituted as a party to the action or proceeding, and any judgment, order or decree may be rendered for

or against it that might have been rendered for or against the other depository if the merger had not occurred;

d. Notwithstanding the provisions of any other law, the resulting depository shall, unless otherwise authorized by the commissioner, establish and maintain its principal office and branch offices at the locations specified in the merger agreement; and

e. If the merging depository provides trust services, all fiduciary and agency duties and relationships of the merging depository shall vest in the resulting depository and be performed by it in the same manner as though the resulting depository itself originally assumed the fiduciary agencies and relationships.

C. 17:16J-14 Acquisition of foreign depositories.

14. Any state chartered depository may purchase or otherwise acquire one or more foreign depositories to the same extent and in the same manner that a federally chartered depository having its principal office in this State may purchase or otherwise acquire one or more foreign depositories. This acquisition shall be subject to the approval of the commissioner, who in so doing shall apply standards similar to those to be applied by the applicable federal regulatory authority in the event of acquisition by a federal depository.

C. 17:16J-15 Merger into federally chartered depository.

15. In the case of a supervisory merger, the commissioner may authorize a state chartered depository to merge into, consolidate with, or sell its assets and transfer its liabilities to a federally chartered depository which has its principal office in this State, pursuant to the provisions of federal law, and notwithstanding any restriction or prohibition under the laws of this State. The provisions of sections 5 through 14 of this act shall not apply to a supervisory merger pursuant to the provisions of this section.

C. 17:16J-16 Waiver of provisions.

16. To protect the interest of the depositors of any depository in a supervisory merger or acquisition, the commissioner may waive the provisions of this or any other law or regulation if he deems it necessary to effectuate the purposes of this act. With respect to stockholders of a depository which is a party to a supervisory merger or supervisory acquisition, if the commissioner waives the stockholder voting provisions of this act, he shall require that the merger agreement include a provision which will provide stockholders with substantially the same right of dissent and appraisal of their shares which they would have had if the merger

or acquisition had been effected without a waiver of the stockholders' vote.

C. 17:16J-17 No acquisition by foreign depository.

17. Nothing in this act is intended to authorize the merger by or the acquisition of stock or the assets of a depository by a foreign depository, or a company other than as defined in subsection i. of section 1 of this act.

C. 17:16J-18 No limitation on other powers.

18. Nothing in this act shall be deemed to limit any power otherwise granted to the commissioner or to any depository by law.

C. 17:16J-19 Commissioner immune from liability.

19. The commissioner shall not be subject to any civil liability or penalty nor to any criminal prosecution for any error in judgment or discretion in any action taken or omitted by him in good faith under the provisions of this act.

C. 17:16J-20 Rules and regulations.

20. The commissioner may promulgate rules and regulations necessary to effectuate the purposes of this act.

C. 17:16J-21 Annual report.

21. The commissioner shall provide a written annual report to the chairmen of the Assembly Banking and Insurance Committee and the Senate Labor, Industry and Professions Committee, or their successors, setting forth the nature and general terms and conditions of any supervisory merger or supervisory acquisition effectuated pursuant to the provisions of this act during the preceding year. The report shall be provided to the chairmen each year following the effective date of this act.

22. This act shall take effect immediately.

Approved March 4, 1982.

CHAPTER 9

AN ACT to provide for the establishment of capital stock savings banks and for the conversion of mutual savings banks to capital stock savings banks, and supplementing P. L. 1948, c. 67 (C. 17:9A-1 et seq.).

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

C. 17:9A-8.1 Definitions.

1. For the purposes of this act:
 - a. "Capital stock savings bank" means a savings bank organized or converted pursuant to this act;
 - b. "Commissioner" means the Commissioner of Banking;
 - c. "Department" means the Department of Banking.

C. 17:9A-8.2 Certificate of incorporation.

2. Nine or more persons, over the age of 18 years, may incorporate a capital stock savings bank in this State on the terms and provisions prescribed by this act. They shall execute and acknowledge a certificate of incorporation stating:

- a. The name by which the capital stock savings bank shall be known;
- b. The street, street number, if any, and municipality in which the principal office of the capital stock savings bank is to be located;
- c. The amount of the capital stock, the number of shares into which it is divided, and the par value of each share;
- d. The amount of surplus with which the capital stock savings bank will commence business;
- e. The names and addresses of the incorporators;
- f. The number of directors, or that the number of directors shall be not less than a stated minimum or more than a stated maximum;
- g. The names of the persons who will serve as directors until their successors are elected and qualify;
- h. Any fiduciary powers that the capital stock savings bank shall be authorized to exercise; and
- i. Any other provisions, not inconsistent with this act, which the incorporators choose to insert for the regulation of the business and affairs of the capital stock savings bank.

C. 17:9A-8.3 Capital stock.

3. The capital stock for every capital stock savings bank hereafter organized shall be the amount required for banks pursuant to the provisions of section 4 of P. L. 1948, c. 67 (C. 17:9A-4). Every capital stock savings bank shall, on its organization, establish a fund at least equal to 5% of its capital stock as a reserve fund for organization expense. Organization expense shall mean all lawful expense incurred prior to the commencement of business. Any unexpended balance in the fund shall be credited to undivided profits. The par value of the shares of the capital stock issued by any savings bank shall not be less than \$2.00 per share. Every

capital stock savings bank shall commence business with a surplus at least equal to 20% of its capital stock.

C. 17:9A-8.4 Governed by Article 4.

4. Application for a charter, a hearing thereon, and approval by the commissioner shall be governed by the provisions of Article 4 of P. L. 1948, c. 67 (C. 17:9A-9 et seq.).

C. 17:9A-8.5 Authorized but unissued stock.

5. a. A capital stock savings bank may, in its original or amended certificate of incorporation, make provision for authorized but unissued stock. This stock may, with the approval of the commissioner, be issued for those purposes, in addition to the purposes expressly authorized by law, and for any consideration which the board of directors may determine. So long as this stock remains unissued, it shall not constitute capital stock for the purposes of the act to which this act is a supplement.

b. Prior to the time when authorized but unissued shares are issued by a capital stock savings bank, a certificate made by two officers of the savings bank, one of whom shall be the president or a vice-president, shall be filed with the department. The certificate shall state: (1) the amount of the authorized but unissued stock which will be issued; (2) the consideration which will be received by the capital stock savings bank on the issuance of the stock; (3) the date the stock will be issued; (4) the amount of the capital stock which will be outstanding; and (5) the amount of surplus after giving effect to the issue. If the commissioner finds that the original or amended certificate of incorporation provides for authorized but unissued stock, and if he finds that the issuance of this stock will not be in violation of law or contrary to the public interest, he shall endorse his approval upon the certificate and file it with the department. A certificate filed with the department pursuant to this section shall be deemed for all purposes to be an amendment of the certificate of incorporation.

c. A capital stock savings bank may issue preferred stock in accordance with the provisions of Article 20 of P. L. 1948, c. 67 (C. 17:9A-124 to 17:9A-130).

C. 17:9A-8.6 Amendments.

6. Amendments to the certificate of incorporation of a capital stock savings bank shall be effected pursuant to the provisions of Article 19 of P. L. 1948, c. 67 (C. 17:9A-116 to 17:9A-123).

C. 17:9A-8.7 Bylaws.

7. The stockholders of a capital stock savings bank shall have the power to make, alter and repeal bylaws pursuant to the provisions of Article 16 of P. L. 1948, c. 67 (C. 17:9A-76 to 17:9A-78).

C. 17:9A-8.8 Governed by Article 17.

8. The annual meetings, voting rights of stockholders, liability of stockholders, and the maintenance of a capital stock savings bank's books and records shall be governed by the provisions of Article 17 of P. L. 1948, c. 67 (C. 17:9A-79 to 17:9A-100).

C. 17:9A-8.9 Dividends.

9. A capital stock savings bank may declare dividends on its capital stock pursuant to the provisions of section 52 of P. L. 1948, c. 67 (C. 17:9A-52).

C. 17:9A-8.10 Stock options.

10. A capital stock savings bank shall have the authority to grant stock options to officers and employees pursuant to the provisions of P. L. 1964, c. 202 (C. 17:9A-27.50 to 17:9A-27.54).

C. 17:9A-8.11 Merger.

11. A capital stock savings bank may merge with another savings bank, whether mutual or capital stock, pursuant to the provisions of Article 21 of P. L. 1948, c. 67 (C. 17:9A-132 to 17:9A-148).

C. 17:9A-8.12 Saving bank laws control.

12. All other powers, rights, and privileges not expressly provided for in this act shall be governed by the laws of this State relating to savings banks; but in any case where any power of investment of a mutual savings bank is limited to a percentage of its capital deposits or surplus, any limitation upon a stock savings bank shall be expressed in terms of total capital funds, as defined by the commissioner by regulation.

C. 17:9A-8.13 Conversion.

13. a. A savings bank which is organized pursuant to the provisions of P. L. 1948, c. 67 (C. 17:9A-1 et seq.) may convert itself into a capital stock savings bank with the same effect as though originally incorporated as a capital stock savings bank pursuant to the provisions of this act.

b. When, in the judgment of two-thirds of the members of the board of the savings bank, it is deemed advisable and in the best interests of its depositors that the savings bank shall be converted into a capital stock savings bank, the board shall adopt a resolution to that effect, and follow procedures prescribed by the commissioner.

A copy of the minutes of the proceedings of the board shall be filed in the office of the commissioner within the time and in the form and manner prescribed by the commissioner.

c. The managers of the savings bank shall be deemed the incorporators of the capital stock savings bank and shall execute a certificate of incorporation as provided for in section 1 of this act, together with an application for conversion which shall contain the plan of conversion established pursuant to this act. Upon finding by the commissioner that:

(1) the plan of conversion has been adopted and approved by the board of managers as provided herein; and

(2) the plan of conversion is fair and equitable to all depositors; and

(3) sufficient provision has been made to protect the interests of the depositors of the prospective capital stock savings bank; he shall issue a certificate of approval of the conversion which shall be endorsed upon or annexed to the certificate of incorporation.

d. Upon the conversion of the savings bank, the legal existence of the savings bank shall not terminate but the capital stock savings bank shall be a continuation of the entity of the savings bank and all property of the savings bank, including its right, title and interest in and to all property of whatever kind and nature, whether real, personal, or mixed, and things, and choses in action, and every right, privilege, interest and asset of every conceivable value or benefit then existing or pertaining to it, or which would inure to it, immediately by operation of law and without the necessity of any conveyance or transfer and without any further act or deed shall vest in the capital stock savings bank into which the savings bank has converted itself. The capital stock savings bank shall have, hold, and enjoy the same in its own right as fully and to the same extent as the same was possessed, held and enjoyed by the savings bank. The capital stock savings bank at the time and the taking effect of the conversion shall continue to have and succeed to all the rights, obligations and relations of the savings bank. All pending actions and other judicial or administrative proceedings to which the savings bank was a party shall not be discontinued by reason of the conversion, but may be prosecuted to final judgment or order in the same manner as if the conversion had not been made and the capital stock savings bank resulting from the conversion may continue the actions in its corporate name notwithstanding the conversion. Any judgment or order may be ren-

dered for or against it which might have been rendered for or against the savings bank involved in the judicial proceedings.

C. 17:9A-8.14 Plan of conversion.

14. The conversion of a savings bank into a capital stock savings bank shall be effected in accordance with the plan of conversion adopted by two-thirds of the members of the board, and approved by the commissioner, pursuant to the provisions of this act. The plan shall provide:

a. That each depositor in the savings bank shall receive an equivalent type of account in the capital stock savings bank equal in amount to his account in the savings bank;

b. A record date for determining the respective interests of depositors in the savings bank, which date shall be established and published by the commissioner from time to time in his discretion;

c. That participation in the initial issuance of capital stock by officers, directors, and employees of the capital stock savings bank and their associates shall be in accordance with regulations promulgated by the commissioner. For the purposes of this subsection, the term "associate" of a person shall mean parents, spouse, sisters, brothers, children or anyone married to one of the foregoing persons; any corporation of which the person is an officer, director or owner of more than 10% of the outstanding voting stock; any trust of which the person is a trustee or substantial beneficiary; and any partnership in which the person is a general or limited partner;

d. That the interests of managers or directors, officers, employees and associates, as that word is defined in subsection c. of this section, shall be disclosed in the application for conversion filed with the commissioner;

e. That each depositor as of the record date shall receive any rights with respect to the capital stock of the capital stock savings bank as may be prescribed by the commissioner;

f. A date upon which the savings bank shall advise qualified depositors of their rights and elections with respect to conversion. The form and content of the notice shall be prescribed by the commissioner;

g. A provision for a liquidation account on terms established or approved by the commissioner.

C. 17:9A-8.15 Adequate capital structure.

15. After conversion pursuant to the provisions of this act, each capital stock savings bank shall maintain an adequate capital struc-

ture appropriate for the conduct of its business and the protection of its depositors. The adequacy of the capital of a capital stock savings bank shall be determined by the commissioner after an evaluation of the character of management, the liquidity of assets, a history of earnings and the retention thereof, the potential volatility of the deposit structure and the capital stock savings bank's capacity to furnish the broadest services to the public.

C. 17:9A-8.16 Approval by commissioner.

16. No savings bank or capital stock savings bank shall convert to a federal savings bank without the approval of the commissioner. The commissioner shall approve the conversion if he finds it to be in the public interest.

C. 17:9A-8.17 Rules and regulations.

17. The commissioner may promulgate rules and regulations necessary to effectuate the purposes of this act.

18. This act shall take effect immediately.

Approved March 4, 1982.

CHAPTER 10

AN ACT to amend "An act authorizing any city of the fourth class by ordinance, subject to referendum, to impose, in the municipality, certain retail sales and services taxes and providing for the collection thereof," approved April 19, 1947 (P. L. 1947, c. 71).

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

1. Section 7 of P. L. 1947, c. 71 (C. 40:48-8.21) is amended to read as follows:

C. 40:48-8.21 Apportionment of revenues.

7. All revenues collected under any such ordinance by the Director of the Division of Taxation pursuant to section 1 of P. L. 1980, c. 60 (C. 54:32B-24.1) shall be apportioned according to the following schedule:

(a) Through June 30, 1981, all such revenues shall be deposited in the general fund of the municipality and may be used for general municipal purposes, including the reduction and liquidation of

bonded indebtedness, the payment of salaries, construction, reconstruction, maintenance and repair of municipal buildings, installations and properties, and for such other purposes as may be provided by existing ordinance or ordinances hereafter enacted for general municipal purposes;

(b) For revenues collected during the period from July 1, 1981 through February 28, 1982, $66\frac{2}{3}\%$ of such revenues shall be paid to the municipality and deposited and used as provided in subsection (a) of this section and $33\frac{1}{3}\%$ of such revenues shall be retained by the State Treasurer for deposit in the fund established pursuant to the provisions of section 5 of P. L. 1979, c. 273 (C. 40:48-8.30), to be used and distributed according to the terms herein provided;

(c) For revenues collected during the period from March 1, 1982 through June 30, 1982, $\frac{2}{7}$ of such revenues shall be paid to the municipality and deposited and used as provided in subsection (a) of this section, and $\frac{5}{7}$ of such revenues shall be retained by the State Treasurer for deposit in the fund established pursuant to section 5 of P. L. 1979, c. 273 (C. 40:48-8.30) and be distributed according to the terms of this amendatory and supplementary act;

(d) On and after July 1, 1982, all such revenues shall be retained by the State Treasurer for deposit in the fund established pursuant to section 5 of P. L. 1979, c. 273 (C. 40:48-8.30) and distributed according to the terms herein provided.

2. This act shall take effect immediately.

Approved March 11, 1982.

CHAPTER 11

AN ACT to designate the second week of March in each year as "Women's History Week," and providing for the issuance by the Governor of an annual proclamation thereof.

WHEREAS, The significant and diverse roles of women in the historical development of the State of New Jersey and the United States of America have not been accorded a recognition commensurate with their importance and value to society and in

all too many instances have been ignored, dismissed or stereotyped; and

WHEREAS, The limited public awareness of and appreciation for the impact of women's historic heritage on the political, economic and cultural events which have shaped our destiny have denied for all citizens the opportunity to gain a more complete and faithful understanding of our historical development, as well as a greater sense of pride in our individual and united achievements; and

WHEREAS, The purpose of Women's History Week, which is now recognized and observed in numerous states in conjunction with "International Women's Day," is to celebrate the contributions of women in history, to direct public attention to the varied and vast scope of participation in the development of our society by those who constitute 50% of its population, and to encourage further study of women's activities and accomplishments; and

WHEREAS, It is altogether fitting and proper that this State join with others throughout this great Nation to promote public understanding of and pride in the significant individual and collective accomplishments of women and the value and importance of these contributions to the historical development of this State and Nation; now, therefore,

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

C. 36:2-4 Women's History Week.

1. The second week of March in each year shall be designated as "Women's History Week" in the State of New Jersey in recognition of the significant and diverse contributions of women to the development of both the State of New Jersey and the United States of America.

C. 36:2-5 Proclamation by Governor.

2. The Governor is requested to issue a proclamation proclaiming the aforesaid designation and with the Legislature to call upon all citizens of the State, all educational institutions and all other public and private agencies and organizations to celebrate Women's History Week by appropriate observances.

3. This act shall take effect immediately.

Approved March 19, 1982.

CHAPTER 12

AN ACT concerning the location of county facilities and amending
P. L. 1955, c. 109.

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

1. Section 1 of P. L. 1955, c. 109 (C. 40:19A-1) is amended to
read as follows:

C. 40:19A-1 Location of county offices.

1. The governing body of any county of the third class may,
by resolution or ordinance, as appropriate, provide for the estab-
lishment and maintenance of any of the county offices at any
location within the county except that the following shall not be
located without the county seat of the county, that is to say:

The county clerk's office;

The register's of deeds and mortgages office;

The sheriff's office;

The surrogate's office;

The county prosecutor's office; and

The places for holding the Superior Court within the county.

The governing body of a county may, upon the adoption of a
resolution or ordinance, as appropriate, and after a public hearing,
provide for the establishment of a county jail at any location within
the county.

2. This act shall take effect immediately.

Approved March 19, 1982.

CHAPTER 13

AN ACT to amend the "Uniform Nonpartisan Elections Law,"
approved December 31, 1981 (P. L. 1981, c. 379)

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

1. Section 15 of P. L. 1981, c. 379 (C. 40:45-19) is amended to
read as follows:

C. 40:45-19 Run-off election.

15. In any regular municipal election held under section 14 of this act, if a sufficient number of candidates do not receive a majority of the votes cast to elect the required number of councilmen-at-large (or commissioners, or village trustees) or no candidate for mayor or no candidate for ward councilman receives a majority of the votes cast for his respective office, a run-off election in the municipality or ward, as the case may be, shall be held on the fourth Tuesday next following that municipal election; unless in any year that Tuesday shall be the date upon which a primary election shall be held, in which case the run-off election shall be held on the fifth Tuesday next following the municipal election.

At the run-off election, the candidates for councilman-at-large (or commissioner, or village trustee) shall be those candidates not elected at the regular municipal election who received the greatest number of votes at that election, but the candidates shall be equal in number to twice the number of councilmen-at-large (or commissioners, or village trustees) remaining to be elected. The candidates for mayor or ward councilmen at the run-off election shall be the two candidates for the office who received the greatest number of votes at the regular municipal election. Military service ballots shall be printed and distributed for the run-off election in the same manner, so far as possible, as for other municipal elections.

The candidate or candidates who receive the greatest number of votes at the run-off election shall be elected to the office or offices to be filled. If two or more candidates shall be equal and greatest in votes for any of the purposes of this section, they shall draw lots to determine which one shall enter the run-off election, or be elected, as the case may be.

If any candidate to be voted for at the run-off election dies 7 or more days prior to the run-off election, the candidate for the office not theretofore included in the run-off election, but next highest in number of votes for that purpose shall be substituted at the run-off election in the place of the deceased candidate and his name shall be substituted on the ballots for that of the deceased candidate.

2. This act shall take effect immediately.

Approved March 25, 1982.

CHAPTER 14

AN ACT concerning county budgets.

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

1. Notwithstanding the provisions of any law to the contrary, the dates concerning the introduction and approval and adoption of county budgets for 1982 shall be as follows, if adopted by ordinance or resolution, as appropriate, of the county governing body:

a. The county governing body shall introduce and approve the annual budget not later than March 4 of the fiscal year.

b. The budget shall be adopted by the county not later than April 1, except that the governing body may adopt the budget at any time within 10 days after the Director of the Division of Local Government Services in the Department of Community Affairs has certified his approval thereof and returned the same, if the certification is later than the date of the advertised hearing.

c. The clerk of the local unit shall transmit a certified copy of the budget, as adopted, to the county board not later than May 10 of the fiscal year.

d. The governing body of a county adopting the provisions of this act may and, if any contracts, commitments or payments are to be made prior to the adoption of the 1982 budget, shall, by resolution adopted prior to March 1, 1982, make appropriations, in addition to any temporary appropriations made pursuant to N. J. S. 40A:4-19, to provide for the period between February 25 and the adoption of the 1982 budget. The total of the appropriations made shall not exceed $\frac{1}{12}$ of the total of the appropriations made for all purposes in the budget for the 1981 fiscal year, excluding, in both instances, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance.

e. Notwithstanding the provisions of N. J. S. 40A:4-27 or of any other law to the contrary, any county may anticipate as a miscellaneous revenue in its 1982 budget the total amount of all payments due and payable to the county during the fiscal year, directly or indirectly, as a result of the sale of property by the county, when the obligation to make payment is entered into prior to March 18, 1982.

2. This act shall take effect immediately and shall expire December 31, 1982.

Approved March 26, 1982.

CHAPTER 15

AN ACT to amend the title of "An act authorizing counties and municipalities to acquire, maintain, improve and operate public transportation passenger stations," approved October 20, 1964 (P. L. 1964, c. 209), so that the same shall read "An act authorizing counties and municipalities to acquire, maintain, improve and operate public transportation passenger and freight rail lines," 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. 1964, c. 209 is amended to read as follows: An act authorizing counties and municipalities to acquire, maintain, improve and operate public transportation and freight rail lines.

2. Section 1 of P. L. 1964, c. 209 (C. 40:9-2.1) is amended to read as follows:

C. 40:9-2.1 Acquisition, operation of rail lines.

1. The governing body of any county or municipality may acquire, by purchase or lease, maintain, improve, equip and operate any existing public transportation passenger or freight rail line, including its appurtenant lands and ancillary structures and facilities.

3. Section 2 of P. L. 1964, c. 209 (C. 40:9-2.2) is amended to read as follows:

C. 40:9-2.2 Lease or sale to common carrier.

2. Any county or municipality acquiring a public passenger or freight rail line may lease or sell all or portions of space or facilities to any common carrier or carriers for the conduct of their business in the sale of tickets, provision of baggage and express service and other matters relating to the conduct of the carriers' business in serving the traveling public or in providing

for the transportation of freight. The county or municipality may also by appropriate lease or contract provide for the conduct of other commercial activities for the use and convenience of the traveling public and the transportation of freight. The county or municipality may lease or sell passenger or freight rail line to any person willing and able to maintain and operate the passenger or freight rail line on such terms and conditions as it deems desirable. Any lease entered into pursuant to this section may be entered into for a period of time not exceeding the period that any bonds of the county or municipality issued for the purpose of financing the line are outstanding. As used in this section, "person" includes any person, association, partnership, corporation, nation, state or agency or subdivision thereof, or other entity, real or artificial, public or private.

4. Section 3 of P. L. 1964, c. 209 (C. 40:9-2.3) is amended to read as follows:

C. 40:9-2.3 Financing.

3. Funds to carry out the purposes of this act shall be included in the annual budget of the county or municipality as required by law and shall be appropriated as are funds for other public purposes. Any county or municipality may authorize and issue bonds or notes to finance the costs of acquisition of the public passenger or freight line in accordance with the provisions of the Local Bond Law, N. J. S. 40A:2-1 et seq., provided that the bonds shall be outstanding for a period of not exceeding 40 years.

5. This act shall take effect immediately.

Approved March 29, 1982.

CHAPTER 16

AN ACT providing for auxiliary organizations at certain public 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:64-26 Short title.

1. This act shall be known and may be cited as the "Public College Auxiliary Organization Act."

C. 18A:64-27 Definitions.

2. As used in this act:

- a. "College" means any State college.
- b. "Auxiliary organization" means an organization, subject to the provisions of this act, that performs selected functions or operations of a college while maintaining an identity distinct from that of the college.

C. 18A:64-28 Auxiliary organizations.

3. A college may establish and utilize one or more auxiliary organizations for the performance of college operations or functions.

C. 18A:64-29 Functions and operations.

4. An auxiliary organization may engage only in such operations and may serve only such functions as shall be approved by the Board of Higher Education. Such functions or operations may include, but shall not be limited to:

- a. operation of student centers;
- b. operation of student pubs;
- c. management of student dormitories;
- d. operation of college bookstores.

C. 18A:64-30 Body corporate and politic.

5. Each auxiliary organization shall be a body corporate and politic, with corporate succession. Each auxiliary organization shall have the power to contract, to sue and be sued, to make, amend and rescind rules for its own reorganization and operation, but it shall not in any manner, directly or indirectly, pledge the credit of the State.

C. 18A:64-31 Board of directors.

6. Each auxiliary organization shall have a board of directors composed of the president of the college or his designee, one member of the college board of trustees, and at least five citizens appointed by the college board of trustees, at least two of whom shall be students. The citizen members shall be appointed for 3 year terms except that the initial appointments shall be staggered so that two members shall be appointed for terms of 2 years and one member shall be appointed for a term of 1 year. There shall be no limitation on the number of terms an individual may serve. Vacancies shall be filled in the manner of the original appointment. Each member shall serve until a successor is appointed and qualified.

C. 18A:64-32 No financial interest.

7. No member of the board of directors of an auxiliary organization shall have a financial interest in any contract or other transaction entered into by the board of which he is a member. Any contract or transaction entered into in violation of this section is void. The members of the board of directors shall receive no compensation for their services, but shall be paid their necessary expenses in performing their duties.

C. 18A:64-33 "Open Public Meetings Act" applicable.

8. The board of directors is a "public body" as defined in section 3 of the "Open Public Meetings Act," P. L. 1975, c. 231 (C. 10:4-8), and shall conduct its business in accordance with the provisions of that act.

C. 18A:64-34 Bank accounts, purchases.

9. An auxiliary organization shall maintain its own bank accounts and shall make such purchases as are necessary to its operation, without regard to the provisions of P. L. 1954, c. 48 (C. 52:34-6 et seq.), pursuant to regulations promulgated by the Board of Higher Education.

C. 18A:64-35 Private legal counsel.

10. An auxiliary organization shall obtain private legal counsel and shall not be represented by the Attorney General.

C. 18A:64-36 Acceptance of gifts.

11. An auxiliary organization may accept any grant, contract, bequest, trust or gift unless the Board of Higher Education determines that acceptance would be contrary to policies of the Board of Higher Education.

C. 18A:64-37 Annual budget.

12. The annual budget of each auxiliary organization shall be approved by the board of directors of the organization.

C. 18A:64-38 Employees.

13. As may be necessary for its operation, an auxiliary organization may appoint, retain and employ officers, agents, employees and experts, who shall be within the unclassified service of the Civil Service.

C. 18A:64-39 Lease of facilities.

14. An auxiliary organization may lease or rent facilities and office space from the college, provided that it reimburses the college for the fair rental value for its use of such facilities.

C. 18A:64-40 Services to be self supporting.

15. Operations of commercial services on college campuses, such as a food service or bookstore, or such commercial services as may be provided in a college union, shall, when operated by an auxiliary organization, be self supporting. Any surplus funds from commercial operations shall be used for purposes that are consistent with the educational purposes of the institution.

C. 18A:64-41 No State liability.

16. Expenses incurred by an auxiliary organization shall be payable from funds raised by the organization, and no liability or obligation, in tort or contract, shall be incurred by the State for the operation of such an organization.

C. 18A:64-42 Financial standards.

17. The Board of Higher Education shall, prior to the operation of any auxiliary organization under this act:

a. Institute with the approval of the Director of the Division of Budget and Accounting a standard Statewide accounting and reporting system for businesslike management of the operation of auxiliary organizations.

b. Implement financial standards which will tend to assure the fiscal viability of auxiliary organizations. These standards shall include proper provision for professional management, adequate working capital, adequate reserve funds for current operations and capital replacements, insurance, and adequate provisions for new business requirements.

c. Institute procedures to assure that transactions of the auxiliary organizations are within the educational purposes of the college and the Board of Higher Education.

d. Develop policies for the appropriation of surplus funds not required to implement section 15. Uses of such funds shall be regularly reported to the board of trustees of the college.

e. Promulgate regulations determining which college employees may also be employed by the auxiliary organization and the terms and conditions of such employment.

f. Promulgate regulations for the effective enforcement of this act.

C. 18A:64-43 Certified public accountant.

18. A certified public accountant shall be selected by each auxiliary organization. Upon being notified of the certified public accountant selected by an auxiliary organization, the office of the chancellor shall forward the applicable auditing and reporting

procedures to the selected certified public accountant. In accordance with procedures prescribed by the Board of Higher Education, the certified public accountant shall annually audit the auxiliary organization's funds. Auxiliary organizations shall contract for and receive such audit annually, and shall submit the audit to the board of trustees of the college, and to the Board of Higher Education and the Director of the Division of Budget and Accounting.

C. 18A:64-44 Student associations covered.

19. Each college student government association to which student fee moneys are allocated by the college, whether or not it is an auxiliary organization subject to the provisions of this act, shall comply with the provisions of section 18 of this act.

20. This act shall take effect immediately.

Approved April 1, 1982.

CHAPTER 17

AN ACT concerning school board elections and amending N. J. S. 18A:13-12.

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

1. N. J. S. 18A:13-12 is amended to read as follows:

Organization meeting.

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 following the annual school election, 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.

2. This act shall take effect immediately.

Approved April 7, 1982.

CHAPTER 18

AN ACT concerning local school district budgets.

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

1. Notwithstanding the provisions of N. J. S. 18A:22-37, if the voters reject any of the items submitted at the annual school election in 1982, the board of education shall deliver the proposed school budget to the governing body of the municipality or of each of the municipalities included in the district within 2 days. The governing body of the municipality or of each of the municipalities included in the district shall, after consultation with the board and by April 28, determine the amount which in the judgment of said body or bodies is necessary to be appropriated for each item appearing in such budget, to provide a thorough and efficient system of schools in the district, and certify to the county board of taxation the total of the amount so determined to be necessary for each of the following:

- a. Current expenses of schools;
- b. Vocational evening schools or classes;
- c. Evening schools or classes for foreign-born residents;
- d. Appropriations to capital reserve fund; or
- e. Any capital project, the cost whereof is to be paid directly from taxes, which amounts shall be included in the taxes to be assessed, levied and collected in such municipality or municipalities for such purposes.

Within 15 days after the governing body of the municipality or of each of the municipalities included in the district shall make such certification to the county board of taxation, the board of education shall notify such governing body or bodies if it intends to appeal to the Commissioner of Education the amount which said body or bodies determined to be necessary to be appropriated for each item appearing in the proposed budget.

2. This act shall take effect immediately.

Approved April 7, 1982.

CHAPTER 19

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*:

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 notices relating to the election were not published as required by the "Absentee Voting Law (1953)," P. L. 1953, c. 211 (C. 19:57-1 et seq.), and that notices relating to the election were not published as required by the provisions of N. J. S. 18A:14-19; provided, however, that notices of the election were posted in accordance with N. J. S. 18A:14-19; and provided further, that no action, suit or other proceeding of any nature to contest the validity of the election has heretofore been instituted prior to the effective date of this act and within the time fixed therefor by or pursuant to law or rule of court, or, when that 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 April 13, 1982.

CHAPTER 20

AN ACT to amend "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1982 and regulating the disbursement thereof," approved June 30, 1981 (P. L. 1981, c. 190).

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

1. The following item appearing on page 113, lines 42-48 of P. L. 1981, c. 190 is amended to read as follows:

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 of the Senate and the Speaker of the General Assembly.

2. This act shall take effect immediately.

Approved April 13, 1982.

CHAPTER 21

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 those proceedings.

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

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at that election, are hereby ratified, validated and confirmed, notwithstanding that the notices of election were not published and posted in accordance with Title 18A of the New Jersey Statutes; provided, however, that the notices were published and posted prior to the election and, provided further, that no action, suit or other proceedings of any nature to contest the validity of the proceedings has heretofore been instituted prior to the effective date of this act and within the time fixed therefor by or pursuant to law or rule of court, or when that 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 April 13, 1982.

CHAPTER 22

AN ACT concerning the final salary of certain members of the Judicial Retirement System of New Jersey and supplementing P. L. 1973, c. 140 (C. 43:6A-1 et seq.).

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

C. 43:6A-3.1 Final salary.

1. Notwithstanding the provisions of any law, rule or regulation to the contrary, the final salary of any member who retires after January 1, 1982 shall be the annual salary to which that member would have been entitled had he been an active member of the retirement system on January 19, 1982.

2. This act shall take effect immediately and be retroactive to January 1, 1982.

Approved April 19, 1982.

CHAPTER 23

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*:

1. For the school year 1981-1982, any high school senior who withdraws from high school prior to May 1982 as a result of changes in the Social Security Educational Benefits program as amended by section 2210 of the "Omnibus Budget Reconciliation Act of 1981," P. L. 97-35 (42 U. S. C. § 402) shall receive a regular high school diploma if:

- a. The student was in good standing at the time of withdrawal;
- b. The student would have met all the State and local requirements for high school graduation upon successful completion of the 1981-1982 school year; and
- c. The student is enrolled on a full-time basis at a college or university during the 1982 Spring semester.

2. Each local board of education shall make every effort to identify students affected by the change in the Social Security Educational Benefits program; advise those students of the options available to them; and assist in appropriate college placement, whenever possible.

3. The Commissioner of Education shall provide local boards of education with whatever assistance is necessary to implement this act.

4. The Chancellor of Higher Education shall work with the colleges in an effort to provide suitable college placement for students affected by the change in benefits and arrange for the extension of admissions deadlines at the public colleges and universities of this State.

5. This act shall take effect immediately.

Approved April 22, 1982.

CHAPTER 24

AN ACT to amend and supplement the "Child Placement Review Act," approved February 27, 1978 (P. L. 1977, c. 424) and making an appropriation therefor.

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

1. Section 3 of P. L. 1977, c. 424 (C. 30:4C-52) is amended to read as follows:

C. 30:4C-52 Definitions.

3. As used in this act, unless the context indicates otherwise:

a. "Child" means any person less than 18 years of age;

b. "Child placed outside his home" means a child under the care, custody or guardianship of the division, who resides in a foster home, group home, residential treatment facility, county shelter for the care of abused or neglected children or juveniles in need of supervision, or independent living arrangement operated by or approved for payment by the division, or a child who has been placed by the division in the home of a person who is not related to

the child and does not receive any payment for the care of the child from the division;

c. "County of supervision" means the county in which the division has established responsibility for supervision of the child;

d. "Division" means the Division of Youth and Family Services in the Department of Human Services;

e. "Temporary caretaker" means a foster parent as defined in section 1 of P. L. 1962, c. 136 (C. 30:4C-26.4) or a director of a group home or residential treatment facility.

2. Section 8 of P. L. 1977, c. 424 (C. 30:4C-57) is amended to read as follows:

C. 30:4C-57 Child placement review boards.

8. The assignment judge in each county shall establish as an arm of each juvenile and domestic relations court one or more child placement review boards. The number of review boards in each county shall be based on the number of reviews conducted in the previous calendar year, so that, where practicable, there shall be at least one review board for each 200 reviews. Each board shall consist of five members to be appointed by the judge from among the residents of such county. The judge also may appoint to each board up to two alternate members, who shall serve as regular members when a quorum of regular members is not present. Each member shall be a person who has either training, experience or interest in issues concerning child placement or child development. Each board shall, to the maximum extent feasible, represent the various socioeconomic, racial and ethnic groups of the county in which it serves. The judge shall annually select one of the regular members of the board as chairperson.

Members shall be appointed for terms of 3 years, except that of those initially appointed, one shall be for a term of 1 year, two for terms of 2 years, and two for terms of 3 years. Members shall serve after the expiration of their terms until their respective successors shall have been appointed. Vacancies shall be filled for the duration of the unexpired terms. Members shall serve without compensation but shall be reimbursed for such reasonable and necessary expenses incurred in the performance of their official duties. The governing body of the county in which the board serves may, at its discretion, provide for reimbursement to review board members for such additional and reasonable expenses as the governing body may determine.

In accordance with guidelines and procedures established by the Supreme Court, members shall attend initial training sessions within 6 months of their appointment and any other training sessions required by the court.

Each board shall meet at such times as it shall determine. Each juvenile and domestic relations court shall provide its board with reasonable and necessary administrative and clerical support services. These services shall include obtaining and reviewing information requested by the board, preparing and dispatching all notices and reports required under P. L. 1977, c. 424 (C. 30:4C-50 et seq.), arranging for board meetings and maintaining a permanent record of all board proceedings, collecting statistical data and serving as a liaison to the division.

3. Section 9 of P. L. 1977, c. 424 (C. 30:4C-58) is amended to read as follows:

C. 30:4C-58 Board to act on behalf of court.

9. Each board shall act on behalf of the juvenile and domestic relations court in reviewing the case of every child placed outside his home pursuant to a voluntary agreement to determine whether the best interests of the child are being served by such placement. Such a review shall be initiated within 45 days following the initial placement and completed within 15 days thereafter. A periodic review shall take place at least every 12 months thereafter.

Each board shall also act on behalf of the juvenile and domestic relations court in reviewing the case of each child placed outside his home by the division in accordance with a court order pursuant to P. L. 1974, c. 119 (C. 9:6-8.21 et seq.), P. L. 1951, c. 138, s. 12 (C. 30:4C-12), P. L. 1973, c. 306, s. 21 (C. 2A:4-61) or P. L. 1973, c. 306, s. 22 (C. 2A:4-62). Such a review shall be initiated upon receipt by the board of the placement plan, which shall be submitted by the division within 45 days of the initial court order. The board's review shall be completed within 15 days of receipt of the plan. A periodic review shall take place at least every 12 months thereafter.

Notwithstanding the provisions of section 3 of P. L. 1977, c. 424 (C. 30:4C-52) to the contrary, if a child placed outside his home attains 18 years of age or older and his home placement costs are being paid by the division, the board shall continue to conduct periodic reviews until the division terminates supervision of the person.

All such reviews shall include, but not necessarily be limited to, the consideration and evaluation of such matters as:

- a. The appropriateness of the goal and objectives of the placement plan;
- b. The appropriateness of the services provided to the child, the parents or legal guardian and the temporary caretaker;
- c. Whether the child has siblings who are also placed outside of their home;
- d. Whether the wishes of the child were considered regarding placement and development of the placement plan, when appropriate;
- e. Whether the division, the parents or legal guardian and the temporary caretaker are fulfilling their respective responsibilities in accordance with the placement plan;
- f. Whether the parents or legal guardian have been afforded the opportunity and been encouraged to participate in a program of regular visitation with the child;
- g. Whether there are obstacles which hinder or prevent the attainment of the placement plan objectives and goal; and
- h. The circumstances surrounding the placement.

In the case of a child in placement outside of his home on the effective date of this act, the first review shall be completed as soon as possible, but not later than 12 months following such effective date.

4. Section 10 of P. L. 1977, c. 424 (C. 30:4C-59) is amended to read as follows:

C. 30:4C-59 Notice of review.

10. Each board shall provide written notice of the date, time and place of each review at least 15 days in advance to the following, each of whom shall be entitled to submit information in writing to the board:

- a. The division;
- b. The child;
- c. The parents or legal guardian;
- d. The temporary caretaker; and
- e. Any other person or agency whom the board determines has an interest in or information relating to the welfare of the child.

The written notice shall inform the person of his right to attend the review and shall be prepared in a manner which will encourage the person's attendance at the review.

Notice to the child may be waived by the board on a case by case basis either on its own motion or on the petition of any of

the above persons in cases where the board determines that notice would be harmful to the child. When notice is waived, the board shall inform the court of this action in its report to the court.

The board shall conduct a review and make recommendations based upon the written materials; provided, however, that the board may afford any party or person an opportunity to appear before it if the board feels that such an appearance will assist it in conducting its review or making its recommendations. Upon the request of the board, the juvenile and domestic relations court may subpoena a person to attend the review board meeting.

5. Section 11 of P. L. 1977, c. 424 (C. 30:4C-60) is amended to read as follows:

C. 30:4C-60 Report; findings, reasons.

11. Within 10 days after the completion of such review, the board shall submit a written report to the juvenile and domestic relations court and the division. Such report shall offer one of the following findings, stating the specific reasons therefor:

a. That return of the child to his parents or legal guardian is in the child's best interest;

b. That continued placement outside of the home is in the child's best interest and that the placement plan satisfies the criteria provided in section 9 of P. L. 1977, c. 424 (C. 30:4C-58) and is appropriate for the child's needs;

c. That continued placement outside of the home is in the child's best interest, but that the placement plan does not satisfy the criteria provided in section 9 of P. L. 1977, c. 424 (C. 30:4C-58) and is not appropriate for the child's needs;

d. That the initiation of proceedings for the termination of parental rights in order to free the child for adoption is in the child's best interest.

In addition to the finding, the board shall state the reasons and additional factors it deems appropriate to explain its conclusions. When any change in the plan or situation of the child is recommended, the board shall state its specific recommendations and the factual basis therefor.

6. Section 12 of P. L. 1977, c. 424 (C. 30:4C-61) is amended to read as follows:

C. 30:4C-61 Orders of court.

12. a. Upon review of the board's report, the juvenile and domestic relations court shall issue an order concerning the child's

placement which it deems will best serve the interests of the child. The court shall either:

- (1) Order the return of the child to his parents or legal guardian;
- (2) Order continued placement in accordance with the placement plan currently in effect;
- (3) Order continued placement in accordance with a new placement plan to be developed by the division within 30 days and submitted to the court for approval. The plan shall be reviewed by the board within 30 days; or
- (4) Order continued placement and recommend that the division initiate proceedings to terminate parental rights in order to free the child for adoption.

b. In reviewing the report, the court may request that, where available, any written or oral information submitted to the board be provided to the court. The court shall make a determination based upon the report and any other information before it; provided, however, that if:

- (1) The court has before it conflicting statements of material fact which it cannot resolve without a hearing; or
 - (2) A party entitled to participate in the proceedings requests a hearing; or
 - (3) The court concludes that the interests of justice require that a hearing be held,
- the court may schedule a summary hearing.

c. Notice of such hearing, including a statement of the dispositional alternatives of the court, shall be provided at least 30 days in advance to the following persons:

- (1) The division;
- (2) The child;
- (3) The child's parents or legal guardian;
- (4) The review board; and
- (5) The temporary caretaker.

The division, child, child's parents or legal guardian and review board shall be entitled to participate in the proceeding.

The court may also request additional information from any other persons or agencies which the court determines has an interest in or information relating to the welfare of the child, which may include the temporary caretaker.

d. The court shall send a copy of its order concerning the child's placement to all persons listed in subsection c. of this section, ex-

cept that, if notice to the child of the board review was waived pursuant to section 10 of P. L. 1977, c. 424 (C. 30:4C-59), the court may waive the requirement of sending a copy of its order to the child.

e. Any person who receives a copy of the court order shall comply with the confidentiality requirements established by the Supreme Court for the purposes of this act.

7. Section 13 of P. L. 1977, c. 424 (C. 30:4C-62) is amended to read as follows:

C. 30:4C-62 Child Placement Advisory Council.

13. There is hereby established a Child Placement Advisory Council to consist of one member from each of the child placement review boards to be selected annually by the chairman of each review board. The Administrative Office of the Courts shall provide the council with reasonable and necessary administrative and clerical support services and shall reimburse the members of the council for reasonable and necessary expenses incurred in the performance of their official duties. It shall be the responsibility of the council to:

a. Advise the Supreme Court with respect to the issuance of rules governing the duties, responsibilities and practices of the review boards;

b. Review the policies, practices and procedures of the division with respect to the placement of children;

c. Monitor and evaluate the effectiveness of this act in promoting the welfare of children placed outside their home. These activities may be carried out through the regular collection of data from each county, as well as through other appropriate means;

d. Advise the Supreme Court with respect to the establishment of guidelines and procedures for the training of placement review board members;

e. Advise the Supreme Court with respect to the establishment of reporting procedures to be followed by the review boards for the provision of data for the evaluation of this act;

f. Make an annual report on the effectiveness of the implementation of this act to the Supreme Court, the Governor and the Legislature and such other reports as it may deem proper or as may be requested from time to time by the Supreme Court, the Governor or the Legislature.

8. Section 18 of P. L. 1977, c. 424 is amended to read as follows:

18. This act shall take effect 120 days following enactment, but administrative actions or appointments necessary to effectuate its purposes may be taken immediately.

C. 30:4C-62.1 Grants or contributions.

9. (New section) The Child Placement Advisory Council may accept from any governmental department or agency, public or private body or any other source, grants or contributions to be used for carrying out its responsibilities under P. L. 1977, c. 424 (C. 30:4C-50 et seq.).

C. 30:4C-58.1 Placement for adoption.

10. (New section) When a child is placed in a home for the purpose of adoption, the division shall notify the county juvenile and domestic relations court in writing of the placement. Upon receipt of the notice, the board shall not schedule further reviews of the case unless:

- a. The child is removed from the adoptive home;
- b. The complaint for adoption was not filed within 8 months of the placement and the filing of the complaint is not imminent; or
- c. The plan for the child was modified so that immediate adoption by the stated adoptive parents no longer is the goal.

The division shall send the court and the board a status report on the case every 4 months. When a complaint for adoption has been filed, the division shall inform the court and no further board reviews shall be held while that action is pending. Upon notice that a judgment of adoption has been entered in Superior Court, the juvenile and domestic relations court shall dismiss the complaint pursuant to section 4 of P. L. 1977, c. 424 (C. 30:4C-53).

11. There is appropriated \$50,000.00 to effectuate the purposes of this act.

12. This act shall take effect immediately.

Approved April 27, 1982.

CHAPTER 25

AN ACT concerning the insurance fund of local units and amending
N. J. S. 40A:10-8, N. J. S. 40A:10-9 and N. J. S. 40A:10-10.

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

1. N. J. S. 40A:10-8 is amended to read as follows:

Insurance fund commissioners; secretary; appointment; term; vacancies; compensation.

40A:10-8. Insurance fund commissioners; secretary; appointment; term; vacancies; compensation. Upon establishment of an insurance fund, the officer or body of the local unit having the power to make appointments shall appoint three officials of the local unit, who may be members of the governing body, to serve as insurance fund commissioners and shall appoint a person to serve as secretary to the insurance fund commission. The commissioners shall hold office for two years or for the remainder of their term of office as officials, whichever shall be less, and until their successors shall have been duly appointed and qualified. The secretary shall serve at the pleasure of the commission. The commissioners shall serve without compensation. The salary of the secretary shall be set by ordinance or resolution, as appropriate, as authorized by the governing body.

Vacancies in the office of insurance fund commissioners caused by any reason other than expiration of term as an official shall be filled for the unexpired term. Vacancies in the position of secretary shall be filled in the manner of the original appointment.

2. N. J. S. 40A:10-9 is amended to read as follows:

Organization of commissioners.

40A:10-9. Organization of commissioners. The commissioners shall, forthwith after their appointment, organize for the ensuing year by election from their membership of a chairman, who shall serve for the year.

3. N. J. S. 40A:10-10 is amended to read as follows:

Powers and authority of commissioners.

40A:10-10. Powers and authority of commissioners. The commissioners shall have the following powers and authority:

- a. Employ necessary clerical assistants, whose compensation shall be fixed and paid by the governing body of the local unit in the same manner as is that of other employees of the local unit;
- b. Invest the fund and all additions and accretions thereto in such securities as they shall deem best suited for the purposes of this article;
- c. Adopt rules and regulations for the control and investment of the fund;

d. Keep on hand at all times sufficient money, or have the same invested in such securities as can be immediately sold for cash, for the payment of losses to any buildings or property of the local unit, or liability resulting from the operation of publicly owned motor vehicles, equipment or apparatus;

e. Fix reasonable rates of premium for all insurance carried by the insurance fund, and shall effect all insurance in the insurance fund or with any insurance company or companies authorized to do business in this State;

f. Premiums for insurance, whether carried in the insurance fund or placed with insurance companies, shall be paid to the commissioners by the board, commission, department, committee or officer having charge or control of the property insured;

g. All insurance upon property owned or controlled by a local unit or any of its departments, boards, agencies or commissions shall be placed and effected by the commissioners;

h. If provided by the rules and regulations of the commission, the secretary to the insurance fund commission shall be entrusted with the daily operation of the insurance fund and shall submit a report to the commissioners at least once a month.

4. This act shall take effect immediately.

Approved April 29, 1982.

CHAPTER 26

AN ACT concerning the "Casino Revenue Fund," and supplementing the "Casino Control Act," approved June 2, 1977 (P. L. 1977, c. 110, C. 5:12-1 et seq.).

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

C. 5:12-145.1 Income credited to fund.

1. Any income realized by reason of the investment of the moneys in the "Casino Revenue Fund," established under section 145 of P. L. 1977, c. 110 (C. 5:12-145), shall be credited to the fund.

C. 5:12-145.2 Calculation of income.

2. For the purpose of determining the amount of investment income to be credited to the "Casino Revenue Fund," the State

Treasurer shall calculate the average rate of earnings from the State's general investments during each fiscal year and apply that rate to the average daily balance of the fund during that fiscal year.

3. This act shall take effect immediately.

Approved April 29, 1982.

CHAPTER 27

AN ACT concerning submission of proof of the purchase of motor vehicles and amending R. S. 39:10-11.

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

1. R. S. 39:10-11 is amended to read as follows:

Certificate of ownership of motor vehicle; security interest.

39:10-11. A. The purchaser of a motor vehicle in this State, other than a dealer licensed pursuant to the provisions of R. S. 39:10-19, shall, within 10 working days after its purchase, submit to the director evidence of the purchase. Upon presentation to the director of the certificate of origin, or certificate of ownership, or bill of sale issued prior to October 1, 1946, with proper assignment and certification of the seller, a record of the transaction shall be made and filed. A certificate of ownership shall be issued by the director and delivered to the buyer, in case of a sale not subject to a security interest, and the director shall collect a fee of \$4.00 for the issuance and filing thereof.

B. In the case of a sale subject to a security interest, a certificate of ownership, with the name and address of the holder of the encumbrance or secured party or his assignee recorded thereon, shall be delivered to the holder of the encumbrance or secured party or his assignee and a copy thereof shall be delivered to the buyer. The director shall collect a fee of \$4.00 for his services in issuing a certificate and copy thereof, and for making a record of and filing the record of the transaction, pursuant to this subsection.

C. Except as hereinafter in this section otherwise expressly provided, whenever a security interest is created in a motor vehicle, other than a security interest which is required to be noted on the certificate of origin or the certificate of ownership, as provided in

R. S. 39:10-8 and R. S. 39:10-9, there shall be filed with the director the certificate of ownership of the motor vehicle, together with a financing statement on a form prescribed by the director. The director shall make and file a record of the transaction and shall issue a certificate of ownership, recording the name and address of the secured party or his assignee thereon, and shall deliver it to the secured party or his assignee. A copy of the certificate of ownership so issued shall be delivered to the buyer. The director shall collect a fee of \$4.00 for his services in issuing a certificate and copy thereof and for making a record of and filing the record of the transaction, pursuant to this subsection.

D. The financing statement required to be filed pursuant to subsection C. hereof shall be signed only by the buyer, shall not be required to be acknowledged or proved, and shall show, in addition to such matters as the director may require for the proper identification of the motor vehicle affected, the date of the security agreement, and the names and addresses of the parties thereto. Nothing in this section 39:10-11 contained shall be construed as requiring that the security agreement or a copy thereof, or any proof of execution thereof other than that contained in the financing statement, shall be presented to the director. When the buyer is a corporation, it shall be sufficient if the financing statement is signed by any officer thereof, or by any agent designated by the corporation for that purpose, and it shall not be necessary that the financing statement recite the authorization of the agent. When there is more than one buyer, it shall be sufficient if the financing statement is signed by any one of them.

E. Nothing in subsections C. and D. of this section shall apply to security interests in motor vehicles which constitute inventory held for sale, but such interests shall be subject to chapter 9 of Title 12A of the New Jersey Statutes, nor shall anything in the said subsections apply to interests in personal property subject to chapter 28 of Title 46 of the Revised Statutes.

F. In addition to the fees elsewhere in this section provided for, there shall be paid to the director a fee of \$1.00 for notice of satisfaction of the lien or encumbrance of the record or abstract, or of the termination of the security interest, where the motor vehicle is subject to a lien or encumbrance or a security interest as provided in R. S. 39:10-14.

G. Notwithstanding any other provision of this chapter, when any dealer licensed under the provisions of R. S. 39:10-19 is the purchaser of a motor vehicle in this State, he may, within 10 work-

ing days after its purchase, submit to the director the evidence of purchase. Upon presentation of the certificate of ownership with proper assignment and certification of the seller to the director, a record of the transaction shall be made and filed. A certificate of ownership shall be issued by the director and delivered to such purchaser, and the director shall collect a fee of \$2.00 for the issuing and filing thereof.

If a dealer does not submit the evidence of purchase, upon resale of the motor vehicle he shall execute and attach to the certificate of ownership a dealer reassignment certificate. The director shall issue dealer reassignment certificates in lots upon payment of a fee of \$2.00 for each certificate.

H. Any purchaser of a motor vehicle who fails to comply with the provisions of this section shall pay to the director a penalty of \$10.00 plus the issuing and filing fee.

I. The failure of any person to comply with the requirements of this section shall not constitute a misdemeanor within the provisions of R. S. 39:10-24, nor shall such failure affect the validity of any instrument creating or reserving a security interest in a motor vehicle, as between the parties to such instrument.

J. The notation of the name and business or residence address of a secured party or his assignee, on the certificate of origin or on the certificate of ownership, as provided in R. S. 39:10-8 and R. S. 39:10-9, and the presentation to the director, in accordance with R. S. 39:10-11, of the certificate of origin or certificate of ownership so noted, and the compliance with the requirements of subsections C. and D. of R. S. 39:10-11 shall be in lieu of all filing requirements imposed by chapter 9 of Title 12A of the New Jersey Statutes and shall constitute the perfection of a security interest in the motor vehicle, and the rights and remedies of the debtors and the secured parties in respect to such security interest shall, except as otherwise expressly provided in this chapter, be subject to and governed by chapter 9 of Title 12A of the New Jersey Statutes.

2. This act shall take effect immediately.

Approved April 29, 1982.

CHAPTER 28

AN ACT concerning the operation of motorized bicycles and supplementing P. L. 1975, c. 250 (C. 39:4-14.3).

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

C. 39:4-14.3h Suspension of privilege to operate motorized bicycle.

1. Any person under the age of 17 who commits a second violation of the provisions of P. L. 1975, c. 250 (C. 39:4-14.3) or P. L. 1977, c. 267 (C. 39:4-14.3a et seq.) or any other provision of chapter 4 of Title 39 of the Revised Statutes shall have his privilege to operate a motorized bicycle suspended for a period of 30 days from the date of conviction. For a subsequent violation a person shall have his privilege to operate a motorized bicycle suspended until he reaches the age of 17.

2. This act shall take effect immediately.

Approved April 29, 1982.

CHAPTER 29

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. 56:8-2.14 Short title.

1. This act shall be known and may be cited as the "Refund Policy Disclosure Act."

C. 56:8-2.15 Definitions.

2. As used in this act:

a. "Merchandise" means any objects, wares, goods, commodities, or any other tangible items offered, directly or indirectly, to the public for sale.

b. "Proof of purchase" means a receipt, bill, credit card slip,

or any other form of evidence which constitutes reasonable proof of purchase.

c. "Retail mercantile establishment" means any place of business where merchandise is exposed or offered for sale at retail to members of the consuming public.

C. 56:8-2.16 Posting of refund policy.

3. Every retail mercantile establishment shall conspicuously post its refund policy as to all merchandise on a sign in at least one of the following locations:

- a. Attached to the item itself, or
- b. Affixed to each cash register or point of sale, or
- c. So situated as to be clearly visible to the buyer from the cash register, or
- d. Posted at each store entrance used by the public.

C. 56:8-2.17 Conditions.

4. Any sign required by section 3 of this act to be posted in retail mercantile establishments shall state whether or not it is a policy of such establishment to give refunds and, if so, under what conditions, including, but not limited to, whether a refund will be given:

- a. On merchandise which has been advertised as "sale" merchandise or marked "as is";
- b. On merchandise for which no proof of purchase exists;
- c. At any time or not beyond a point in time specified; or
- d. In cash, or as credit or store credit only.

C. 56:8-2.18 Liable to buyer.

5. A retail mercantile establishment violating any provision of this act shall be liable to the buyer, for up to 20 days from the date of purchase, for a cash refund or a credit, at the buyer's option, provided that the merchandise has not been used or damaged by the buyer.

C. 56:8-2.19 Section 3 inapplicable.

6. The provisions of section 3 shall not apply to retail mercantile establishments or departments that have a policy of providing, for a period of not less than 20 days after the date of purchase, a cash refund for a cash purchase or providing a cash refund or issuing a credit for a credit purchase, which credit is applied to the account on which the purchase was debited, in connection with the return of its unused and undamaged merchandise.

C. 56:8-2.20 Exceptions.

7. This act shall not apply to sales of motor vehicles, or perishables and incidentals to such perishables, or to custom ordered, custom finished merchandise, or merchandise not returnable by law.

C. 56:8-2.21 Municipal court jurisdiction.

8. a. An individual action for a violation of this act may be brought in a municipal court in whose jurisdiction the sale was made.

b. In addition to the penalties provided for in section 5, a retail mercantile establishment that fails to comply with the requirements of this act and, in practice, does not have a policy as provided in section 6 and has refused to accept the return of the merchandise shall be liable to the consumer for:

(1) A cash refund or a credit, at the buyer's option, provided the merchandise has not been used or damaged, and

(2) Damages of not more than \$200.00.

9. This act shall take effect on the one hundred and eightieth day following enactment.

Approved April 30, 1982.

CHAPTER 30

AN ACT concerning certain State audits and supplementing chapter 24 of Title 52 of the Revised Statutes.

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

C. 52:24-4.1 Annual audit.

1. The State Auditor shall conduct an annual audit of the "Hazardous Discharge Fund" created pursuant to the "Hazardous Discharge Bond Act," P. L. 1981, c. 275. This audit, together with any recommendations on practices or procedures to promote or guarantee the fiscal integrity of the "Hazardous Discharge Fund," shall be submitted to the Governor and the Legislature, and to the Assembly Agriculture and Environment Committee and the Senate Energy and Environment Committee, or their desig-

nated successors. The audit shall be due on or before December 31 of each year.

2. This act shall take effect immediately.

Approved April 30, 1982.

CHAPTER 31

AN ACT concerning the disposition of moneys received from the payment of certain fines, penalties and forfeitures imposed and collected in connection with the operation of motor vehicles, and amending R. S. 39:5-41, R. S. 39:5-43, and R. S. 39:5-44.

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

1. R. S. 39:5-41 is amended to read as follows:

Fines to counties.

39:5-41. All fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, other than those violations in which the complainant is the director, a member of his staff, a member of the State Police, an inspector of the Board of Public Utilities, or a law enforcement officer of any other State agency, shall be forwarded by the judge to whom the same have been paid to the proper financial officer of the county wherein they were collected, to be used by the county as a fund for the construction, reconstruction, maintenance and repair of roads and bridges, snow removal, the acquisition and purchase of rights-of-way, and the purchase, replacement and repair of equipment for use on said roads and bridges therein. Whenever the amount of the moneys to be forwarded to the counties pursuant to this section rises above the level forwarded to them in fiscal year 1980, the increase, up to the amount forwarded to the counties, shall be forwarded to the proper financial officer of the respective municipalities wherein the violations occurred, to be used by the municipalities as a fund for general municipal use and to defray the cost of operating the municipal court. When the amount of moneys forwarded to the municipalities equals the amount forwarded to the counties, any additional increase shall be paid one-half to the county wherein the funds were collected and one-half to the municipality wherein the funds were collected.

Whenever any county has deposited moneys collected pursuant to this section in a special trust fund in lieu of expending the same for the purposes authorized by this section, it may withdraw from said special trust fund in any year an amount which is not in excess of the amount expended by the county over the immediately preceding three-year period from general county revenues for said purposes. Such moneys withdrawn from the trust fund shall be accounted for and used as are other general county revenues.

2. R. S. 39:5-43 is amended to read as follows:

Penalty authorized.

39:5-43. Any person who, having collected any fine for any violation of this subtitle, fails, within 30 days, to return the same to the director or the proper financial officer of the county or municipality, as the case may be, shall be subject to a penalty not exceeding \$500.00 for the first offense, and a penalty of \$1,000.00 or imprisonment not exceeding one year, or both, at the discretion of the court, upon any subsequent conviction.

3. R. S. 39:5-44 is amended to read as follows:

Records required.

39:5-44. Every court having jurisdiction to hear complaints for violations of the provisions of this Title shall keep a record of the disposition of all complaints under this subtitle, for which a fine may be imposed, which record shall be open to inspection by the treasurer or auditor of a county or his duly authorized representative, or by the director or his duly authorized representative, or by the financial officers of the respective municipalities which are entitled to fines imposed by the court.

4. This act shall take effect January 1 next following enactment.

Approved April 30, 1982.

CHAPTER 32

A SUPPLEMENT to the "Spill Compensation and Control Act," approved January 6, 1977 (P. L. 1976, c. 141; C. 58:10-23.11 et seq.).

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

C. 52:24-4.2 Annual audits.

1. The State Auditor shall conduct an annual audit of the fund, pursuant to the provisions of chapter 24 of Title 52 of the Revised Statutes. This audit, together with any recommendations on practices or procedures to promote or guarantee the fiscal integrity of the fund, shall be submitted to the Governor and the Legislature, and to the General Assembly Agriculture and Environment Committee and the Senate Energy and Environment Committee, or their designated successors. The audit for fiscal year 1981 shall be due within 60 days of the effective date of this act, and each successive annual audit shall be due on or before December 31.

2. This act shall take effect immediately.

Approved April 30, 1982.

CHAPTER 33

AN ACT to amend the "Waterfront Commission Act," approved June 30, 1953 (P. L. 1953, c. 202) as amended and supplemented.

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

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

C. 32:23-114 Suspension, acceptance of longshoremen's applications.

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

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

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

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

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

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

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

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

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

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

3. Any determination by the commission pursuant to this section to suspend or accept applications for inclusion in the longshoremen's register shall be made upon a record, shall not become effective until 5 days after notice thereof to the collective bargaining representative of stevedores and other employers of longshoremen in the Port of New York District and to the labor organization

representing such longshoremen and shall be subject to judicial review for being arbitrary, capricious, and an abuse of discretion in a proceeding jointly instituted by such representative and such labor organization. Such judicial review proceeding may be instituted in either state in the manner provided by the law of such state for review of the final decision or action of administrative agencies of such state, provided, however, that such proceeding shall be decided directly by the appellate division as the court of first instance (to which the proceeding shall be transferred by order of transfer by the Supreme Court in the State of New York or in the State of New Jersey by notice of appeal from the commission's determination), and provided further that notwithstanding any other provision of law in either state no court shall have power to stay the commission's determination prior to final judicial decision for more than 15 days. In the event that the court enters a final order setting aside the determination by the commission to accept applications for inclusion in the longshoremen's register, the registration of any longshoremen included in the longshoremen's register as a result of such determination by the commission shall be canceled.

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

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

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

(b) A person defined as a "longshoreman" in subdivision (6) of section 1 (5-a) of P. L. 1954, c. 14 (C. 32:23-85), who is employed by a stevedore as defined in paragraph (b) or (c) of subdivision (1) of the same section (C. 32:23-85) and whose employment is not subject to the guaranteed annual income provisions of any collective bargaining agreement relating to longshoremen.

2. This act shall take effect upon the enactment into law by the State of New York of legislation having an identical effect with this act, but if the State of New York shall have already enacted such legislation then it shall take effect immediately.

Approved May 14, 1982.

CHAPTER 34

AN ACT concerning smoking in public places.

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

1. The provisions of section 3 of P. L. 1981, c. 318 (C. 26:3D-3), of section 5 of P. L. 1981, c. 319 (C. 26:3D-11) and of section 4 of P. L. 1981, c. 320 (C. 26:3D-18), which require that signs prohibiting smoking and designating smoking areas be not less than 2 inches in height, contrasting in color with the sign and that the signs be phrased in a specific manner, shall not take effect until September 1, 1982.

2. This act shall take effect immediately.

Approved June 7, 1982.

CHAPTER 35

AN ACT to provide for the submission to the voters of the State of a nonbinding referendum to ascertain their sentiment with respect to the proposal of a freeze on further escalation of nuclear arms.

WHEREAS, The continued escalation of the nuclear arms race between the Soviet Union and the United States, along with nuclear weapons production by a growing number of other nations, exacerbates the ominous threat of nuclear war between those nations; and

WHEREAS, Our national security is thereby reduced, not increased; and

WHEREAS, Nuclear arms escalation imposes a tremendous drain upon the human and financial resources of the United States Government, lessening the availability of those resources to meet domestic social goals; and

WHEREAS, A mutual United States-Soviet "freeze" on further testing, production and deployment of nuclear weapons has been advanced by prominent political, scientific and religious leaders as an effective method of arresting the continued development of the nuclear danger; and

WHEREAS, There is an urgent need to create broader public awareness of the specter of a nuclear holocaust and to provide a means whereby the concerns of New Jersey's citizens may be communicated to our national nuclear policymakers; now, therefore,

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

1. In order to ascertain the sentiment of the people of the State as to the proposal of a freeze on further escalation of nuclear arms, the following public question shall be submitted to the people at the general election to be held in November, 1982 in the manner provided by this act and by Title 19 of the Revised Statutes for the submission to the people of public questions to be voted upon by the voters of the entire State and it shall be the duty of the Secretary of State to arrange for the submission of such public question in accordance with the provisions of this act and of Title 19 of the Revised Statutes, of which submission the same notice shall be given, if possible, as is required by law of said election and the people of the State may at such election vote for or against such question in the following manner.

2. There shall be included in each sample and official ballot the instructions set forth below on voting on the nonbinding referendum.

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

If you disapprove the question below, make a cross (X), plus (+), or check (✓) mark in the square opposite the word "No."

If the voting machines are used, a vote of "Yes" or "No" shall be equivalent to such markings respectively.

	Yes.	FREEZE ON NUCLEAR ARMS ESCALATION Do you support a mutual United States-Soviet Union nuclear weapons "freeze" and urge the government of the United States: (1) to propose to the government of the Soviet Union that both countries immediately agree to a mutual, verifiable halt of all further testing, production and deployment of nuclear warheads, missiles, and delivery systems as a first step toward mutual, balanced reduction, and (2) to apply the money saved to human needs and tax reduction?
	No.	

3. The votes cast "Yes" and "No," 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 now as is provided for by law in the case of the election of a Governor, and the result on such question shall be certified by the Secretary of State and transmitted to the President of the United States, the Speaker of the House of Representatives and the President of the United States Senate no later than 20 days after the conclusion of the election.

4. The Secretary of State shall prepare a single summary statement as to the reasons for submitting the proposition set forth in section 2 of this act and shall direct the clerk of each county of this State to cause the proposition to be printed and placed on each of the ballots, together with the summary statement appended to or enclosed with the sample ballot, in a manner which will give prominence to such question and statement.

5. This act shall take effect immediately.

Approved June 10, 1982.

CHAPTER 36

AN ACT concerning the remission of county taxes in certain cases, supplementing chapter 4 of Title 54 of the Revised Statutes, and repealing R. S. 54:5-5, P. L. 1980, c. 24 and P. L. 1980, c. 118.

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

C. 54:4-5a Remission of county taxes.

1. Any taxing district in which there has been located a county institution, other than an educational institution or parklands, regardless of whether such lands are owned and occupied by a park commission or by any other department, division, agency or instrumentality of the county government, which occupies more than 200 acres, and which constitutes at least 5% of the total land area of the taxing district, shall have remitted or rebated by the county treasurer a sum equal to a percentage of the county tax rate applied to the entire amount of ratables remaining subject to taxation, according to the following schedule:

1982	45%
1983	40%
1984	30%
1985	15%
1986	15%
1987 and thereafter	0%

Repealer.

2. R. S. 54:4-5, P. L. 1980, c. 24 (C. 54:4-5.1) and P. L. 1980, c. 118 (C. 54:4-5.2) are repealed.

3. This act shall take effect immediately and shall be retroactive to January 1, 1982.

Approved June 10, 1982.

CHAPTER 37

AN ACT concerning temporary permits for the sale of alcoholic beverages and amending R. S. 33:1-74.

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

1. R. S. 33:1-74 is amended to read as follows:

Temporary permits.

33:1-74. a. To provide for contingencies where it would be appropriate and consonant with the spirit of this chapter to issue a license but the contingency has not been expressly provided for, the director of the division may for special cause shown, subject to rules and regulations, issue temporary permits. The fee for a 1-day permit authorizing the sale of alcoholic beverages for consumption on a designated premises by civic, religious or educational organization shall be \$50.00 and for a 1-day permit authorizing such sale by any other organization, \$75.00. The fee for any other type of temporary permit shall be determined in each case by the director of the division and shall not be less than \$5.00 nor more than \$500.00, payable to the director of the division and to be accounted for by him as are license fees.

b. As to any designated premises such temporary permits shall not exceed in the aggregate 25 in any 1 calendar year, but the director of the division may by said rules and regulations provide for a lesser number in the aggregate for any such designated premises in any 1 calendar year.

c. The issuance of temporary permits to authorize the sale of alcoholic beverages by the glass or other open receptacle by civic, religious, educational or other qualified organizations shall be permissible, notwithstanding that the sale of alcoholic beverages has otherwise been prohibited by referendum under R. S. 33:1-44 through R. S. 33:1-47 or municipal ordinance or resolution.

2. This act shall take effect immediately.

Approved June 14, 1982.

CHAPTER 38

A SUPPLEMENT to the "New Jersey Controlled Dangerous Substances Act," approved October 19, 1970 (P. L. 1970, c. 226, C. 24:21-1 et seq.).

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

C. 24:21-19.1 Misrepresentation as controlled dangerous substance.

1. a. It is unlawful for any person to distribute or to possess or have under his control with intent to distribute any substance which is not a controlled dangerous substance:

(1) Upon the express or implied representation to the recipient that the substance is a controlled dangerous substance; or

(2) Upon the express or implied representation to the recipient that the substance is of such nature, appearance or effect that the recipient will be able to distribute or use the substance as a controlled dangerous substance; or

(3) Under circumstances which would lead a reasonable person to believe that the substance is a controlled dangerous substance.

Any of the following shall constitute prima facie evidence of such circumstances:

(a) The substance was packaged in a manner normally used for the unlawful distribution of controlled dangerous substances;

(b) The distribution or attempted distribution of the substance was accompanied by an exchange of or demand for money or other thing as consideration for the substance, and the value of the consideration exceeded the reasonable value of the substance;

(c) The physical appearance of the substance is substantially the same as that of a specific controlled dangerous substance.

b. It is unlawful for any person to manufacture, compound, encapsulate, package or imprint any substance which is not a controlled dangerous substance or any combination of such substances, other than a prescription drug, with the purpose that it resemble or duplicate the physical appearance of the finished form, package, label or imprint of a controlled dangerous substance.

c. In any prosecution under this section, it shall not be a defense that the defendant mistakenly believed a substance to be a controlled dangerous substance.

d. Any person who violates this section shall be punished by imprisonment for not more than three years, or by a fine of not more than \$100,000.00, or both.

C. 24:21-19.2 Inapplicable to practitioners.

2. The provisions of this supplementary act shall not be applicable to a. practitioners or agents, servants and employees of practitioners dispensing or administering noncontrolled substances to patients on behalf of practitioners in the normal course of their business or professional practice; and b. persons who manufacture, process, package, distribute or sell noncontrolled substances to practitioners for use as placebos in the normal course of their business, professional practice or research or for use in Federal Food and Drug Administration investigational new drug trials.

3. This act shall take effect on the sixtieth day after enactment.

Approved June 16, 1982.

CHAPTER 39

AN ACT concerning the taxation of certain public utilities, and amending P. L. 1945, c. 162, and R. S. 54:13-11.

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

1. Section 6 of P. L. 1945, c. 162 (C. 54:10A-6) is amended to read as follows:

C. 54:10A-6 Allocation factor for net worth, income.

6. In the case of a taxpayer which maintains a regular place of business outside this State other than a statutory office, the portion of its entire net worth to be used as a measure of the tax imposed by section 5(a) of this act, and the portion of its entire net income to be used as a measure of the tax imposed by section 5(c) of this act, shall be determined by multiplying such entire net worth and entire net income, respectively, by an allocation factor which shall be the average of the fractions computed in (A), (B) and (C) below, or of so many of them as may be applicable, that is:

(A) The average value of the taxpayer's real and tangible personal property within the State during the period covered by its

report divided by the average value of all the taxpayer's real and tangible personal property wherever situated during such period.

(B) The receipts of the taxpayer, computed on the cash or accrual basis according to the method of accounting used in the computation of its net income for federal tax purposes, arising during such period from

(1) sales of its tangible personal property located within this State at the time of the receipt of or appropriation to the orders where shipments are made to points within this State,

(2) sales of tangible personal property located without the State at the time of the receipt of or appropriation to the orders where shipment is made to points within the State,

(3) (Deleted by amendment.)

(4) services performed within the State,

(5) rentals from property situated, and royalties from the use of patents or copyrights, within the State,

(6) all other business receipts (excluding dividends excluded from entire net income by subsection (k) (1) of section 4 hereof) earned within the State, divided by the total amount of the taxpayer's receipts, similarly computed, arising during such period from all sales of its tangible personal property, services, rentals, royalties and all other business receipts, whether within or without the State.

For the purposes of this section, receipts shall not include any sum or sums of money received in payment for gas or electric energy sold to a public utility subject to taxation pursuant to P. L. 1940, c. 5 (C. 54:30A-49 et seq.) for resale to ratepayers of the public utility.

(C) The total wages, salaries and other personal service compensation, similarly computed, during such period of officers and employees within the State divided by the total wages, salaries and other personal service compensation, similarly computed, during such period of all the taxpayer's officers and employees within and without the State.

In the case of a taxpayer which does not maintain a regular place of business outside this State other than a statutory office, the allocation factor shall be 100%.

2. R. S. 54:13-11 is amended to read as follows:

Licenses for corporate franchises.

54:13-11. The following companies shall pay an annual tax, for the use of the State, by way of a license for corporate franchises, as provided by this article:

a. Every telegraph, telephone or cable company not subject to tax pursuant to P. L. 1940, c. 4 (C. 54:30A-16 et seq.), and every express company not owned by a railroad company and otherwise taxed;

b. Every palace, parlor or sleeping car company;

c. Every dam power company organized under the provisions of article 2 of chapter 14 of the Title, Public Utilities (§ 48:14-4 et seq.), and every gas company and electric light company, not subject to tax pursuant to P. L. 1940, c. 5 (C. 54:30A-49 et seq.), except public utility companies organized under the laws of another state whose primary business activity in New Jersey is the transfer of gas or electric energy to a public utility subject to taxation pursuant to P. L. 1940, c. 5 (C. 54:30A-49 et seq.) for resale to rate-payers of such utility;

d. Every oil or pipeline company not subject to tax pursuant to P. L. 1940, c. 4 (C. 54:30A-16 et seq.).

3. This act shall take effect immediately.

Approved June 16, 1982.

CHAPTER 40

AN ACT to amend and supplement the "Cigarette Tax Act," approved April 29, 1948 (P. L. 1948, c. 65).

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

1. Section 301 of P. L. 1948, c. 65 (C. 54:40A-8) is amended to read as follows:

C. 54:40A-8 Tax imposed; rate.

301. Tax imposed; rate. A tax is hereby imposed on the sale, use or possession for sale or use within this State of all cigarettes at the rate of \$0.09½ for each 10 cigarettes or fraction thereof and a surtax equal to a percent of the average wholesale price, which percent shall be the same as the rate of tax imposed on

retail sales pursuant to the "Sales and Use Tax Act," P. L. 1966, c. 30 (C. 54:32B-1 et seq.), rounded to the next highest cent but not less than \$0.02½ for each 10 cigarettes or fraction thereof; provided, however, that on the effective date of this 1982 amendatory and supplementary act, the surtax shall be \$0.02½ for each 10 cigarettes or fraction thereof.

2. Section 401 of P. L. 1948, c. 65 (C. 54:40A-11) is amended to read as follows:

C. 54:40A-11 Director to provide revenue stamps.

401. Director to provide revenue stamps. The taxes imposed and levied by this act shall be paid through the use of stamps, except as provided in section 205 (Consumers) of this act. The director shall secure stamps of such designs and denominations as he shall prescribe, suitable to be affixed to packages, and provide for the sale thereof to licensed distributors. Only licensed distributors shall affix and cancel stamps and no distributor shall affix or cancel any stamp except at the tax rate in effect on the date of such affixing or cancellation; except that on the effective date of a tax rate increase or of a surtax or of an increase in a surtax, imposed under this act, licensed distributors and wholesale dealers must take a physical inventory of cigarettes on hand at the close of business prior to the date of the tax increase or surtax or surtax increase imposed under this act and must pay any additional tax for all cigarettes bearing stamps at the rate in effect prior to the tax increase. The director shall prescribe the method of collecting the additional tax. The director shall not authorize any person to sell revenue stamps except his duly constituted agents and assistants. On sales of revenue stamps the director shall allow, as compensation for the services and expenses of the distributor in affixing and handling of such stamps, a discount of 1.156% of the face amount of any sale of 1,000 stamps or more; provided that the distributor has complied with all the provisions of this act, and provided, however, that the director shall be empowered to adjust such discount whenever an increase in the surtax is required under section 4 of this 1982 amendatory and supplementary act. No discount shall be allowed on any sale of less than 1,000 stamps and stamps shall not be sold in blocks of less than 100 stamps.

3. (New section) Each retail licensee under this act shall, on or before August 1, 1982, file a return under oath or certified under the penalties of perjury, with the director on forms furnished by him, showing the amount of cigarettes in the retail licensee's

possession in the State at 12:01 a.m. on the day following approval of this 1982 amendatory and supplementary act, and shall at the time of filing such return pay the tax to the director. Failure to obtain such forms shall not be an excuse for the failure to make a return containing the information required by the director.

C. 54:40A-3.2 Computation of surtax.

4. (New section) For the purpose of computing the surtax pursuant to section 301 of P. L. 1948, c. 65 (C. 54:40A-8), the Director of the Division of Taxation shall determine and cause to be published every 6 months commencing January 1, 1983, the average wholesale price of cigarettes in the State, based upon the best available current data. Using the price so determined as the base price, the director shall determine, and notify all persons required to report under this act, and cause to be published in the New Jersey Register, the cigarette surtax due pursuant to section 301 of P. L. 1948, c. 65 (C. 54:40A-8) on each 10 cigarettes or fraction thereof, expressed in cents, rounded up to the nearest cent, during the succeeding 6 months.

C. 54:40A-37.1 Cancer Research Fund.

5. (New section) The sum of \$1,000,000.00 of the surtax collected under the provisions of this 1982 amendatory and supplementary act shall be deposited by the State Treasurer in a special account to be known as the Cancer Research Fund, except that for Fiscal Year 1983 only \$500,000.00 shall be deposited in that account. Moneys in the Cancer Research Fund shall be annually appropriated toward the funding of the New Jersey State Commission on Cancer Research (to be established pursuant to Assembly Bill No. 531 or Senate Bill No. 390 of 1982) or to projects authorized and approved by the commission.

6. This act shall take effect at 12:01 a.m. on the day following enactment thereof.

Approved June 17, 1982.

CHAPTER 41

AN ACT concerning the donation of bulletproof vests to the State.

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

C. 52:17B-4.3 Donation of bulletproof vests or funds therefor.

1. Any monetary donation by a private individual made available to the State, which specifies the purchase of bulletproof vests, or any donation of bulletproof vests, which vests meet the requirements of those used as standard equipment by the Division of State Police, shall be accepted by the Attorney General on behalf of the State and distributed or appropriated for law enforcement purposes. Any such monetary donation shall be included in the annual appropriation bill and distributed in the same manner as other appropriations.

2. This act shall take effect immediately.

Approved June 21, 1982.

CHAPTER 42

AN ACT to provide for the consolidation of certain educational institutions into county colleges 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:64A-50 Referendum unnecessary.

1. Notwithstanding any provisions of chapter 64A of Title 18A of the New Jersey Statutes to the contrary, any private institution of higher education and any post-secondary institute of a county board of vocational education may combine to form a county college upon petition to and approval by the State Board of Higher Education and without the need of a referendum.

C. 18A:64A-51 General law applicable.

2. Except as otherwise provided in this act, the college shall be conducted pursuant to the provisions of N. J. S. 18A:64A-1 et seq. and the provisions of general law applicable to county colleges which are not inconsistent with this act, and shall be entitled to all benefits and grants provided for thereunder.

C. 18A:64A-52 Board of governors.

3. The board of trustees of any private institution of higher education, which combined with any post-secondary institute of a county board of vocational education to form a county college, is

continued and shall be known as the board of governors and it shall have the powers, authority, rights and privileges, and be subject to the fiduciary and other duties, obligations and responsibilities set forth and expressed in this act.

C. 18A:64A-53 Board of trustees.

4. In addition to the board of governors, a board of trustees of the private institution shall be established and shall have the powers, authority, rights and privileges and be subject to the duties, obligations and responsibilities set forth in this act.

C. 18A:64A-54 Membership of board of governors.

5. The board of governors shall consist of not less than 21 nor more than 30 members, including the president of the college, who shall be ex officio without vote, three alumni trustees nominated by the alumni association, three county residents, who are not freeholders, nominated by the board of chosen freeholders, and, at its option, one freeholder nominated by the board of chosen freeholders from among its members. The board of governors shall have the authority to appoint all other members. The members of the present board of trustees serving on the effective date of this act shall continue to serve the college as members of the board of governors for the remainder of their present terms of office. Except for the president of the college, who shall serve as a member only during his term of office, a member shall serve for a term of 3 years beginning July 1 of any year and expiring on June 30, 3 years thereafter or for the remainder of the unexpired term to which he may be elected. Terms of office shall be arranged so that one-third of the terms expire in each calendar year. No two alumni trustees shall serve terms expiring in the same year. Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

C. 18A:64A-55 Membership of board of trustees.

6. The board of trustees shall include seven public trustees, consisting of the county superintendent of schools, four members appointed by the board of chosen freeholders, and two citizens of the county appointed by the State Board of Higher Education, and four trustees appointed by the board of governors from among its members. In addition, the student body shall be entitled to elect from the graduating class one representative to serve as a non-voting member of the board of trustees for a term of 1 year commencing at the next organization of the board following graduation of his class. The State Board of Higher Education shall by regulation prescribe the rights and duties of the student representative.

All appointive members shall be residents of the county for a period of 4 years prior to appointment and no elected public official or employee of the county college shall serve as a voting member of the board. The terms of office of the appointive members shall be 4 years, except for the first appointment. Terms of those initially appointed by the chairman of the board of chosen freeholders shall expire, respectively, 1, 2, 3 and 4 years after appointment. Of those appointed by the State Board of Higher Education, one person shall be appointed for a term of 2 years and one for a term of 4 years. Of the members appointed by the board of governors, one person shall be appointed for a term of 1 year, one for a term of 2 years, one for a term of 3 years, and one for a term of 4 years.

Each member shall serve until his successor is appointed and qualified.

Vacancies shall be filled in the same manner as the original appointment for the unexpired term. Upon notice and opportunity to be heard, an appointee may be removed for cause by the body originally making the appointment. Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

C. 18A:64A-56 Governance to be allocated.

7. The governance, control, conduct, management and administration of the college shall be vested in and allocated between the board of trustees and the board of governors, pursuant to this act.

C. 18A:64A-57 Authority of board of trustees.

8. The board of trustees shall have general supervision over and be vested with the conduct of the college. Subject to rules and regulations of the Board of Higher Education, it shall have the authority and responsibility to:

- a. Adopt and use a corporate seal;
- b. Sue or be sued;
- c. Determine the educational curriculum and program of the college;
- d. With the advice and consent of the board of governors, upon expiration of the term of the current president of the private institution, appoint and fix the compensation and term of office of a president of the college, who shall be the executive officer of the college;
- e. Appoint, upon nomination of the president, members of the administrative and teaching staff and fix their compensation and terms of employment, subject to the provisions of general law;

f. Employ other officers, agents and employees, as may be required to carry out the provisions of this act and fix and determine their qualifications, duties, compensation, terms of office and all other conditions and terms of employment;

g. Fix and determine tuition rates and other fees to be paid by students;

h. Grant diplomas, certificates or degrees;

i. Enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department or other agency of the county, State or United States, or with any individual firm or corporation, which is deemed necessary or advisable by the board for carrying out the provisions of this act;

j. Accept from any government or governmental department, agency or other public or private body or from any other source grants or contributions of money or property, which the board of trustees may use for its purposes;

k. Disburse all moneys appropriated to the college by the county and State, moneys received from tuition, fees, auxiliary services and other sources, and from or by the direction of the board of governors;

l. Direct and control the expenditures of the college as to funds received from the board of governors and other sources in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions;

m. Acquire by gift, purchase, condemnation or otherwise, own, lease, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for college purposes;

n. Determine that any property owned and controlled by the board of trustees of the county college is no longer necessary for college purposes and sell the same at the price and in the manner and upon the terms and conditions as shall be established by the Board of Higher Education;

o. Make and promulgate rules and regulations not inconsistent with the provisions of general law or of this act or with the rules and regulations of the Board of Higher Education that are necessary and proper for the administration or operation of the county college;

p. Exercise all other powers not inconsistent with the provisions of this act, or with general law, or with the rules and regulations of the Board of Higher Education, which may be reasonable,

necessary or incidental to the establishment, maintenance and operation of a county college; and

q. Establish and maintain a dedicated reserve fund for minor capital needs, which in any given year shall not exceed 3% of the replacement value of the college's physical plant.

C. 18A:64A-58 Authority of board of governors.

9. The board of governors shall:

a. Act in an overall advisory capacity;

b. Control properties, funds and trusts vested as of the effective date of this act in the private institution, in its possession, or remainder, or expectancy, including properties now held and continuing to be held as security by the New Jersey Educational Facilities Authority and properties, funds and trusts received by the private institution on or after the effective date of this act by private gift, donation, bequest or transfer under the terms of any applicable trusts, gifts, bequests or donations dated or delivered prior to the effective date or on or after the effective date of this act, unless otherwise designated and make available to the board of trustees, after meeting all expenses of its administration, the income from funds and the use of or income from property subject to the provisions of section 10 of this act;

c. Have sole authority over the investment of funds under its control;

d. Have the power to maintain administrative staff and incur expenses it deems reasonable and necessary to the effective exercise of its functions and responsibilities under this act or by reason of any other fiduciary responsibilities to which it is subject.

C. 18A:64A-59 Utilization of privately donated properties and funds.

10. In consideration of the utilization by the county for purposes of higher education of privately donated properties and funds and the prospect of future private donations, the State and the county by this act agree with the current board of trustees and its successor that: a. If the property and funds controlled by the current trustees and its successor board of governors is not properly applied in accordance with the provisions of section 8 of this act for the purposes of higher education and in accordance with the terms of any applicable testament or trust or other special provisions; or b. if the county shall not make provisions sufficient to enable the current board of trustees and its successors to discharge its trust to apply the trust assets as described in section 9 of this act for

public higher education through the conduct of a college with high educational standards, then the board of governors, after consideration and on not less than 60 days' prior written notice to the board of trustees and to the State Board of Higher Education or its successor, shall have and may exercise the right to withhold or withdraw the use of the properties and funds described in section 9 of this act or any part thereof, subject to adjudication by the courts of the State and subject to their proper application for the purposes of public higher education and in accordance with the terms of any applicable testamentary trust or other special provision.

C. 18A:64A-60 Joint sessions.

11. The boards may meet in joint session for the purpose of consultation and discussion or to act upon any matter which requires their joint or concurrent action.

C. 18A:64A-61 Annual report.

12. In accordance with law, the board of trustees shall make an annual report to the Chancellor of Higher Education in the manner prescribed by the Board of Higher Education and to the board of chosen freeholders of the county.

C. 18A:64A-62 References in other laws.

13. Wherever in any law there is reference to a board of trustees either in conferring powers, rights or responsibilities, the same shall refer to the board of trustees of the college.

C. 18A:64A-63 Abolition of county coordinating agency.

14. Any county coordinating agency for higher education in a county which establishes a county college pursuant to this act shall be abolished by the board of freeholders within 30 days of the approval of the county college by the State Board of Higher Education.

C. 18A:64A-64 Institute to be part of college.

15. The post-secondary institute shall be a part of the county college, upon agreement of the governing body of the institute.

C. 18A:64A-65 General supervision.

16. General supervision of the conduct of the institute shall be vested in the board of trustees of the county college.

C. 18A:64A-66 Transfer of assets.

17. All assets purchased by the board of education of the vocational schools of the county on behalf of and for the use of the institute and currently in use by the institute shall be transferred,

without any financial obligation being assumed, to the board of trustees of the county college.

In accepting transferred assets, the board of trustees shall be indemnified and held harmless by the grantor against any and all claims, outstanding obligations of any nature, demands, suits or other forms of liability which have attached to or may arise against assets.

C. 18A:64A-67 Transfer of property.

18. Any transfer of real or personal property from the institute, the county and its municipalities, the board of education of the vocational schools of the county, or any other public body to the county college shall be accomplished without the necessity of complying with laws relating to the sale of public property.

C. 18A:64A-68 Existing debt to be satisfied.

19. Any existing debt of the board of education of the vocational schools of a county owed to the State as a result of a certified enrollment audit by the Department of Higher Education shall become satisfied with the transfer of the assets of the institute to the county college. These transferred assets shall consist solely of the facilities and assets agreed to by the institute and the county college and approved by the chancellor, and shall take place within 30 days following the effective date of this act.

C. 18A:64A-69 Appointment of boards.

20. The board of governors and board of trustees shall be appointed as soon as practicable after the effective date of this act.

C. 18A:64A-70 Current bodies to continue.

21. Until such time as appointments have been made, the current governing bodies of each institution shall continue their operations without interruption.

C. 18A:64A-71 Employees.

22. The employees of the private institution and the full-time employees of the institute shall be employees of the county college and shall be subject to the provisions of P. L. 1941, c. 100 (C. 34:13A-1 et seq.). Existing tenure rights, contractual agreements, and all rights or protections provided employees under any pension law or retirement system or any other law of this State shall be fully protected by the board of trustees of the college; however, this shall not apply to any provision in any contractual agreement of employees of the institute which would affect the provision of subsection c. of this section regarding faculty rank.

a. The county college shall employ as many of the shared administrative and clerical employees of the county vocational board of education under the same salary and benefits as are provided by their current employment as the board of trustees may agree is reasonable and necessary.

b. Any nontenured faculty member employed by the private institution as of the effective date of this act may elect to be considered for tenure under the provisions of section 3 of P. L. 1973, c. 163 (C. 18A:60-8) or under provisions of the collective bargaining agreement in effect between the private institution and the faculty union as of the effective date of this act.

Any nontenured faculty member employed by the institute as of the effective date of this act may elect to be considered for tenure under the provisions of section 3 of P. L. 1973, c. 163 (C. 18A:60-8) or N. J. S. 18A:28-5.

On or before October 1, 1982, each nontenured faculty member shall notify the college president in writing of his choice for tenure consideration. Any faculty member not filing a written notice in the prescribed manner shall be considered for tenure under the provisions of section 3 of P. L. 1973, c. 163 (C. 18A:60-8). All faculty initially hired by the county college after the effective date of this act shall be governed by the provisions of "The State and County College Tenure Act," P. L. 1973, c. 163 (C. 18A:60-6 et seq.).

The provisions of this or any other law notwithstanding, any faculty member who is not under tenure as of the effective date of this act shall not be tenured until the college board of trustees shall affirmatively act to confer tenure.

c. All faculty members who are presently employed by the institute shall be evaluated through a procedure agreed to by a faculty committee of both institutions and placed in a faculty rank by the board of trustees no later than June 30, 1983.

C. 18A:64A-72 Alternate benefit program.

23. Eligible employees of the county college shall be enrolled in the alternate benefit program pursuant to P. L. 1969, c. 242 (C. 18A:66-167 et seq.). The county college shall be responsible for the payment of any additional pension costs which are in excess of the maximum contributions provided by the State.

Employees of the private institution who have previously been enrolled in the TIAA-CREF program at that institution, but are ineligible for membership in the alternate benefit program, may

continue in the TIAA-CREF program. All new employees not eligible for enrollment in the alternate benefit program shall enroll in the Public Employees' Retirement System if they are otherwise eligible.

Any faculty member of the institute on the effective date of this act, who is a member of the Teachers' Pension and Annuity Fund and who is otherwise eligible, may participate in the alternate benefit program by declaring his intention to participate in the program in writing within 90 days of the effective date of this act.

C. 18A:64A-73 Rights and benefits.

24. All administrative officers and teaching personnel shall have the rights and benefits provided by law relating to county colleges.

C. 18A:64A-74 Vested rights.

25. This act shall not impair, annul or affect any vested rights, grants, charter rights, privileges, exemptions, immunities, powers, prerogatives, franchises or advantages heretofore obtained or enjoyed by the college or any constituent unit thereof, under authority of its charter or any act of this State or county or under any grant, deed, conveyance, transfer, lease, estate, remainder, expectancy, trust, gift, donation, legacy, devise, endowment or fund, all of which are ratified and confirmed except insofar as the same may have expired or have been repealed or altered or may be inconsistent with this act.

C. 18A:64A-75 Outstanding commitments unaffected.

26. This act shall not affect the official status of any officer of the college, or any outstanding authorization of any officer, agent or employee to take any specified action, or any outstanding commitment or undertaking of or by the college, except to the extent that it may be inconsistent with this act.

C. 18A:64A-76 State board powers.

27. This act shall not abrogate the powers of the State Board of Higher Education to supervise and control the college in accordance with existing law.

C. 18A:64A-77 Gifts vested.

28. Every gift, grant, legacy, bequest, devise, endowment, estate, remainder, or expectancy, contained in any will, deed, declaration of trust, transfer, or other instrument, to or for or inuring to the benefit of the college, or any constituent unit thereof, whenever established or acquired, and every chose in action, to which the college is or shall be entitled, in whatever name and under whatever

title, shall continue to be vested or shall vest in and shall inure to the benefit of the college as completely and effectually as though expressly made to it in its name and for its use and benefit; and none of the same shall lapse, terminate or revert by reason of the enactment of this act; subject, however, to the provisions of this act and other applicable laws, and to all of the rights, obligations, relations, conditions, terms, trusts, duties and liabilities to which the same are subject; and may effectually execute and give receipts and discharges and other instruments in the name of the college or in the name in which the same may have been made or given for the use and to the benefit of the college.

C. 18A:64A-78 Resolution required.

29. This act shall become operative only after acceptance and adoption by the board of trustees of the private institution, which shall be by resolution which shall:

a. Impress the property and funds remaining under the board of governors with a public trust for the use and benefit of the higher education of the citizens of the county; and

b. Effectuate the changes in the bylaws of the private institution which are necessary to implement the provisions of this act.

30. This act shall take effect July 1, 1982.

Approved June 24, 1982.

CHAPTER 43

AN ACT to establish a motor vehicle point system for driver education and control, amending R. S. 39:5-30, supplementing chapter 5 of Title 39 of the Revised Statutes and repealing section 2 of P. L. 1969, c. 261 (C. 39:5-30.3).

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

C. 39:5-30.5 Assessment of points.

1. The Director of the Division of Motor Vehicles shall have the authority, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), to continue to adopt rules and regulations to determine the motor vehicle offenses for which penalty points may be assessed under this act, and the amount of points to be assessed for each offense.

C. 39:5-30.6 Courts to assess.

2. The court shall assess points at the time of conviction for any offense committed in this State, and the Director of the Division of Motor Vehicles in the Department of Law and Public Safety shall, upon receiving notice, assess points for any conviction occurring in another jurisdiction. The court shall transmit a record of all points assessed, along with the record of conviction to the director. The director shall maintain records of all points assessed in a manner which he shall prescribe. In addition to any requirements the director may prescribe, the record shall include the respective dates of commission and conviction of the offense or offenses.

C. 39:5-30.7 Notification of 6 or more.

3. Whenever a licensee has accumulated six or more points, the director shall notify him at his last address of record with the Division of Motor Vehicles of the number of points he has been assessed and the general nature and effect of the point system.

C. 39:5-30.8 License suspension.

4. Except for good cause, the director shall suspend for a period of no less than 30 days and no more than 180 days, except as provided in section 6 of this act, the license to operate a motor vehicle of any person who accumulates

- a. 12 or more points in a period of 2 years or less, or
- b. 15 or more points in a period greater than 2 years, or
- c. at least 12 points but fewer than 15 points in a period greater than 2 years, unless the licensee notifies the division in writing within 10 days of the date of mailing of the proposed notice of suspension of his intention to attend a driver improvement course that is approved by the director, and satisfactorily completes such course.

The proposed notice of suspension shall be mailed to the licensee at his last address of record with the Division of Motor Vehicles and shall clearly state the length of the suspension, the reason for the suspension and that the licensee has a right to be heard on the suspension.

The suspension shall become effective 15 days from the date of the mailing of the notice unless the director for cause establishes another date for commencement of the suspension, or the licensee notifies the director in writing within 10 days of the mailing of the notice of his intention to personally appear at a hearing to challenge the suspension.

The administrative law judge presiding at a hearing held pursuant to this section shall only consider evidence of the actual number of points assessed and the period of time during which such points were accumulated, taking into consideration any point reduction credits earned by the licensee, in issuing a suspension. He may consider other relevant evidence in considering the appropriateness of any portion of a suspension issued in excess of 30 days.

Any person who fails without reasonable cause to appear at a hearing provided for by this section, or who fails to satisfactorily complete the approved driver improvement course, as the case may be, shall have his license to operate a motor vehicle suspended forthwith by the director for the period contained in the proposed notice of suspension.

C. 39:5-30.9 Reduction of points.

5. Points recorded against a licensee shall be reduced at the rate of three points for each 12 consecutive months in which the licensee has not committed any violation either resulting in the assessment of points or in the suspension of driving privileges. Points recorded against a licensee shall also be reduced by three points, where the licensee attends and satisfactorily completes an approved license improvement course; provided, however, that no licensee may receive point reduction credits for completion of the same or a similar course within 2 years of having completed the original course. No point totals shall be reduced below zero. Computation of the time periods used in granting point reduction credits shall in all cases be based upon the respective dates of commission of the offenses for which the licensee was convicted and assessed points.

C. 39:5-30.10 Violation within one year.

6. Except for good cause, the director shall suspend for a period as provided herein the license to operate a motor vehicle of any person who, having had his license suspended pursuant to subsection a., b., or c. of section 4 of this act, or having satisfactorily completed an approved driver improvement course pursuant to subsection c. of section 4 of this act, is convicted of a violation committed within 1 year of the date of restoration of the driving privilege or the date of completion of the approved driver improvement course, as the case may be. For commission of one violation within 1 year, the period of suspension shall be no less than 45 days and no more than 90 days. For a second violation the period of suspension shall be no less than 90 days and no more than 180 days.

The proposed notice of suspension shall be mailed to the licensee at his last address of record with the Division of Motor Vehicles. The notice shall clearly state the length of the suspension, the reason for the suspension and that the licensee has a right to be heard on the suspension, which shall become effective 15 days from the date of the mailing of the notice, unless the director for cause establishes another date for commencement of the suspension, or unless the licensee notifies the director in writing within 10 days of the notice of his intention to personally appear at a hearing to challenge the suspension.

The administrative law judge presiding at a hearing held pursuant to this section shall only consider evidence of the actual number of points assessed and the period of time during which such points were accumulated, taking into consideration any point reduction credits earned by the licensee. He may consider other relevant evidence in considering the appropriate length of a suspension for each case.

Any person who fails without reasonable cause to appear at a hearing provided for by this section shall have his license to operate a motor vehicle suspended forthwith for the term contained in the proposed notice of suspension.

C. 39:5-30.11 Non-defenses.

7. It shall not be a defense to nor a reason for an adjournment of any suspension proceeding instituted pursuant to this act that a. the director initially notified the licensee of any less stringent administrative alternatives then available to the licensee, prior to the division receiving notification of more recent points accumulated by the licensee, or b. the director failed to notify the licensee, pursuant to the provisions of section 3 of this act, of the number of points he had accumulated. At any hearing held pursuant to this act, the administrative law judge shall consider as reason for the suspension and the length of the suspension the actual number of points accumulated by the licensee prior to the date of the hearing.

8. R. S. 39:5-30 is amended to read as follows:

Suspension, revocation of registration, license certificates.

39:5-30. a. Every registration certificate and every license certificate to drive motor vehicles may be suspended or revoked, and any person may be prohibited from obtaining a driver's license or a registration certificate, and the reciprocity privilege of any nonresident may be suspended or revoked by the director for

a violation of any of the provisions of this Title or on any other reasonable grounds, after due notice in writing of such proposed suspension, revocation or prohibition and the ground thereof.

He may also summon witnesses to appear before him at his office or at any other place he designates, to give testimony in a hearing which he holds looking toward a revocation of a license or registration certificate issued by or under his authority. The summons shall be served at least 5 days before the return date, either by registered mail or personal service. A person who fails to obey the summons shall be subject to a penalty not exceeding \$100.00, to be recovered with costs in an action at law, prosecuted by the Attorney General, and in addition the vehicle registration or driver's license, or both, as the case may be, shall forthwith be revoked. The fee for witnesses required to attend before the director shall be \$1.00 for each day's attendance and \$0.03 for every mile of travel by the nearest generally traveled route in going to and from the place where the attendance of the witness is required. These fees shall be paid when the witness is excused from further attendance, and the disbursements made from payment of the fees shall be audited and paid in the manner provided for expenses of the department. The actual conduct of said hearing may be delegated by the director to such departmental employees as he may designate, in which case the said employees shall recommend to the director in writing whether the said licenses or certificates shall or shall not be suspended or revoked.

b. Whenever a matter is presented to the director involving an alleged violation of

(1) R. S. 39:4-98, where an excess of 20 miles per hour over the authorized speed limit is alleged, and which has resulted in the death of another;

(2) R. S. 39:4-50, and which has resulted in the death of another;

(3) R. S. 39:4-96, and which has resulted in the death of another;

or

(4) R. S. 39:4-129, wherein the death of another has occurred, and the director has not determined to immediately issue a preliminary suspension pursuant to subsection e. of this section, the director shall issue a notice of proposed final suspension or revocation of any license certificate or any nonresident reciprocity privilege to operate any motor vehicle or motorized bicycle held by the individual charged or temporary order prohibiting the individual from obtaining any license to operate any motor vehicle or motorized bicycle in this State.

In the notice, the director shall provide the individual charged with an opportunity for a plenary hearing to contest the proposed final suspension, revocation or other final agency action. Unless the division receives, no later than the 10th day from the date the notice was mailed, a written request for hearing, the proposed final agency action shall take effect on the date specified in the notice.

Upon receipt of a timely request for a plenary hearing, a preliminary hearing shall be held by an administrative law judge within 15 days of the receipt of the request. The preliminary hearing shall be for the purpose of determining whether, pending a plenary hearing on the proposed final agency action, a preliminary suspension shall be immediately issued by the judge. Adjournment of such hearing upon motion by the individual charged shall be given only for good cause shown.

At the preliminary hearing, the parties shall proceed on the papers submitted to the judge, including the summons, the police reports and the charged individual's prior driving record submitted by the division, and any brief affidavits permitted by the judge from persons who shall be witnesses at the plenary hearing, and the parties may present oral argument. Based on the papers, on any oral argument, on the individual's prior driving record, and on the circumstances of the alleged violation presented in the papers, the judge shall determine whether the individual was properly charged with a violation of the law and a death occurred; and, if so, whether in the interest of public safety, a preliminary suspension shall be immediately ordered pending the plenary hearing on the proposed suspension or revocation. The administrative law judge shall transmit his findings to the director.

A plenary hearing shall be held no later than the 45th day following receipt of a timely request. Adjournment of the hearing shall be given only for good cause shown. If the hearing is otherwise postponed or delayed solely at the instance of the individual charged, the administrative law judge shall immediately issue a preliminary suspension of any license certificate or any nonresident reciprocity privilege held by the individual charged, or if any such preliminary suspension or order is in effect, he shall continue such suspension or order. Such preliminary suspension or temporary order shall be effective until the individual charged appears at the plenary hearing. If the hearing is otherwise postponed or delayed at the instance of anyone other than the individual charged, the judge shall immediately issue an order restoring the individual's license certificate or any nonresident reciprocity privilege pending

final agency decision in the matter. The period of any preliminary suspension imposed under this section shall be deducted from any suspension imposed by the final agency decision in the matter.

c. Whenever any other matter is presented to the director involving an alleged violation of this title, wherein the death of another occurred and for which he determines immediate action is warranted, he may proceed in the manner prescribed in subsection b. above.

d. Whenever a fatal accident occurs in this State, wherein any operator involved in the accident is charged with any of the offenses enumerated in subsection b. of this section, an investigation of the incident, whether performed by the State Police or by local police, shall be completed and forwarded to the director within 72 hours of the time of the accident.

e. Whenever a matter is presented to the director involving an alleged violation of

(1) R. S. 39:4-98, where an excess of 20 miles per hour over the authorized speed limit is alleged, and which has resulted in the death or serious bodily injury of another;

(2) R. S. 39:4-50, which has resulted in the death or serious bodily injury of another;

(3) R. S. 39:4-96 or R. S. 39:4-97, which has resulted in the death or serious bodily injury of another; or

(4) R. S. 39:4-129, wherein the death or serious bodily injury of another has occurred, the director for good cause may, without hearing, immediately issue a preliminary suspension of any license certificate or any nonresident reciprocity privilege to operate any motor vehicle or motorized bicycle held by an individual charged or temporary order prohibiting the individual from obtaining any license to operate any motor vehicle or motorized bicycle in this State. For purposes of this subsection, "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. Along with the notice of preliminary suspension, the director shall issue a notice of proposed final suspension, revocation or other final agency action, and shall afford the individual the right to a preliminary hearing to contest the preliminary suspension and a plenary hearing to contest the proposed final agency action.

The preliminary suspension shall remain in effect pending a final agency decision on the proposed final agency action, unless

a request for a preliminary hearing is received by the division no later than the 10th day from the date on which the notice was mailed. The proposed final agency action shall take effect on the date specified in the notice unless a request for a plenary hearing is received by the division no later than the 10th day from the date on which the notice was mailed.

Upon timely request by the individual, a preliminary hearing shall be held by an administrative law judge, no later than the 15th day from the date on which the division receives the request. The preliminary hearing shall be for the purpose of determining whether, pending a plenary hearing on the proposed final agency action, the preliminary suspension issued by the director shall remain in effect. Adjournment of the hearing shall be given only for good cause shown. If the preliminary hearing is otherwise postponed or delayed solely at the instance of someone other than the individual charged, the judge shall immediately order that the individual's license certificate or any nonresident reciprocity privilege be restored pending the rescheduled preliminary hearing.

At the preliminary hearing, the parties shall proceed on the papers submitted to the judge, including the summons, the police reports and the charged individual's prior driving record submitted by the division, and any brief affidavits permitted by the judge from persons who shall be witnesses at the final hearing, and the parties may present oral arguments. Based on the papers, on any oral argument, on the individual's prior driving record, and on the circumstances of the alleged violation presented in the papers, the judge shall immediately determine whether the individual was properly charged with a violation of the law and a death occurred; and, if so, whether in the interest of public safety, the preliminary suspension shall be continued pending the plenary hearing on the proposed final agency action. The administrative law judge shall transmit his findings to the director.

Any plenary hearing to contest the proposed final agency action shall conform to the requirements for a plenary hearing contained in subsection b. of this section.

f. In addition to any other final agency action, the director shall require any person whose privileges to operate a motor vehicle or motorized bicycle are suspended or who has been prohibited from obtaining a license, pursuant to this section, to be reexamined to determine the person's ability to operate a motor vehicle or motorized bicycle, prior to regaining or obtaining any driving privileges in this State.

Any determination resulting from any preliminary or plenary hearing held pursuant to this section shall not be admissible at any criminal or quasi-criminal proceedings on the alleged violation or violations.

Repealer.

9. Section 2 of P. L. 1969, c. 261 (C. 39:5-30.3) is repealed, provided, however, that any points accumulated by a licensee prior to the effective date of this act, and pursuant to the authority granted by section 2 of P. L. 1969, c. 261 (C. 39:5-30.3), shall remain in full force and effect, and shall be computed along with points assessed pursuant to the authority contained in this act, in initiating or proceeding with any administrative action authorized herein.

10. This act shall take effect 120 days next following enactment.

Approved June 28, 1982.

CHAPTER 44

AN ACT concerning the employment of personnel at State correctional facilities in certain municipalities and supplementing P. L. 1947, c. 151 (C. 52:27BB-1 et seq.).

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

C. 30:4-3.1 Appointment of municipal residents.

1. Notwithstanding any provision of law relating to required residence for State employees in Title 11 of the Revised Statutes, the appointing authority of any State correctional facility located in a municipality with a population of more than 84,000, but less than 90,000, according to the latest federal decennial census, shall appoint to positions of employment with the facility only residents of the municipality in which the facility is located, provided that:

a. The municipality, on the effective date of this act, is operating under the provisions of P. L. 1947, c. 151 (C. 52:27BB-1 et seq.);

b. The residents permanently appointed possess at least the minimum qualifications required by Civil Service specifications for the available positions, have lived in the municipality for at least 6 months and have complied with other requirements of Title 11 of the Revised Statutes; and

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c. A sufficient number of qualified residents exists for permanent appointment to available positions.

C. 30:4-3.2 Working test period, job training program.

2. The appointing authority shall establish a working test period and job training program for all persons to be appointed under the provisions of this act. The working test period and job training program shall conform to the criteria and standards utilized by the Department of Civil Service and shall be designed to provide at least the minimum qualifications required by Civil Service specifications for the available positions.

C. 30:4-3.3 Insufficient number of qualified residents.

3. If the appointing authority of such a State correctional institution determines, after ample advertising, that an insufficient number of qualified residents exists for available positions, the appointing authority shall take such action as is necessary pursuant to Title 11 of the Revised Statutes to fill those positions.

4. This act shall take effect immediately.

Approved June 29, 1982.

CHAPTER 45

AN ACT concerning motor vehicles and amending R. S. 39:3-10, R. S. 39:3-40, R. S. 39:4-96, R. S. 39:4-104 and R. S. 39:4-203.

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

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

Licensing of drivers.

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.

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

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

- a. Motorcycles;
- 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, except as otherwise provided, on the last day of the forty-eighth calendar month following the calendar month in which such license was issued.

The director may issue a renewal of a basic driver's license which does not bear a photograph, and which shall expire on the last day of the twenty-fourth calendar month following the calendar month in which such license was issued, to any person 60 years of age or older who makes application for such a license.

The director may, at his discretion and for good cause shown, issue licenses which shall expire on a date fixed by him. The fee for such licenses shall be fixed by the director in amounts proportionately less or greater than the fee herein established.

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

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

The required fee for a basic driver's license for the 24 month period shall be \$8.00.

The required fee for a license for the 36 month period shall be as follows:

Motorcycle license or endorsement	\$6.00
Omnibus or school bus endorsement	\$12.00
Articulated vehicle endorsement	\$6.00
Basic driver's license	\$12.00

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 non-profit 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 and in accordance with procedures established by him.

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

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

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

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

Penalties for driving when prohibited.

39:3-40. No person to whom a driver's license has been refused or whose driver's license or reciprocity privilege has been suspended or revoked, or who has been prohibited from obtaining a driver's license, shall personally operate a motor vehicle during the period of refusal, suspension, revocation, or prohibition.

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

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

- a. Upon conviction for a first offense, a fine of \$500.00;
- b. Upon conviction for a second offense, a fine of \$750.00 and imprisonment in the county jail for not more than 5 days;
- c. Upon conviction for a third offense, a fine of \$1,000.00 and imprisonment in the county jail for 10 days;
- d. Upon conviction, the court shall impose or extend a period of suspension not to exceed 6 months;

e. Upon conviction, the court shall impose a period of imprisonment for not less than 45 days if while operating a vehicle in violation of this section a person is involved in an accident resulting in personal injury.

Notwithstanding paragraphs a. through e., any person violating this section while under a suspension issued pursuant to R. S. 39:4-50 shall be subject upon conviction to a fine of \$500.00, imprisonment in the county jail for 90 days, and an additional suspension of the license to operate a motor vehicle for a period of 5 years.

3. R. S. 39:4-96 is amended to read as follows:

Reckless driving.

39:4-96. A person who drives a vehicle on a highway heedlessly, in willful or wanton disregard of the rights or safety of others, in a manner so as to endanger, or be likely to endanger, a person or property, shall be guilty of reckless driving and be punished by imprisonment in the county or municipal jail for a period of not more than 60 days, or by a fine of not less than \$50.00 or more than \$200.00, or both.

On a second or subsequent conviction he shall be punished by imprisonment for not more than 3 months, or by a fine of not less than \$100.00 or more than \$500.00, or both.

4. R. S. 39:4-104 is amended to read as follows:

Fine, imprisonment.

39:4-104. A person violating a section of this article shall, for each violation, be subject to a fine of not less than \$50.00 or more than \$200.00, or imprisonment for a period not exceeding 15 days, or both, except as herein otherwise provided.

5. R. S. 39:4-203 is amended to read as follows:

Penalty for other violations.

39:4-203. For a violation of a provision of this chapter or any supplement thereto for which no specific penalty is provided, the offender shall be liable to a penalty of not more than \$50.00 or imprisonment for a term not exceeding 15 days, or both; except that for a violation of a section of article 11, 13, 14 or 17 of this chapter or any supplement thereto for which no specific penalty is provided, the offender shall be liable to a penalty of not less than \$50.00 or more than \$200.00 or imprisonment for a term not exceeding 15 days, or both.

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

Approved June 29, 1982.

CHAPTER 46

AN ACT creating the office of deputy superintendent of elections in certain counties; amending R. S. 19:32-1, R. S. 19:32-2, and P. L. 1947, c. 167; and supplementing chapter 32 of Title 19 of the Revised Statutes.

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

C. 19:32-1.1 Deputy superintendent of elections.

1. (New section) The office of deputy superintendent of elections in counties of the first class is established. The office in each county shall be filled by a suitable person who shall be nominated by the Governor with the advice and consent of the Senate, who shall not be from the same political party as the superintendent of elections, and who shall hold office for a term of five years, running concurrently with the term of the superintendent and until his successor is appointed and has qualified. The initial appointment to the office of deputy superintendent of elections may be for a partial term, if necessary. Vacancies shall be filled in the same manner as original appointments but shall be for the unexpired term only. He shall have his office in the county for which he is appointed.

C. 19:32-1.2 Powers and duties.

2. (New section) The deputy superintendent of elections shall assist the superintendent of elections in the performance of his duties, shall serve as superintendent in his absence, and shall have such powers and duties as the superintendent may delegate to him from time to time. In addition, the deputy superintendent is constituted the chief deputy of the superintendent and shall have all of the powers and duties of the chief deputy. No county with a deputy superintendent so appointed shall also have a chief deputy appointed pursuant to R. S. 19:32-2.

3. R. S. 19:32-1 is amended to read as follows:

Superintendent of elections.

19:32-1. The office of superintendent of elections in counties of the first class in which such office has previously been established is continued, and in those counties of the first class in which such office has not been previously established, is established. The offices shall be filled by some suitable persons who shall be

nominated by the Governor with the advice and consent of the Senate and who shall hold office for the term of 5 years from the date of appointment and until their successors are appointed and have qualified. Each superintendent shall receive a salary of not less than \$7,500.00 or more than \$10,000.00 per annum, as the board of freeholders of such county shall determine, to be paid by the county treasurer. The persons so appointed shall have their offices in the counties for which they are appointed. Vacancies shall be filled in the same manner as original appointments, but shall be for the unexpired term only. Any person filling a vacancy shall be from the same party as the original appointee. The annual salary of each deputy superintendent shall be 90% of what the superintendent receives for performing the duties of superintendent of elections and commissioner of registration.

4. R. S. 19:32-2 is amended to read as follows:

Appointment of personnel.

19:32-2. Except as provided in section 2 of P. L. 1982, c. 46 (C. 19:32-1.2), each superintendent may appoint a chief deputy, a chief clerk, a secretary, such personnel as is authorized under R. S. 19:48-6, and any other assistants he considers necessary to carry out the provisions of this Title, and, except as hereinafter provided, may remove the same whenever he deems it necessary and all persons so appointed, by superintendents of elections in counties of the first class having more than 850,000 inhabitants, according to the latest federal census taken in a year ending in zero, to serve for terms of more than 6 months in any 1 year, shall be in the classified service of the civil service and shall be appointed in accordance with and shall be subject to the provisions of Title 11, Civil Service, but all other persons so appointed shall not be subject to any of the provisions of Title 11, Civil Service, but shall be in the unclassified service. All persons appointed by the commissioner of registration in counties of the first class having more than 600,000, but less than 850,000 inhabitants, according to the latest federal census taken in a year ending in zero, to serve for terms of more than 6 months in any 1 year, other than the chief deputy and chief clerk and confidential secretary and chief custodian, shall be in the classified service of the civil service and shall be appointed, and hold their positions, in accordance with the provisions of Title 11, Civil Service, but all other persons so appointed shall not be subject to any of the provisions of Title 11, Civil Service, but shall be in the unclassified service.

Each superintendent shall fix the salaries of the persons so appointed and such salaries certified to and approved under his hand shall be paid semimonthly by the county treasurer of the county in which such persons are so engaged. All other necessary expenses incurred in carrying out the provisions of this Title, when certified to and approved by the superintendent, shall be paid by the county treasurer of the county in which the superintendent shall maintain his office; provided, however, that all necessary expenses incurred by the commissioner of registration, the superintendent of elections, and the custodian of voting machines in the counties of the first class for the proper performance of all of his duties of all his offices as set forth in Title 19, shall not exceed, in the aggregate, the sum of \$1,250,000.00 per annum.

5. Section 24 of P. L. 1947, c. 167 (C. 19:32-49) is amended to read as follows:

C. 19:32-49 Superintendent constituted commissioner of registration.

24. In addition to the foregoing, the superintendent of elections is constituted the commissioner of registration for the county and he shall, within the county, have and exercise all the powers of, and be charged with all the duties had and exercised and required to be performed by, the superintendent of elections and the commissioner of registration in any county, including the custody and control of voting machines heretofore or hereafter installed in the county in any manner provided by law, except those heretofore or hereafter installed in any municipality by the governing body thereof, which shall be placed and remain in the custody of the municipal clerk unless taken over the county according to law. The deputy superintendent of elections in counties of the first class is constituted the deputy commissioner of registration.

6. This act shall take effect immediately.

Approved June 29, 1982.

CHAPTER 47

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-67.1 Housing counsellor.

1. The governing body of any municipality having a population in excess of 60,000 persons, in which, prior to the effective date of P. L. 1981, c. 465 (C. 40:69A-12 et al.), the voters adopted the form of government designated as "Mayor-Council Plan D," formerly provided for in Article 6 of the "Optional Municipal Charter Law," P. L. 1950, c. 210 (C. 40:69A-1 et seq.), may by ordinance create the position of housing counsellor to counsel new and prospective home owners concerning purchase and maintenance costs of housing within the municipality, and may prescribe such additional duties as are appropriate to the position.

C. 40:69A-67.2 Appointment by council.

2. The position of housing counsellor created pursuant to section 1 of this act shall be filled by appointment of the council. The housing counsellor shall serve in the unclassified service of the civil service of the municipality, be removable at the pleasure of the council, and shall receive such salary as shall be fixed by the council.

3. This act shall take effect immediately.

Approved June 29, 1982.

CHAPTER 48

AN ACT to validate certain proceedings of school districts and any bonds or other obligations issued or to be issued pursuant to such proceedings.

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

1. All proceedings heretofore had or taken by any school district or at any school district 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 notices relating to such election were not published in the form required by the provisions of the absentee voting law (P. L. 1953, c. 211) as amended or N. J. S. 18A:14-19; provided, however, that such notices

were published in a newspaper published in the county and circulating in such school district; and provided further that notices of such election were posted prior to the election; 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 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 29, 1982.

CHAPTER 49

Note: In approving the following act, the Governor deleted or modified certain items. Modified items are designated by *. See statement 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, 1983 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR THE FISCAL YEAR 1982-83

GENERAL FUND

Undesignated fund balance, July 1, 1982	\$66,079,822*
<i>Major Taxes</i>	
Sales	\$1,423,000,000*
Cigarette tax increase	36,000,000*
Alcoholic beverage wholesale sales	84,000,000*
Corporation business	829,500,000
Corporation business—Uncouple depreciation	40,000,000
Motor fuels	284,000,000*
Motor vehicle fees	265,411,000*
Cigarette	175,000,000*
Transfer inheritance	134,000,000*
Insurance premiums	98,000,000*
Business personal property	52,000,000

Public utility excise	104,000,000
Alcoholic beverage excise	61,000,000
Realty transfer	18,000,000
Corporation business—Banks and financial institutions	32,000,000
Pari-mutuel	12,500,000
Motor fuel use	7,000,000
Savings institutions	0
Total—Major Taxes	\$3,655,411,000*

Miscellaneous Taxes, Fees, Revenues

Executive Branch—

Department of Agriculture:

Animal, plant disease and pest control fees ..	\$100,690
Fertilizer inspection and other fees	155,070
Milk control licenses and fees	190,000

Department of Banking:

Bank assessments	1,458,090
Examining and other fees	2,860,987
New Jersey Cemetery Board	81,890

Department of Community Affairs:

Boarding home fees	275,000
Construction fees	995,350
Housing inspection fees	2,172,600
Local government services	128,500
Planned real estate development fees	425,000

Department of Education:

Katzenbach School for the Deaf—Tuition	2,805,250
Licensing fees	251,450
Non-public schools textbook recoveries	180,000
State Board of Examiners fees	455,000

Department of Energy:

Assessments—Cable TV	748,012
Assessments—Public Utility	9,968,690
Fees, fines and penalties	150,000

Department of Environmental Protection:

Air pollution fees	490,000
Examination licensing fees	37,045
Forest management sales	41,843

Hunters' and Anglers' License Fund	5,899,417
Marina rentals	465,000
Marine Lands Management—Delineation and title determination	880,000
Marine Lands Management—Miscellaneous revenue	20,000
Morris Canal Fund	48,000
New Jersey Pilot Commissioners	73,400
Parks management	2,545,000
Radiation protection	275,000
Shell fisheries leases	270,505
Solid waste management fees	725,000
Water pollution fees	60,000
Department of Health:	
Licenses, permits and fees	1,300,000
Department of Higher Education:	
Bond interest recoveries	358,478
School of Conservation	440,000
Thomas A. Edison College—Fees	335,000
Tuition—Regular	44,145,433
Other student fees	685,769
Miscellaneous	389,300
Department of Human Services:	
Adoption law fees	150,000
Patients and residents cost recoveries:	
Institutions for the retarded	50,650,000
Psychiatric hospitals	54,800,000
Soldiers' homes	4,401,097
Special residential services	6,053,028
Medicare recoveries	1,322,995
Department of Insurance:	
Actuarial services	790,965
Licensing and enforcement	3,227,100
Real Estate Commission	1,456,160
Department of Labor:	
Licenses, permits and fines	807,500
Special Compensation Fund	828,886
Department of Law and Public Safety:	
Amusement games control fees	115,000
Beverage licenses	3,000,000
Bus excise tax	250,000

Division of Consumer Affairs:	
General revenues	1,635,000
Professional examining board fees	5,300,000
Division of State Police	709,500
Motor Vehicle Security-Responsibility Law	
administration	4,871,037
Pleasure boat licenses	1,660,260
Other boating fees	36,226
Department of State:	
Commissions	325,000
General revenue—Fees	6,049,200
Uniform Commercial Code—Fees	937,000
Administrative procedures publications	100,000
Department of Transportation:	
Applications and highway permits	850,000
Division of Aeronautics	99,800
Outdoor advertising	282,000
Department of the Treasury:	
Coin operated telephones	70,000
Escheats, Personal Property (14 year law) ...	200,000
Interest on deposits	1,000,000
Investment earnings	5,000,000
New Jersey Sports and Exposition Authority .	8,000,000
Municipal Purposes Tax Assistance Fund ...	56,500,000
Public Utility Radiation Response	
Assessment	700,000
Public Utility Tax—Administration	152,000
Public Utility Taxes—Local share distribution	
not required	17,000,000
Public Utility Taxes—1982 local share	
retention	35,603,594*
Public Utility Taxes—1983 local share	
retention	44,400,000*
Railroad Tax:	
Class II	70,000
Franchise	50,000
Vending Machine Commissions	130,000
Miscellaneous Executive Commissions:	
Delaware River Joint Toll Bridge Commission	
Pennsylvania share	990,060

Other Sources:	
Miscellaneous revenue	1,500,000
Sale of State land	10,000,000
Miscellaneous fee increases	8,000,000
Inter-Departmental Accounts:	
Administration and investment of pension and social security funds	5,000,000
Employee maintenance deductions	2,485,000
Health benefits contribution reimbursement from special funds	11,000,000
Indirect cost recovery—Federal	7,800,000
Judicial Retirement System reimbursements ..	1,000,000
Other fringe benefit reimbursement from special funds	1,200,000
Pension contribution reimbursement from special funds	18,000,000
Public employer's contribution reimbursement	7,600,000
Reimbursement from Rutgers—Employer's share of employees' benefits	3,888,644
Rent of State building space	900,000
Social security contribution from special funds	15,000,000
Judicial Branch—	
Court fees	26,642,551
Division of Tax Appeals—Fees	225,000
Total—Miscellaneous Taxes, Fees, Revenues	
	\$523,700,372*

Interfund Transfers

Beaches and Harbor Fund	\$200,000
Clean Waters Fund	150,000
Emergency Flood Control Fund	200,000
Energy Conservation Fund	200,000
Higher Education Buildings Construction Fund (Act of 1971)	210,000
Housing Assistance Fund	2,000
Institutional Construction Fund 1978	2,903,390
Institutions Construction Fund	352,900
Medical Education Facilities Fund	500,000
Mortgage Assistance Fund	1,699,210
Motor Vehicle Security—Responsibility Fund	65,000
Natural Resources Fund	550,000

New Jersey Spill Compensation Fund	1,000,000
Outstanding checks account	620,000
Public Building Construction Fund	90,000
Public Purpose Buildings Construction Fund	1,817,000
School Fund	3,200,000
Special Railroad Deposits	1,500
State Disability Benefits Fund	7,320,931
State Land Acquisition and Development Fund ...	6,211,000
State Lottery Fund	235,000,000
State of New Jersey Cash Management Fund	500,000
State Recreation and Conservation Land Acquisition and Development Fund	2,662,810
State Transportation Fund	500,000
State Water Development Fund	30,000
Transportation Benefit Fund	5,000
Transportation Fund	52,000,000
Transportation Rehabilitation and Improvement Fund	5,637,790
Unclaimed Bank Deposits Escheat Reserve Fund ..	825,000
Unclaimed Domestic Life Insurance Escheat Reserve Fund	390,000
Unclaimed Personal Property Trust Fund	2,000,000
Unemployment Compensation Auxiliary Fund	6,050,000
Unsatisfied Claim and Judgment Fund	558,970
Water Conservation Fund	1,000,000
Water Supply Fund	347,400
Total Interfund Transfers	\$334,799,901

Federal Revenue

Executive Branch—

Department of Agriculture:

Cooperative gypsy moth suppression \$375,000

Department of Community Affairs:

Community services block grant 10,100,000

Moderate rehabilitation housing assistance

(Division operations) 374,942

Older Americans' Act—Title III 756,663

Rental assistance for low income families

(Division operations) 1,733,246

Small cities block grant 11,500,000

Weatherization assistance program 1,760,000

Department of Defense:	
Army facilities—service contract	931,950
Atlantic City Air Base—service contract	602,250
McGuire Air Force Base—service contract	790,628
Training and equipment pool sites	261,818
Department of Education:	
Adult basic education	252,002
Child nutrition	1,192,130
Council on the Arts—Basic block grant	365,489
Education block grant, Chapter II	2,620,000
Elementary and Secondary Education Act, Title I	4,858,187
Elementary and Secondary Education Act, Title VI	1,474,145
Migrant educational program	366,644
New Jersey Job Corps	4,621,660
Public library services	723,485
Race desegregation	284,450
Vocational education—Basic grants	2,820,470
Vocational education—Program improvement and supportive service	622,729
Department of Energy:	
Coastal energy impact program administration and grants	276,000
Energy extension program	232,500
National Energy Act—Public Care and Local Government Building	397,373
State energy conservation program	581,673
Supplemental State conservation program	278,346
Department of Environmental Protection:	
Air pollution maintenance program	3,100,000
Allentown Lake restoration	206,655
Area-wide waste treatment management	220,000
Construction grants program	3,000,000
Heritage conservation and recreation services .	2,000,000
Hunter safety training	250,000
Hunters' and Anglers' License Fund	600,000
N. Hudson Park Lake restoration	321,174
Outer continental shelf oil development and impact study	700,000
Pesticide technology	967,743

Resource Conservation Recovery Act—	
Hazardous waste	1,230,000
State toxic substance control	352,808
Statewide pre-treatment program	2,000,000
Water pollution control program	1,361,500
Water supply—Safe drinking water	549,100
Department of Health:	
Alcohol and drug abuse, mental health block grant	19,400,000
Emergency medical services—Infant restraint project	340,000
Family planning programs	1,959,160
Health insurance benefits program	675,359
Immunization project	340,381
Improved pregnancy outcome	400,000
Maternal and child health block grant	7,478,923
Preventive health and health services block grant	2,519,112
Supplemental food program—WIC	20,700,000
Venereal disease project	847,870
Department of Higher Education:	
Basic education opportunity grant	7,513,000
College work-study program	1,446,000
Comprehensive improvement	308,856
Educational opportunity grant program	477,585
National direct student loan	308,000
Strengthening developing institutions program	500,000
Student loan administration	3,681,451
Supplemental education opportunity grant ..	235,264
Department of Human Services:	
Child support and paternity, Title IV-D (State operations)	1,938,000
Child welfare, Title IV-B	4,287,870
Day care services, Title IV-A	400,000
Deaf-blind training grant (State operations) ..	222,068
Developmental Disabilities	1,152,758
Foster care—Title IV-E	3,200,000
Food stamp program (Division operations) ..	1,244,000
Foster grandparent program	827,883
Human Services programs—Research and demonstration AFDC	3,674,714

Intermediate Care facilities—Mental Retardation (ICF-MR)	78,162,287
Low income energy assistance block grant	68,000,000
Medicaid administration—DYFS	200,000
Medicaid payments—DYFS	300,000
Medical assistance—Claims	417,078,344
Medical assistance administration	26,586,703
Public welfare administration	9,250,659
Refugee resettlement program	1,567,881
Rehabilitation of the blind, Section 120	4,132,364
Social services block grant	78,755,528
Work incentive program, Title IV-C	10,424,091
Department of Labor:	
CETA—Title I, Administration	1,114,478
CETA—Title II-B, Balance of State	2,214,180
CETA—Title II-B, Employment services	567,929
CETA—YETP Title IV-A, Balance of State ..	229,401
CETA—Title IV-C, Special summer youth	1,077,052
CETA—Title VII, Private sector initiative program	369,367
CETA—State employment training council ..	4,784,181
CETA—5% Youth discretionary Federal	230,245
CETA—Other	4,064,142
Employment services	9,761,310
Independent living program	200,000
Job Corps program	281,200
Management and administration	4,685,223
Old Age and Survivors' Insurance Disability Determination	21,667,744
OSHA on-site consultation	780,191
Rehabilitation Act, Section 110	18,618,714
Social Security Act, Title III, Planning and research	2,698,229
Unemployment insurance	36,713,679
Vocational rehabilitation services— Disability insurance beneficiaries	375,000
Department of Law and Public Safety:	
Additional enforcement of ABC regulations prohibiting serving of intoxicated patrons ..	200,000
Emergency management assistance program ..	1,291,900
Highway safety program—local accounts	840,927

Medicaid fraud unit	1,499,000
New charge resolution project	236,250
SLEPA Juvenile Justice administration and grants	1,300,000
Supplemental patrol traffic accident reduction	600,800
Department of Transportation:	
Airport fund	3,700,000
Electrical and rail operations	635,400
Erie-Lackawanna rehabilitation	810,000
Federal payroll control	271,650
Federal payroll—salaries	24,600,000
Hazard elimination program	3,150,000
Highway planning and research	2,400,000
Highway research	1,098,450
Interstate highway projects	99,000,000
Interstate resurfacing	6,000,000
Metropolitan planning studies	1,322,862
New York and Long Branch rehabilitation ...	520,000
Rail highway crossing off systems elimination of hazards	2,700,000
Rail service continuation	250,000
Rural and secondary highway projects	3,750,000
Special bridge replacement program—Federal	5,000,000
Statewide transportation planning	550,000
Updating statistical file for traffic records system control	200,000
Urban systems	24,000,000
Federal Revenue	\$1,144,908,375
Total Revenues, General Fund	\$4,513,911,273*
Plus:	
Repayment from Gubernatorial Election Fund	1,700,000
Total Resources, General Fund	\$4,581,691,095*
<i>Property Tax Relief Fund</i>	
Undesignated fund balance, July 1, 1982	\$47,950,825*
Gross Income Tax	1,446,000,000
Total Resources, Property Tax Relief Fund	\$1,493,950,825*

Gubernatorial Election Fund

Taxpayers' Designations	\$1,700,000
<i>Less:</i>	
<i>Repayment to General Fund</i>	1,700,000
Total Resources, Gubernatorial Election Fund	

Casino Control Fund

License Fees	\$35,474,028
Total Resources, Casino Control Fund	\$35,474,028

Casino Revenue Fund

Undesignated fund balance, July 1, 1982	\$17,557,856
Gross Revenue Tax	110,000,000
Total Resources, Casino Revenue Fund	\$127,557,856
Grand Total, Resources, All Funds	\$7,387,151,753

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, 1983. Unless otherwise provided, the appropriations herein made shall be available during said fiscal year and for a period of one month thereafter for expenditures applicable to said fiscal year. Unless otherwise provided, at the expiration of said one-month period, all unexpended balances shall lapse into the State Treasury or to the credit of trust, dedicated or non-State funds as applicable, except those balances held by contracts on file as of June 30, 1983 with the Director of the Division of Budget and Accounting or held by encumbrance requests covering requisitions on file as of June 30, 1983 with the Director of the Division of Budget and Accounting, provided that contracts covering such requisitions are filed with the Director by July 31, 1983. 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

*Government Direction, Management and Control**71 Legislative Activities**Legislature**0001 Senate*

01-0001 Senate	\$3,188,620
Total Appropriation, Senate	<u>\$3,188,620</u>

Personal Services:

Senators (40)	(\$726,000)
Salaries and wages	(988,200)
Members' staff services	(1,000,000)
Materials and Supplies	(55,300)
Services Other Than Personal	(395,000)
Maintenance and Fixed Charges	(11,000)

Special Purpose:

Compensation awards	(3,120)
Additions, Improvements and Equipment	(10,000)

The unexpended balance as of June 30, 1982 in this
account is appropriated.

0002 General Assembly

02-0002 General Assembly	\$5,873,700
Total Appropriation, General Assembly	<u>\$5,873,700</u>

Personal Services:

Members (80)	(\$1,446,000)
Salaries and wages	(1,600,000)
Members' staff services	(2,000,000)
Materials and Supplies	(104,600)
Services Other Than Personal	(690,900)
Maintenance and Fixed Charges	(12,200)
Additions, Improvements and Equipment	(20,000)

The unexpended balance as of June 30, 1982 in this
account is appropriated.

Total Appropriation, Legislature	<u>\$9,062,320</u>
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0003 Office of Legislative Services

03-0003	Legislative Support Services	\$8,706,347
Total Appropriation, Office of Legislative Services		<u>\$8,706,347</u>

Personal Services:

State Auditor	(\$52,000)
Salaries and wages	(5,702,489)
New positions	(33,979)
Materials and Supplies	(2,040,568)
Services Other Than Personal	(690,344)
Maintenance and Fixed Charges	(43,550)

Special Purpose:

Computer statutory research	(33,000)
Compensation awards	(8,500)
Affirmative action and equal employment opportunity program	(10,257)

Additions, Improvements and

Equipment	(91,660)
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The unexpended balance as of June 30, 1982 in this account is appropriated.

*Legislative Commissions**0010 Intergovernmental Relations Commission*

09-0010	Intergovernmental Relations Commission	\$330,153
Total Appropriation, Intergovernmental Relations Commission		<u>\$330,153</u>

Special Purpose:

Expenses of Commission	(\$8,000)
The Council of State Governments ..	(76,700)
Atlantic States Marine Fisheries Commission	(9,400)
National Conference of Commissioners on Uniform State Laws ..	(15,300)
Education Commission of the States ..	(50,000)
National Governors Association ..	(89,040)
Advisory Commission on Intergovernmental Relations	(3,000)
National Conference of State Legislatures	(78,713)

The unexpended balance as of June 30, 1982 in this account is appropriated.

09-0014 Joint Committee on Public Schools

The unexpended balance as of June 30, 1982 in this account is appropriated.

0018 State Commission of Investigation

09-0018	State Commission of Investigation	\$1,466,644
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	Total Appropriation, State Commission of Investigation	\$1,466,644
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Special Purpose:

	Expenses of Commission (\$1,466,644)
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The unexpended balance as of June 30, 1982 in this account is appropriated.

0025 Commission to Study Sex Discrimination in the Statutes

09-0025	Commission to Study Sex Discrimination in the Statutes	\$45,000
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	Total Appropriation, Commission to Study Sex Discrimination in the Statutes	\$45,000
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Special Purpose:

	Expenses of Commission (\$45,000)
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The unexpended balance as of June 30, 1982 in this account is appropriated.

0026 Commission on Business Efficiency in the Public Schools

09-0026	Commission on Business Efficiency in the Public Schools	\$35,000
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	Total Appropriation, Commission on Business Efficiency in the Public Schools	\$35,000
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Special Purpose:

	Expenses of Commission (\$35,000)
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The unexpended balance as of June 30, 1982 in this account is appropriated.

	Total Appropriation, Legislative Commissions	\$1,876,797*
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	Total Appropriation, Legislative Branch	\$19,645,464*
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EXECUTIVE BRANCH

CHIEF EXECUTIVE

*Government Direction, Management and Control**76 Management and Administration**0300 Chief Executive's Office*

01-0300 Executive Management	\$2,038,822
Total Appropriation, Chief Executive	<u>\$2,038,822</u>

Personal Services:

Governor	(\$85,000)
Secretary to the Governor	(28,500)
Salaries and wages	(1,483,322)
Materials and Supplies	(69,500)
Services Other Than Personal	(226,000)
Maintenance and Fixed Charges	(66,500)

Special Purpose:

Allowance to the Governor of funds not otherwise appropriated, for official reception on behalf of the State, operation of an official resi- dence and other expenses	(55,000)
Additions, Improvements and Equip- ment	(25,000)

The unexpended balance as of June 30, 1982 in this account is appropriated.

The appropriate Executive Agencies shall prepare and submit, through the Office of the Chief Executive to the Joint Appropriations Committee by January 1, 1983, a report on the factors each agency used in allocating block grant funds among the various competing programs and among the counties and the reasons why such factors were used.

DEPARTMENT OF AGRICULTURE

*Community Development and Environmental Management**42 Natural Resource Management*

01-3310	Animal Disease Control	\$600,499
02-3320	Plant Pest and Disease Control	1,414,049
03-3330	Resource Development Services	770,861*
Total Appropriation, Natural Resource Management		\$2,785,409*

Personal Services:

Salaries and wages	(\$2,031,398*)
Positions established from lump sum appropriation	(170,347)
Materials and Supplies	(123,175)
Services Other Than Personal	(129,600)
Maintenance and Fixed Charges	(170,000)

Special Purpose:

Gypsy moth control	(29,449)
Grants to soil conservation districts	(131,440*)

The unexpended balances as of June 30, 1982 in the Gypsy moth control and Soil survey program accounts are appropriated for the same purpose.

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

06-3360	Marketing Services	\$529,504
Total Appropriation, Economic Planning and Development		\$529,504

Personal Services:

Salaries and wages	(\$423,435)
Materials and Supplies	(7,450)
Services Other Than Personal	(34,384)
Maintenance and Fixed Charges	(34,235)

Special Purpose:

Agricultural Fairs	(30,000)
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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), Soybean Industry Promotion Council (C4:10-43 et seq.), Sire Stakes Fund (C5:5-91 et seq.), Dairy Industry Advisory Council (C4:10-43 et seq.), New Jersey Horsebreeding and Development (C5:5-22 et seq.), and the unexpended balances as of June 30, 1982, of such receipts are appropriated.

Receipts derived from the distribution of commodities, sale of containers and salvage of commodities, in accordance with applicable Federal regulations, and the unexpended balance of such receipts as of June 30, 1982 are appropriated for expenses of Commodity Distribution.

52 *Economic Regulation*

04-3340	Dairy Industry Regulation	\$474,334
05-3350	Other Commodity Regulation	784,759

Total Appropriation, Economic Regulation ..	<u>\$1,259,093</u>
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Personal Services:

Salaries and wages	(\$1,079,748)
Positions established from lump sum appropriation	(22,100)
Materials and Supplies	(32,560)
Services Other Than Personal	(56,310)
Maintenance and Fixed Charges	(56,905)
Additions, Improvements and Equipment	(11,470)

Receipts from inspection fees derived from fruit, vegetable, fish and poultry inspections, and the unexpended balance as of June 30, 1982 of such receipts, are appropriated for the cost of operating fruit, vegetable, fish and poultry inspections.

*Government Direction, Management and Control**76 Management and Administration*

99-3370	Management and Administrative Services	\$1,079,489
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Total Appropriation, Management and Administration		\$1,079,489
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Personal Services:

Secretary	(	\$70,000)
Salaries and wages	(	796,805)
Materials and Supplies	(	31,725)
Services Other Than Personal	(	97,009)
Maintenance and Fixed Charges	(	56,700)

Special Purpose:

Expenses of State Board of Agriculture	(	10,000)
Affirmative action and equal employment opportunity program	(	13,300)
Additions, Improvements and Equipment	(	3,950)

Total Appropriation, Department of Agriculture		\$5,653,495*
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DEPARTMENT OF BANKING

*Economic Planning, Development and Security**52 Economic Regulation*

01-3010	Regulation of Banking Industry	\$2,381,449
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02-3020	Regulation of Savings and Loan Associations	1,098,448
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99-3040	Management and Administrative Services	934,399
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Total Appropriation, Economic Regulation		\$4,414,296
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Personal Services:

Commissioner	(	\$70,000)
Salaries and wages	(	3,735,516)
Materials and Supplies	(	54,300)
Services Other Than Personal	(	528,706)
Maintenance and Fixed Charges	(	13,254)

Special Purpose:

Affirmative action and equal employment opportunity programs	(8,775)	
Additions, Improvements and Equipment	(3,745)	
Total Appropriation, Department of Banking		<u>\$4,414,296</u>

The unexpended balance as of June 30, 1982 in the account for Regulation and Licensing of Mortgage Bankers and Brokers and receipts derived in accordance with the provisions of C17:11B-1 et seq., are appropriated for the same purpose.

DEPARTMENT OF CIVIL SERVICE

*Government Direction, Management and Control**74 General Government Services*

01-2710	Personnel Policy Development and General Administration	\$3,387,496
02-2720	Recruitment and Selection	4,186,634
03-2730	State Service Classification and Compensation	1,153,481
04-2740	Employee Development and Personnel Services	814,948
05-2750	Equal Employment Opportunity and Affirmative Action	772,097
06-2760	Local Government Classification and Placement	2,072,384
	Total Appropriation, General Government Services	<u>\$12,387,040</u>

Personal Services:

President	(\$65,000)
Commissioners (4 @ \$14,500)	(58,000)
Salaries and wages	(9,778,651)
Materials and Supplies	(439,320)
Services Other Than Personal	(1,701,378)
Maintenance and Fixed Charges	(209,000)

Special Purpose:

Affirmative action and equal employment opportunity program	(41,291)	
Microfilm service charges	(24,700)	
Compensation awards	(15,000)	
Additions, Improvements and Equipment	(54,700)	
Total Appropriation, Department of Civil Service		<u>\$12,387,040</u>

Receipts derived from training services provided to local governments are appropriated for the same purpose.

DEPARTMENT OF COMMERCE AND ECONOMIC
DEVELOPMENT

Economic Planning, Development and Security

51 Economic Planning and Development

20-2810	Economic Expansion and Growth	\$2,853,000
24-2870	Travel and Tourism	1,360,000
25-2840	Economic Planning	235,000
26-2845	Economic Research	325,000
99-2910	Management and Administrative Services	432,000
	Total Appropriation, Economic Planning and Development	<u>\$5,205,000</u>

Personal Services:

Commissioner	(\$70,000)	
Salaries and wages	(1,867,670)	
Materials and Supplies	(349,450)	
Services Other Than Personal	(952,680)	
Maintenance and Fixed Charges	(263,200)	

Special Purpose:

Promoting technical innovation	(140,000)	
New Jersey Motion Picture and Television Development Commission	(260,000)	
International trade promotion	(565,000)	
New Jersey Products Trade Show ..	(80,000)	

Tourism information centers in locations of major historic interest, convenient to public and auto transit	(250,000)
Tourism matching grants for counties	(200,000)
Historic site and cultural tourism promotional materials	(100,000)
New Jersey Econometric Model	(45,000)
Additions, Improvements and Equipment	(62,000)

Of the amounts hereinabove \$2,300,000 shall first be charged to the Unemployment Compensation Auxiliary Fund; provided, however, at least \$1,000,000 shall be held in reserve pending the receipt of at least \$1,000,000 into the Unemployment Compensation Auxiliary Fund from the Economic Development Authority as a partial reimbursement of funds advanced to the Authority.

The unexpended balances in excess of \$140,000 as of June 30, 1982 in the Economic Expansion and Growth and Travel and Tourism program classifications are appropriated.

Total Appropriation, Department of Commerce and Economic Development	<u>\$5,205,000</u>
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DEPARTMENT OF COMMUNITY AFFAIRS

Community Development and Environmental Management

41 Community Development Management

01-8010 Housing Code Enforcement	\$2,572,600
02-8020 Housing Services	2,010,235
03-8040 State and Regional Planning	800,000
04-8030 Local Government Services	2,005,114
06-8015 Uniform Construction Code	1,138,330
Total Appropriation, Community Development Management	<u>\$8,526,279</u>

Personal Services:

Board members (7 @ \$8,000)	(\$56,000)
New positions	(163,194)
Positions established in lieu of appropriated revenue	(141,102)
Salaries and wages	(5,520,197)
Positions established from lump sum appropriation	(396,115)
Materials and Supplies	(169,107)
Services Other Than Personal	(732,569)
Maintenance and Fixed Charges	(423,654)

Special Purpose:

Cooperative housing inspection ...	(864,000)
Delaware Valley Regional Planning Commission for New Jersey stud- ies as noted below	(25,000)
Additions, Improvements and Equip- ment	(35,341)

The amount hereinabove for the Delaware Valley Regional Planning Commission shall be available for the Department of Community Affairs' staff services necessary to conduct land development planning studies in the Philadelphia-Camden urban area which qualify as a match for Federal funds; provided, however, that such Federal funds be made available to the planning commission.

Notwithstanding any other statutory provision to the contrary, the Commissioner of Community Affairs shall establish by regulation a registration fee schedule sufficient to cover the cost of enforcement of the Planned Real Estate Development Full Disclosure Act (C. 45:22A-21 et seq.). Fees in excess of \$425,000 are appropriated for the cost of enforcement of the act and for program expenses.

Fees received from those additional municipalities which elect to have the State perform code enforcement after July, 1981 are appropriated for expenses of code enforcement in such municipalities.

Such sums as may be required for reviewing and paying claims under the New Home Warranty and Builders' Registration Act (C. 46:3B-1 et seq.) are appropriated from the New Home Warranty Security Fund (C. 46:3B-7).

Notwithstanding the provisions of C. 52:27D-124.1 a sum not to exceed \$1,325,000 is appropriated from the Uniform Construction Code Revolving Fund for the purposes of such fund; provided, however, that any receipts and balances in excess of \$1,325,000 in the Uniform Construction Code Revolving Fund shall lapse to the credit of the General Fund.

Notwithstanding the provisions of the Hotel and Multiple Dwelling Law (C. 55:13A-1 et seq.), inspection fees may be established by regulation. Receipts in excess of the \$2,172,600 anticipated are appropriated, not to exceed \$425,000.

Revenue derived from the sale of Truth in Renting statements, including fees, fines and penalties, are appropriated for administering the Truth in Renting Act (C. 46:8-43 et seq.).

Such sums as may be required for the purpose of providing rental assistance to residents of boarding houses to meet rental payments necessitated by the construction, acquisition or rendering of life safety improvements at or to the said boarding houses and, subject to the approval of the Treasurer, to pay the cost to the Department of Community Affairs for administration under the Boarding House Life Safety Improvement Act are hereby appropriated from the Boarding House Rental Assistance Fund.

Economic Planning, Development and Security

55 Related Social Services Programs

05-8050	Human Resources	\$760,174*
08-8060	Programs for the Aging	1,388,331
Total Appropriation, Related Social Services Programs		\$2,148,505*

Personal Services:

Salaries and wages	(\$1,310,711)
Positions transferred from other	
Statewide programs	(20,868)
Materials and Supplies	(49,470)
Services Other Than Personal	(137,975)
Maintenance and Fixed Charges	(52,335)

Special Purpose:

Technical assistance for displaced	
homemakers	(30,000)
Expenses of the New Jersey Com-	
mission on Women	(6,500)
Senior service outreach program ..	(100,000)
Federal programs for the aging	
(State share)	(275,000)
Expenses of the Commission on	
Aging	(2,200)
Conference on aging	(15,000)

Grants:

Women's referral central	(35,000)
Newark Community Center for the	
Arts	(86,000)

Additions, Improvements and

Equipment	(27,446)
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The unexpended balance in the Congregate Housing
Support Services account as of June 30, 1982 is
hereby appropriated.

*Government Direction, Management and Control**76 Management and Administration*

99-8070 Management and Administrative Services	\$1,596,699
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Total Appropriation, Management and Administration	\$1,596,699
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Personal Services:

Commissioner	(\$60,000)
Salaries and wages	(1,194,546)
Positions transferred from other	
Statewide programs	(48,195)

Materials and Supplies	(29,024)	
Services Other Than Personal	(154,125)	
Maintenance and Fixed Charges	(51,585)	
Special Purpose:		
Affirmative action and equal employ- ment opportunity program	(40,720)	
Compensation awards	(14,504)	
Additions, Improvements and Equip- ment	(4,000)	
Total Appropriation, Department of Com- munity Affairs		\$12,271,483*

DEPARTMENT OF CORRECTIONS

*Public Safety and Criminal Justice**16 Detention and Rehabilitation**7040 State Prison, Trenton*

07-7040	Institutional Control and Supervision ...	\$17,450,581
08-7040	Institutional Care Program	4,053,009
09-7040	Institutional Treatment Program	1,012,456
10-7040	Education Program	706,676
19-7040	Physical Plant and Support Services	3,804,211
99-7040	Management and Administrative Services	681,898
Total Appropriation, State Prison, Trenton		\$27,708,831

Personal Services:

Salaries and wages	(\$15,084,763)
Positions established from lump sum appropriation	(385,798)
Food in lieu of cash	(133,416)
Positions transferred from other institutions	(54,232)
Materials and Supplies	(4,969,490)
Services Other Than Personal	(1,610,282)
Maintenance and Fixed Charges	(129,250)

Special Purpose:

Supplemental Requirements for ex- panded capacity	(1,000,000)
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Supplemental requirements for retaining wings 1 and 7	(4,000,000)
Compensation awards	(100,500)
Preventive maintenance of new power plant	(150,000)
Additions, Improvements and Equip- ment	(91,100)

7050 State Prison, Rahway

07-7050 Institutional Control and Supervision ...	\$10,849,410
08-7050 Institutional Care Program	3,129,150
09-7050 Institutional Treatment Program	927,006
10-7050 Education Program	626,147
19-7050 Physical Plant and Support Services	3,680,025
99-7050 Management and Administrative Services	575,729

Total Appropriation, State Prison, Rahway	\$19,787,467
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Personal Services:

Salaries and wages	(\$10,678,365)
Positions established from lump sum appropriation	(406,019)
Positions transferred from other institutions	(55,988)
Positions converted	(51,319)
Food in lieu of cash	(96,356)
Materials and Supplies	(5,172,710)
Services Other Than Personal	(1,372,051)
Maintenance and Fixed Charges	(96,469)

Special Purpose:

Supplemental Requirements for Ex- panded Capacity	(1,690,600)
Compensation awards	(130,000)
Additions, Improvements and Equip- ment	(37,590)

7060 State Prison, Leesburg

07-7060 Institutional Control and Supervision ...	\$6,961,389
08-7060 Institutional Care Program	2,751,360
09-7060 Institutional Treatment Program	915,921
10-7060 Education Program	456,927

19-7060	Physical Plant and Support Services	2,080,003
99-7060	Management and Administrative Services	522,588
Total Appropriation, State Prison, Leesburg		<u>\$13,688,188</u>

Personal Services:

Salaries and wages	(\$7,361,505)
Positions established from lump sum appropriation	(711,103)
Food in lieu of cash	(85,456)
Materials and Supplies	(3,208,238)
Services Other Than Personal	(841,691)
Maintenance and Fixed Charges	(139,470)

Special Purpose:

Supplemental Requirements for Ex- panded Capacity	(1,192,000)
Compensation awards	(23,000)
Additions, Improvements and Equip- ment	(125,725)

7070 Mid-State Correctional Facility

07-7070	Institutional Control and Supervision . . .	\$4,123,952
08-7070	Institutional Care Program	1,829,428
09-7070	Institutional Treatment Program	486,991
10-7070	Education Program	389,689
19-7070	Physical Plant and Support Services	1,739,551
99-7070	Management and Administrative Services	482,584

Total Appropriation, Mid-State Correctional Facility	<u>\$9,052,195</u>
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Personal Services:

Salaries and wages	(\$515,608)
New positions	(5,367,965)
Food in lieu of cash	(68,452)
Materials and Supplies	(1,770,370)
Services Other Than Personal	(425,600)
Maintenance and Fixed Charges	(493,600)

Special Purpose:

Non-salary costs for increased inmate population	(200,000)
Compensation awards	(32,000)
Additions, Improvements and Equipment	(178,600)

7080 Correctional Institution for Women, Clinton

07-7080 Institutional Control and Supervision ...	\$3,171,464
08-7080 Institutional Care Program	1,457,261
09-7080 Institutional Treatment Program	443,180
10-7080 Education Program	349,125
19-7080 Physical Plant and Support Services	1,036,603
99-7080 Management and Administrative Services	406,310

Total Appropriation, Correctional Institution for Women, Clinton	\$6,863,943
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Personal Services:

Salaries and wages	(\$4,863,677)
Positions established from lump sum appropriation	(139,374)
Food in lieu of cash	(49,820)
Materials and Supplies	(1,018,124)
Services Other Than Personal	(545,319)
Maintenance and Fixed Charges	(92,879)

Special Purpose:

Compensation awards	(21,000)
Other special purpose	(500)
Additions, Improvements and Equipment	(133,250)

7090 Adult Diagnostic and Treatment Center, Avenel

07-7090 Institutional Control and Supervision ...	\$1,636,908
08-7090 Institutional Care Program	758,240
09-7090 Institutional Treatment Program	297,235
10-7090 Education Program	158,222
11-7090 Outpatient Diagnostic and Treatment Services	321,093
19-7090 Physical Plant and Support Services	418,599
99-7090 Management and Administrative Services	298,618

Total Appropriation, Adult Diagnostic and Treatment Center, Avenel	\$3,888,915
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Personal Services:

Salaries and wages	(\$2,990,584)
Food in lieu of cash	(30,520)
Materials and Supplies	(562,098)
Services Other Than Personal	(203,548)
Maintenance and Fixed Charges	(39,099)

Special Purpose:

Compensation awards	(8,800)
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Additions, Improvements and Equip-

ment	(54,266)
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7110 Youth Reception and Correction Center, Yardville

07-7110 Institutional Control and Supervision ...	\$6,086,868
08-7110 Institutional Care Program	2,386,140
09-7110 Institutional Treatment Program	1,238,421
10-7110 Education Program	474,738
19-7110 Physical Plant and Support Services ...	1,456,528
99-7110 Management and Administrative Services	554,426

Total Appropriation, Youth Reception and
Correction Center, Yardville

\$12,197,121

Personal Services:

Salaries and wages	(\$8,002,714)
Positions established from lump sum appropriation	(217,360)
New positions	(24,406)
Food in lieu of cash	(84,366)
Materials and Supplies	(2,354,688)
Services Other Than Personal	(703,018)
Maintenance and Fixed Charges	(109,905)

Special Purpose:

Compensation awards	(43,000)
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Supplemental requirements for ex- panded capacity	(584,900)
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Additions, Improvements and Equip-

ment	(72,764)
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7120 Youth Correctional Institution, Bordentown

07-7120	Institutional Control and Supervision . . .	\$5,198,419
08-7120	Institutional Care Program	1,901,475
09-7120	Institutional Treatment Program	788,329
10-7120	Education Program	419,464
19-7120	Physical Plant and Support Services	1,549,788
99-7120	Management and Administrative Services	577,816

Total Appropriation, Youth Correctional Institution, Bordentown	<u>\$10,435,291</u>
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Personal Services:

Salaries and wages	(\$6,462,568)
Positions established from lump sum appropriation	(221,032)
Positions transferred from other institutions	(53,990)
New positions	(31,603)
Food in lieu of cash	(72,376)
Materials and Supplies	(2,062,660)
Services Other Than Personal	(657,203)
Maintenance and Fixed Charges	(85,469)

Special Purpose:

Supplemental requirements for ex- panded capacity	(637,000)
Compensation awards	(30,000)
Additions, Improvements and Equip- ment	(121,390)

7130 Youth Correctional Institution, Annandale

07-7130	Institutional Control and Supervision . .	\$5,245,888
08-7130	Institutional Care Program	1,696,324
09-7130	Institutional Treatment Program	671,027
10-7130	Education Program	263,507
19-7130	Physical Plant and Support Services	1,534,193
99-7130	Management and Administrative Services	445,560

Total Appropriation, Youth Correctional Institution, Annandale	<u>\$9,856,499</u>
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Personal Services:

Salaries and wages	(\$6,057,492)
Positions established from lump sum appropriation	(170,350)
Food in lieu of cash	(62,566)
Positions transferred from other in- stitutions	(20,517)
Materials and Supplies	(1,842,353)
Services Other Than Personal	(462,959)
Maintenance and Fixed Charges	(52,544)

Special Purpose:

Supplemental requirements for ex- panded capacity	(1,000,000)
Compensation awards	(41,400)
Additions, Improvements and Equip- ment	(146,318)

7210 Training School for Boys, Skillman

07-7210 Institutional Control and Supervision ...	\$1,838,251
08-7210 Institutional Care Program	490,845
09-7210 Institutional Treatment Program	305,262
19-7210 Physical Plant and Support Services	644,945
99-7210 Management and Administrative Services	380,332

Total Appropriation, Training School for Boys, Skillman	<u>\$3,659,635</u>
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Personal Services:

Salaries and wages	(\$2,836,452)
Positions transferred from other institutions	(23,012)
Materials and Supplies	(453,628)
Services Other Than Personal	(106,222)
Maintenance and Fixed Charges	(56,121)

Special Purpose:

Supplemental requirements for ex- panded capacity	(157,000)
Compensation awards	(16,200)
Additions, Improvements and Equip- ment	(11,000)

7220 Training School for Boys, Jamesburg

07-7220	Institutional Control and Supervision	\$3,190,318
08-7220	Institutional Care Program	1,126,382
09-7220	Institutional Treatment Program	562,061
19-7220	Physical Plant and Support Services	1,606,173
99-7220	Management and Administrative Services	464,238
Total Appropriation, Training School for Boys, Jamesburg		\$6,949,172

Personal Services:

Salaries and wages	(\$4,365,383)
Food in lieu of cash	(46,652)
Materials and Supplies	(1,427,043)
Services Other Than Personal	(266,587)
Maintenance and Fixed Charges	(119,707)

Special Purpose:

Supplemental requirements for expanded capacity	(658,400)
Compensation awards	(22,000)
Additions, Improvements and Equip- ment	(43,400)

*17 Parole and Community Programs**7010 Office of Parole and Community Programs*

03-7010	Parole	\$5,462,458
04-7010	Community Programs	2,796,099*
Total Appropriation, Office of Parole and Community Programs		\$8,258,557*

Personal Services:

Salaries and wages	(\$4,750,013)
Positions established from lump sum appropriation	(1,666,987)
Positions converted	(391,301)
Materials and Supplies	(49,200)
Services Other Than Personal	(145,686)
Maintenance and Fixed Charges	(362,785)

Special Purpose:

Community Centers (juvenile programs)	(428,525)
Community Residence Center, Jersey City (parole program) .	(42,140)
Community Service Center, Newark (adult program)	(167,754)
State Assumption of Federal Programs:	
Juvenile Programs—	
Camden Community Service Center (Title XX)	(48,573)
Community Transition Project (LEAA)	(36,123)
Community Vocational Training Program (CETA)	(35,870)
Adult Program—	
Essex Community Service Center (LEAA)	(97,600)
Compensation awards	(26,000)
Additions, Improvements and Equipment	(10,000)

7280 State Parole Board

05-7280 State Parole Board	\$2,015,567
Total Appropriation, State Parole Board . . .	<u>\$2,015,567</u>

Personal Services:

Salaries and wages	(\$1,435,105)
Positions converted	(308,643)
Materials and Supplies	(22,890)
Services Other Than Personal	(170,268)
Maintenance and Fixed Charges	(35,461)
Additions, Improvements and Equipment	(43,200)

18 Juvenile Correctional Services

12-7230	Residential Group Center, Highfields	\$153,707
12-7240	Residential Group Center, Warren	179,171
12-7250	Residential Group Center, Ocean	255,108
12-7260	Residential Group Center, Turrell	556,803

Total Appropriation, Juvenile Correctional Services	\$1,144,789
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Personal Services:

Salaries and wages	(\$783,434)
Positions converted	(69,233)
Food in lieu of cash	(8,938)
Materials and Supplies	(191,351)
Services Other Than Personal	(51,555)
Maintenance and Fixed Charges	(16,126)

Special Purpose:

Compensation awards	(200)
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Additions, Improvements and Equip-

ment	(23,952)
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19 Central Planning, Direction and Management

01-7000	Planning, Management and General Support	\$1,747,651*
02-7000	Program Operations Support	18,340,980*
19-7000	Physical Plant and Support Services	726,063
99-7000	Management and Administrative Services	4,065,210

Total Appropriation, Central Planning, Direction and Management	\$24,879,904*
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Personal Services:

Commissioner	(\$65,000)
Salaries and wages	(4,096,187)
Positions established from lump sum appropriation	(1,189,962)
Positions converted	(187,636)
Positions transferred from other Statewide programs	(246,846)
New positions	(12,800)

Materials and Supplies	(455,331)
Services Other Than Personal	(820,131)
Maintenance and Fixed Charges	(191,408)

Special Purpose:

Inmate wage increase	(150,000)
Purchase of service for inmates in- carcerated in out-of-State facil- ities	(157,600)
Purchase of service for inmates in- carcerated in county penal facil- ities	(14,600,000)
Subsidy to replace equipment at State farms	(272,300)
Mattress replacement program	(200,000)
Adult post-secondary and college programs	(175,000)
Augment medical care at institu- tions	(574,584)
Computerized menu planning	(158,257)
Institutional law libraries	(23,000)
Affirmative action and equal em- ployment opportunity program ..	(48,162)
State assumption of Federal programs:	
State share (Title XX)	(190,000)
Hispanic Social Services (Title XX)	(78,434*)
Educational programs (various Federal funds)	(200,000)
Juvenile separation (JJDP)	(27,258)
Compensation awards	(10,000)

Grants:

Transportation assistance for in- mates' families' visitations	(145,000*)
Purchase of community services ...	(400,000)
Newark Recycling Program	(90,000)

Additions, Improvements and Equip- ment	(115,008)
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The unexpended balance as of June 30, 1982 in the purchase of service for inmates incarcerated in county penal facilities account is appropriated.

A portion of the total amount provided for purchase of service for inmates incarcerated in county penal facilities shall be available for operational costs of additional State facilities for inmate housing which become ready for occupancy subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Corrections	\$160,386,074*
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Balances on hand as of June 30, 1982 of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are appropriated for the use of such inmates.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are appropriated for the purposes provided (C30:4-91.4 et seq.).

Of the amount hereinabove for the Department of Corrections, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule below first shall be charged to the State Lottery Fund:

Operation of correctional institutions	(\$124,087,257)
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DEPARTMENT OF DEFENSE

Public Safety and Criminal Justice

14 Military Services

01-3600	National Guard Training, Operations and Administration	\$2,314,333
02-3600	Management of National Guard Installations	5,122,746
03-3600	Management of Joint Training Center ...	996,800
Total Appropriation, Military Services		\$8,433,879

Personal Services:

Chief of Staff	(\$57,500)
Salaries and wages	(4,102,143)
Materials and Supplies	(2,196,465)
Services Other Than Personal	(540,956)
Maintenance and Fixed Charges	(273,907)

Special Purpose:

Affirmative action and equal employment opportunity program ..	(3,575)
New Jersey Military Academy	(33,000)
Joint Federal-State operations and maintenance contracts (State share)	(526,625)
Compensation awards	(58,877)

Additions, Improvements and Equipment	(640,831)
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Receipts derived from rental of armories are appropriated for operation and maintenance thereof.

The unexpended balance as of June 30, 1982 in the Joint Federal-State operations and maintenance contracts (State share) account is appropriated for the same purpose.

Receipts derived from the sale of meals at the Dining Facility, Sea Girt, and the unexpended balance of such receipts, as of June 30, 1982 are appropriated.

Total Appropriation, Department of Defense	\$8,433,879
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DEPARTMENT OF EDUCATION

*Educational, Cultural and Intellectual Development**31 Direct Educational Services and Assistance*

01-5030	General Formula Aid	\$195,000
02-5030	Non-Public School Aid	94,195
04-5030	Adult and Continuing Education	521,879
05-5030	Bilingual Education	186,924
06-5030	Compensatory Education	273,683
07-5030	Special Education	1,631,254

Total Appropriation, Direct Educational Services and Assistance	\$2,902,935
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Personal Services:

Salaries and wages	(\$2,027,872)
Positions converted	(289,757)
Materials and Supplies	(55,880)
Services Other Than Personal	(235,866)
Maintenance and Fixed Charges	(14,300)

Special Purpose:

Coordinator of deaf education	(35,256)
Regional consultants for the hearing impaired	(143,504)

Grants:

Programs for the gifted and talented	(100,000)
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Additions, Improvements and Equip-
ment

(500)

The unexpended balances as of June 30, 1982 in the
Regional consultants for the hearing impaired and
Coordinator of deaf education special purpose
accounts are appropriated for the same purposes.

32 Operation and Support of Educational Institutions

10-5010 State Facilities Education	\$141,755
12-5011 Marie H. Katzenbach School for the Deaf	6,846,953*
15-5010 Project COED	2,133,803

Total Appropriation, Operation and Support
of Educational Institutions\$9,122,511*

Personal Services:

Salaries and wages	(\$6,562,783)
Positions established in lieu of ap- propriated revenue	(418,758*)
Materials and Supplies	(1,283,622)
Services Other Than Personal	(253,746)
Maintenance and Fixed Charges	(242,953)

Special Purpose:

Transportation expenses for stu- dents	(271,278)
Compensation awards	(17,116)

Additions, Improvements and Equip-
ment

(72,255)

Notwithstanding the provisions of NJS 18A:61-1 and NJS 18A:46-13, or any other statute, \$2,805,250 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 be made by each local board in accordance with a schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting and be paid directly to the State Treasurer.

Receipts derived from tuition charges at the Marie H. Katzenbach School for the Deaf in excess of those anticipated and the unexpended balance as of June 30, 1982 of such receipts are appropriated for operating expenses.

The unexpended balance as of June 30, 1982 in the account for the Marie H. Katzenbach School for the Deaf is appropriated for operating expenses.

Receipts derived from tuition charges at regional schools for the handicapped and the unexpended balance as of June 30, 1982 of such receipts are appropriated for the costs of operation.

33 Supplemental Education and Training Programs

20-5040	General Vocational Education	\$1,286,337
21-5040	Special Vocational Education	471,996
22-5040	Occupational Career Research	175,000

Total Appropriation, Supplemental Education and Training Programs	<u>\$1,933,333</u>
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Personal Services:

Salaries and wages	(\$1,693,857)
Materials and Supplies	(12,480)
Services Other Than Personal	(71,096)
Maintenance and Fixed Charges	(5,900)

Special Purpose:

School-to-Work Linkage Program . (50,000)

Grants:

Career Education Incentive Act . . . (100,000)

34 Educational Support Services

30-5030	Curriculum Process	\$166,085
32-5010	Teacher Certification	455,000
33-5110	School Approval	3,899,820
34-5100	Equal Educational Opportunities	120,992
36-5120	Pupil Transportation	285,462
37-5120	School Nutrition	194,291
38-5120	Facilities Planning and School Building Aid	356,844
Total Appropriation, Educational Support Services		<u>\$5,478,494</u>

Personal Services:

County superintendents	(\$963,080)
Salaries and wages	(4,276,518)
Materials and Supplies	(26,744)
Services Other Than Personal	(173,412)
Maintenance and Fixed Charges	(38,740)

Receipts in excess of the \$455,000 anticipated are appropriated from the State Board of Examiners' fees to supplement the operation of the Teacher Certification program classification and to improve services to the public, not to exceed \$223,000.

Receipts derived from the inspection of school construction and the unexpended balance as of June 30, 1982, of such receipts are appropriated.

35 Education Administration and Management

40-5050	Research, Planning and Evaluation	\$1,642,983*
42-5120	School Finance and Auditing	597,625
99-5095	Management and Administrative Ser- vices	1,982,867
Total Appropriation, Education Administra- tion and Management		<u>\$4,223,475*</u>

Personal Services:

Commissioner	(\$70,000)
Salaries and wages	(2,842,799)
Positions transferred from other	
Statewide programs	(11,531)
Materials and Supplies	(203,943)
Services Other Than Personal	(868,027)
Maintenance and Fixed Charges	(121,175)

Special Purpose:

State Board of Education expenses ..	(36,000)
Microfilm service charges	(50,000)
Compensation awards	(20,000)

The unexpended balances as of June 30, 1982, not to exceed \$558,000, in the Services Other Than Personal account, are appropriated for the purpose of Statewide Academic Skills Assessment.

The Commissioner of Education is directed to purchase 1,000 copies of the 1982 edition of the Manual of the Legislature of New Jersey, as prescribed by RS 52:12-5.

37 Cultural and Intellectual Development Services

51-5070 Library Services	\$2,766,419
52-5075 Development of Historical Resources	481,786
53-5080 Museum Services	1,502,913
54-5085 Support of the Arts	3,709,558*
55-5071 Records Management	803,004

Total Appropriation, Cultural and Intellectual Development Services	<u>\$9,263,680*</u>
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Personal Services:

Salaries and wages	(\$3,685,297)
Positions established from lump	
sum appropriation	(246,831)
Positions transferred from other de-	
partments	(322,134)
Positions converted	(67,714)
Materials and Supplies	(614,871)
Services Other Than Personal	(470,052)
Maintenance and Fixed Charges	(68,065)

Special Purpose:

The Papers of William Livingston . (	58,000)
Oral history project (	27,000)
Folklife and ethnic history pro- grams (	60,000)
Acquisition of art and historical objects (	60,000)
New Jersey School of the Arts (	60,000*)
Council member expenses (	2,050)

Grants:

Teen arts program (	57,166)
Cultural projects (	3,099,000)
Paper Mill Playhouse (	250,000)
Morris Museum of Arts and Sci- ences (	45,000)

Additions, Improvements and Equip- ment (	70,500)
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The State 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.

Total Appropriation, Department of Educa- tion	<u><u>\$32,924,428*</u></u>
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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:

Marie H. Katzenbach School for the Deaf (	\$3,826,703)
Project COED (	2,133,803)

DEPARTMENT OF ENERGY

Educational, Cultural and Intellectual Development
37 Cultural and Intellectual Development Services

10-4050 Public Broadcasting Services	<u>\$5,148,522</u>
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Total Appropriation, Cultural and Intellectual Development Services	<u><u>\$5,148,522</u></u>
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Personal Services:

Salaries and wages	(\$2,901,223)
Positions established from lump sum appropriation	(475,886)
Materials and Supplies	(465,250)
Services Other Than Personal	(455,508)
Maintenance and Fixed Charges	(320,600)

Special Purpose:

Affirmative action and equal employ- ment opportunity program	(20,000)
Programming	(339,055)
Grant from the State to produce the daily lottery drawing program ..	(150,000)
Grant to Newark Public Radio	(20,000)

Additions, Improvements and

Equipment	(1,000)
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Receipts derived from leasing space on transmitter towers, rental of studio or production facilities to non-profit organizations and sale or reproduction of Authority produced programs, and the unexpended balance as of June 30, 1982 of such receipts are appropriated.

*Community Development and Environmental Management**42 Natural Resource Management*

05-4030 Energy Resource Management	\$1,661,652*
99-4030 Management and Administrative Services	407,029
Total Appropriation, Natural Resource Management	\$2,068,681*

Personal Services:

Commissioner	(\$60,000)
Salaries and wages	(968,476)
Positions established from lump sum appropriation	(503,044)
Materials and Supplies	(16,725)
Services Other Than Personal	(369,600)
Maintenance and Fixed Charges	(27,780)

Special Purpose:

State assumption of Federal programs of energy conservation . . . (117,956)
 Affirmative action and equal employment opportunity program (5,100)

The unexpended balance as of June 30, 1982 in this account is appropriated.

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

*Economic Planning, Development and Security**52 Economic Regulation*

01-4010	Financial Regulation	\$2,505,138
02-4020	Service Adequacy and Safety	1,511,582
04-4045	Regulation of Cable Television	498,143
99-4040	Management and Administrative Services	2,108,365
Total Appropriation, Economic Regulation . .		<u>\$6,623,228</u>

Personal Services:

Board members (3 @ \$60,000) . . . (\$180,000)
 Salaries and wages (5,780,226)
 Position transferred from another
 Statewide program (25,608)
 New positions (91,326)
 Materials and Supplies (94,000)
 Services Other Than Personal (303,868)
 Maintenance and Fixed Charges . . . (99,950)

Special Purpose:

Affirmative action and equal employment opportunity program (27,500)
 Additions, Improvements and
 Equipment (20,750)

In addition to the sum hereinabove, such other sums, as the Director of the Division of Budget and Accounting shall determine, shall be considered as appropriated on behalf of the Board of Public Utilities (C48:2-59 et seq. and C48:5A-32 et seq.,

or other applicable statutes), with respect to assessment of public utilities or the cable television industry.

The unexpended balance as of June 30, 1982 in this account is appropriated.

Total Appropriation, Department of Energy \$13,840,431*

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

42 Natural Resource Management

05-4840	Water Supply and Flood Plain Management	\$2,298,110
11-4870	Forest Resource Management	3,443,333
13-4880	Hunters' and Anglers' License Fund	5,899,417
14-4885	Shellfish and Marine Fisheries Management	877,727
15-4890	Marine Lands Management	1,738,776
Total Appropriation, Natural Resource Management		<u><u>\$14,257,363</u></u>

Personal Services:

Salaries and wages	(\$7,492,344)
Positions established in lieu of appropriated revenue	(532,933)
Positions established from lump sum appropriation	(505,973)
Positions transferred from other Statewide programs	(46,908)
Materials and Supplies	(1,760,050)
Services Other Than Personal	(897,765)
Maintenance and Fixed Charges	(728,090)

Special Purpose:

Office of the rivermaster	(35,000)
Laboratory services (Department of Health)	(90,000)
Microfilm service charges	(65,000)
Fire fighting costs	(417,000)
Storing, loading and planting of oyster shells (C50:3-20.17)	(30,000)

Surf clams research and inventory .(	45,000)
Delineation and determination of	
State riparian land	(430,000)
Tidelands resource council	(25,000)
Compensation awards	(43,350)
Additions, Improvements and Equip-	
ment	(1,112,950)

The unexpended balances as of June 30, 1982 in the Fire fighting costs, Delineation and determination of State riparian land and Marine fisheries program accounts are appropriated for the same purposes.

The amount hereinabove for the Hunters' and Anglers' License Fund shall be payable out of said Fund and any amount remaining therein, in addition to the unexpended balances as of June 30, 1982 are appropriated for additional operating costs. If receipts to said Fund are less than anticipated, the appropriation shall be reduced correspondingly.

Receipts derived from Sea clam fees and Sea clam licenses (commercial and non-commercial) are appropriated for program costs.

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 \$540,000, are appropriated for the same purpose; provided, however, that should the receipts be insufficient to finance such authorization, sufficient sums shall be advanced from the General Fund for the same purpose; provided further, however, that any sum so advanced must be returned to the General Fund from future receipts derived from the sales, grants, leases, licensing or rentals of State riparian lands.

Of the amount hereinabove for Marine Lands Management, \$450,000 shall first be charged to receipts derived from the sales, grants, leases,

licensing and rentals of State riparian lands as reimbursement for staff and administrative costs necessary for managing and providing proper surveillance and enforcement of State rights over the use of State owned riparian lands; provided, however, that there be appropriated from any receipts in excess of the amount anticipated such additional sums as may be required to meet peak demands of the Marine Lands Management Program subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the sale of materials which encourage the protection of endangered and nongame wildlife species and any funds derived from the income tax refund checkoff for the Endangered and Nongame Species of Wildlife Conservation Fund under P. L. 1981, c. 170 (C. 54A:9-25.2 et seq.), are appropriated for carrying out a program of protection of endangered and nongame wildlife species.

43 Environmental Quality

02-4825	Air Pollution Control	\$2,207,031
03-4830	Noise Control	45,000
07-4850	Water Monitoring and Planning	1,579,809
08-4855	Water Enforcement	917,691
17-4900	Solid Waste Resource Management	1,836,303
22-4861	Water Quality Management	666,843
Total Appropriation, Environmental Quality		\$7,252,677

Personal Services:

Salaries and wages	(\$4,185,682)
Positions established from lump sum appropriation	(524,313)
Positions transferred from other Statewide programs	(51,151)
Materials and Supplies	(276,718)
Services Other Than Personal	(609,041)
Maintenance and Fixed Charges	(360,080)

Special Purpose:

Noise control	(45,000)
Weed control, State controlled lakes (	50,000)
Laboratory services (Department of	
Health)	569,000)
Ground water investigations	(50,000)
Expansion of solid waste regulatory	
programs	(143,142)
Solid waste planning and resource	
recovery implementation	(92,545)
Compensation awards	(7,500)
Additions, Improvements and Equip-	
ment	(288,505)

Receipts from the air pollution control program in excess of those anticipated are appropriated.

Receipts derived from laboratory certification services are appropriated for the same purpose.

Receipts derived from the New Jersey Pollutant Discharge Elimination System and the unexpended balance as of June 30, 1982 of such receipts are appropriated for expenses of the program.

There is appropriated from the Natural Resources Fund not more than \$2,100,000 for costs attributable to planning, engineering, developing and constructing regional wastewater treatment facilities subject to the approval of the Director of the Division of Budget and Accounting.

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

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

44 Hazardous and Toxic Pollution Control

01-4820	Radiation Protection	\$1,332,435
04-4835	Pesticide Control	120,000
18-4810	Environmental Cancer and Toxic Substances	1,497,290
19-4815	Spill Prevention, Response and Site Cleanup	1,000,000
23-4910	Hazardous Waste	1,750,000
Total Appropriation, Hazardous and Toxic Pollution Control		\$5,699,725

Personal Services:

Salaries and wages	(\$688,935)
Positions established from lump sum appropriation	(1,630,898)
Positions transferred from other	
Statewide programs	(25,416)
Materials and Supplies	(39,189)
Services Other Than Personal	(32,618)
Maintenance and Fixed Charges	(40,475)

Special Purpose:

Radiation analyses	(43,200)
Certification of nuclear medicine technologists	(51,055)
X-ray technology certification	(55,000)
Certification of terminated sites ...	(127,350)
Nuclear emergency response	(250,000)
Monitor transportation of radioactive materials	(62,503)
Pesticide control	(55,320)
Monitor the environment for cancer causing agents and other hazardous or toxic substances	(859,158)
Spill prevention, response and site cleanup	(1,000,000)
Hazardous waste program	(681,624)
Compensation awards	(8,500)
Additions, Improvements and Equipment	(48,484)

Receipts from Radiation protection in excess of those anticipated are appropriated.

The unexpended balance as of June 30, 1982 in the Nuclear emergency response account is appropriated.

In addition to the sum hereinabove for Nuclear emergency response, such other sums as the director of the Division of Budget and Accounting shall determine with respect to the assessment of electrical utility companies (P. L. 1981, c. 307) are considered as appropriated on behalf of the Nuclear emergency response account.

Receipts derived from examination of X-ray technicians, in excess of those anticipated, are appropriated for enforcement purposes.

The Commissioner of Environmental Protection shall establish fees for the training of pesticide applicators, and receipts derived from such fees are appropriated to carry out the training program.

The unexpended balance as of June 30, 1982 in the Monitor the environment for cancer causing agents and other hazardous or toxic substances account is appropriated for the same purpose.

The amount hereinabove for Spill Prevention, Response and Site Cleanup is appropriated from the New Jersey Spill Compensation Fund and, in addition, so much as may be required for additional costs of operations in accordance with the provisions of C58:10-23.11 et seq. be appropriated, subject to approval of the Director of the Division of Budget and Accounting.

A sum not to exceed \$300,000 is appropriated from interest earned by the New Jersey Spill Compensation Fund for research and development on the prevention, effects and improved cleanup criteria and removal operation methods of spills of hazardous substances, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from inspections of hazardous waste facilities are appropriated to operate the inspection program.

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

The unexpended balances as of June 30, 1982 in the Major Hazardous Waste Facilities Siting Act-Siting Commission and the Major Hazardous Waste Facilities Siting Act-Hazardous Waste Advisory Council accounts are appropriated.

45 Recreational Resource Management

10-4865	Marina Operations	\$441,696
12-4875	Parks Management	13,205,185*
21-4895	Navigational Aids	615,529

Total Appropriation, Recreational Resource Management	<u>\$14,262,410*</u>
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Personal Services:

Salaries and wages	(\$7,532,647)
Positions established from lump sum appropriation	(255,057)
Positions transferred from other Statewide programs	(58,585)
Materials and Supplies	(2,160,150)
Services Other Than Personal	(634,721)
Maintenance and Fixed Charges	(1,100,900)

Special Purpose:

Maintenance Old Barracks, Trenton (State share)	(125,000*)
Expenses of the Delaware and Raritan Canal Commission	(100,000)
Youth conservation and recreation projects	(125,000)
Day-trip and camping opportunities for youngsters from lower and moderate income families ..	(496,000)
Natural Lands Trust	(18,000)

Construction, maintenance, improvement and dredging of inland waterways; bulkheading and dredging at State marinas and dredging State-controlled lakes .(300,000)
 Compensation awards(55,850)
 Additions, Improvements and Equipment(1,300,500)

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

The amount hereinabove for the operation, maintenance and administration of the Morris Canal and Banking Company properties shall be payable out of the Morris Canal Fund and there shall be refunded to the General Fund such amounts as have been advanced from said Fund to the Morris Canal Fund whenever and to the extent that cash in the Morris Canal Fund exceeds the liabilities thereof.

The unexpended balance as of June 30, 1982 in the Youth conservation and recreation projects account is appropriated.

The unexpended balance as of June 30, 1982 in the Construction, maintenance, improvement and dredging inland waterways; bulkheading and dredging of State marinas and dredging State-controlled lakes account is appropriated for the same purpose.

4876 Palisades Interstate Park Commission

24-4876	Parks Management	\$1,384,464
25-4876	Patrol Activities and Crime Control	802,644

Total Appropriation, Palisades Interstate Park Commission	<u>\$2,187,108</u>
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Personal Services:

Salaries and wages	(\$1,597,692)
Materials and Supplies	(264,700)

Services Other Than Personal	(119,506)
Maintenance and Fixed Charges	(122,100)
Additions, Improvements and Equip- ment	(83,110)

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, 1982 from such revenues, are appropriated for maintenance.

The unexpended balances as of June 30, 1982 from police court, stands, concessions and self-sustaining activities operated or supervised by this commission, and receipts from such activities, are appropriated.

46 Environmental Planning and Administration

99-4800 Management and Administrative Services	\$3,749,359
Total Appropriation, Environmental Plan- ning and Administration	<u>\$3,749,359</u>

Personal Services:

Commissioner	(\$70,000)
Salaries and wages	(2,515,215)
Positions transferred from other Statewide programs	(72,542)
Materials and Supplies	(42,250)
Services Other Than Personal	(736,023)
Maintenance and Fixed Charges	(130,800)

Special Purpose:

Board of New Jersey Pilot Com- missioners	(73,400)
Affirmative action and equal em- ployment opportunity program ..	(36,129)
Intern program	(42,500)
Liberty Park Commission	(22,000)
Compensation awards	(5,000)
Additions, Improvements and Equip- ment	(3,500)

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 appropriated.

The unexpended balance as of June 30, 1982 and fees deposited in the Environmental services fund (C. 13:1D-29 et seq.) are appropriated for the purposes of the Fund.

Total Appropriation, Department of Environmental Protection	\$47,408,642*
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DEPARTMENT OF HEALTH

Physical and Mental Health

21 Health Services

02-4220 Community Health Services	\$5,312,483*
03-4230 Communicable Disease Control	3,930,823
04-4240 Narcotics and Drug Abuse Control	6,854,580
05-4250 Alcoholism Control	1,744,340*
08-4280 Diagnostic Services	2,598,096
09-4290 Clinical Laboratory Services	405,619

Total Appropriation, Health Services	\$20,845,941*
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Personal Services:

Salaries and wages	(\$10,604,059)
Positions established from lump sum appropriation	(54,286)
Materials and Supplies	(1,690,097)
Services Other Than Personal	(696,411)
Maintenance and Fixed Charges	(431,374)

Grants:

DES program	(20,300)
Gerontology program	(38,826)
Family planning services	(125,000)
Hemophilia services	(621,000)
Juvenile terminal illness assistance ..	(30,000)
Emergency medical services	(16,000)
Testing for specific hereditary diseases	(115,000)

Hospitalization and convalescent	
care of handicapped children	(1,906,000)
Chronic renal disease	(520,000)
Maternal and child health	(50,000)
Chronic disease services	(54,920)
Tuberculosis services	(378,000)
Venereal disease clinics	(40,000)
Occupational health services	(83,080)
Community drug programs (State	
share)	(1,633,043)
Vocational adjustment centers	(95,000)
Alcoholism services	(1,643,545)

The appropriation for Hospitalization and convalescent care of handicapped children shall be available for the payment of obligations applicable to prior fiscal years.

Receipts from local school districts for educational costs of children placed in the Therapeutic Residential School at Long Branch, and the unexpended balance of such receipts as of June 30, 1982 are appropriated for expenses of the School.

Receipts from third party reimbursements for drug addiction services, and the unexpended balance of such receipts as of June 30, 1982 are appropriated for the cost of implementing such reimbursement system, subject to the approval of the Director of the Division of Budget and Accounting.

Such sums as may be required for costs of operation of the Rabies control program are appropriated from the Rabies Control Fund.

Receipts from fees established by the Commissioner of Health for licensing of clinical laboratories and the unexpended balance as of June 30, 1982 of such fees are appropriated.

The Department of Health, Division of Alcoholism, Narcotic and Drug Abuse is authorized to bill a patient, or a patient's estate, or the person chargeable for his support, or the county of residence for institutional, residential and out-patient support of patients treated for alcoholism and/or drug

abuse. In addition, the Department of Health is authorized to establish the fees for this service as well as fees to be charged for training courses in alcohol and drug abuse counseling provided by the Department. Receipts derived from billings or fees pursuant to this paragraph are appropriated to the Department of Health, Division of Alcoholism, Narcotic and Drug Abuse for the support of the alcohol and drug abuse programs.

The unexpended balance as of June 30, 1982 in the Hazardous Waste Health Care Task Force account is appropriated.

The unexpended balance in the Treatment for adults with cystic fibrosis account is appropriated.

22 Health Planning and Evaluation

06-4260	Health Facilities Evaluation	\$1,317,455
07-4270	Health Planning and Resource Development	2,431,788*
Total Appropriation, Health Planning and Evaluation		<u>\$3,749,243*</u>

Personal Services:

Salaries and wages	(\$2,798,779)
Positions converted	(144,167)
Materials and Supplies	(50,113)
Services Other Than Personal	(401,561)
Maintenance and Fixed Charges	(124,623)

Grants:

State support for areawide planning agencies	(30,000)
Planning and development of urban health services	(200,000)

Receipts derived from fees charged for hospital rate setting, and the unexpended balance of such receipts as of June 30, 1982 are appropriated for expenses of hospital 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, and the unexpended balance of such receipts as of June 30, 1982 are appropriated for the cost of such review.

Receipts derived from fees charged for the Certificate of Need Program and the unexpended balance of such receipts as of June 30, 1982, are appropriated for the cost of the program.

25 Health Administration

01-4215	Vital Statistics	\$420,190
10-4225	Local Health and Regional Operations ..	871,196
99-4210	Management and Administrative Services	3,757,500*
Total Appropriation, Health Administration		<u>\$5,048,886*</u>

Personal Services:

Commissioner	(\$70,000)
Salaries and wages	(3,497,426)
Positions transferred from other	
Statewide programs	(8,897)
Positions converted	(22,504)
Materials and Supplies	(161,112)
Services Other Than Personal	(865,682)
Maintenance and Fixed Charges	(183,236)

Special Purpose:

Compensation awards	(110,000)
Affirmative action and equal employment opportunity program ..	(9,629)
Controlled dangerous substance	
technical research	(50,000)
Compulsive gambling	(60,000)

Additions, Improvements and Equipment	(10,400)
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Notwithstanding the provisions of Title 26 or other law to the contrary, the Commissioner of the Department of Health is authorized to establish increased fees for services for Community Health Services, Health Facilities Evaluation and Vital Statistics. Receipts from such increased fees are appropriated not to exceed \$850,000.

Total Appropriation, Department of Health	<u><u>\$29,644,070*</u></u>
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DEPARTMENT OF HIGHER EDUCATION

*Educational, Cultural and Intellectual Development**36 Higher Educational Services**5400 Office of the Chancellor*

02-5400	Support to Independent Institutions	\$18,492,000*
03-5400	New Jersey Educational Opportunity Fund	14,009,000*
04-5400	Student Financial Support Services	40,769,000
05-5400	Student Financial Assistance Adminis- tration	2,390,635
99-5400	Management and Administrative Services	3,477,312
Total Appropriation, Office of the Chancellor		<u>\$79,137,947*</u>

Personal Services:

Chancellor	(\$70,000)
Salaries and wages	(3,300,231)
Materials and Supplies	(160,000)
Services Other Than Personal	(693,380)
Maintenance and Fixed Charges	(39,100)

Special Purpose:

Educational Opportunity Fund	
Board Expenses	(2,500)
Tuition Aid Grant-Software De- velopment	(300,000)
Board of Higher Education ex- penses	(7,000)
Program development	(90,000)
College information system and higher education management system	(100,000)
State and County college councils .	(3,000)
Basic skills assessment	(650,000)
Marine sciences consortium	(250,000)
Faculty fellows	(50,000)
Teacher education improvement . . .	(100,000)
Affirmative action and equal em- ployment opportunity program . .	(32,736)

Grants:

Veterinary medicine education	(1,065,000*)
Aid to independent colleges and universities	(10,900,000)
Schools of professional nursing . . .	(1,500,000)
Dental school aid	(4,050,000)
Optometric education	(332,000)
Einstein Chair for scholarly studies at the Institute for Advanced Study	(65,000)
Graduate medical education program	(450,000)
Richard J. Hughes Chair for Constitutional and Public Law and Service at Seton Hall University .	(65,000)
Alfred E. Driscoll Chair in Pharmaceutical/Chemical Studies, Fairleigh Dickinson University	(65,000)
Opportunity program grants	(8,941,917*)
Supplementary education program grants	(5,067,083)
Veterans' tuition credit	(860,000)
Tuition aid grants (NJS 18A:71-42 et seq.)	(35,894,000)
Garden State scholarships	(3,600,000)
Graduate fellowships	(400,000)
MIA-POW grants	(5,000)
Public Tuition Benefits	(10,000)

Additions, Improvements and Equipment (20,000)

An amount not to exceed \$57,500 in the Aid to Independent Colleges and Universities account shall be available for administrative expenses.

For the purpose of implementing the Independent College and University Assistance Act (PL 1979, c. 132), the number of full-time equivalent students (FTE) at the eight State Colleges is 51,642 for fiscal year 1982-83.

The unexpended balances as of June 30, 1982 and other income from the Federal loan collection reimbursement program are appropriated.

The unexpended balances as of June 30, 1982 in the Special Purpose and Grant accounts, excluding the New Jersey Educational Opportunity Fund and Student Financial Support Services accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The sums provided hereinabove and the unexpended balances as of June 30, 1982, in the Tuition Aid Grants program shall be available for payment of obligations applicable to prior fiscal years.

Notwithstanding the provisions of NJS 18A:71-47b., the maximum grant level for Tuition Aid Grant awards to eligible students in Rutgers, The State University, the New Jersey Institute of Technology and in New Jersey independent colleges and universities shall be \$1,500. The minimum award at all eligible institutions shall be \$200.

The provisions of PL 1975, c. 356 (C. 18A:71-64 et seq.) notwithstanding, the Department of Higher Education may make payments directly to eligible veterans enrolled in approved educational institutions without prior written agreements with such institutions for participation in the program.

Of the sums hereinabove appropriated for Tuition Aid Grants not more than \$1,021,320 shall be expended for out-of-state tuition aid grant awards; provided, however, that no such awards shall be made to students not holding awards prior to FY 1983.

The unexpended balances as of June 30, 1982 in the Tuition Aid Grant accounts are appropriated as determined by the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1982 in the account for a Commission on a Women's Studies Chair at Douglass College, are appropriated.

5450 Thomas A. Edison State College

17-5450	Institutional Support	\$1,613,077
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Total Appropriation, Thomas A. Edison State College		\$1,613,077
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Personal Services:

Salaries and wages	(\$1,330,408)
Materials and Supplies	(62,700)
Services Other Than Personal	(163,969)
Maintenance and Fixed Charges	(27,000)

Special Purpose:

Affirmative action and equal employment opportunity program	(14,000)
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Additions, Improvements and Equipment	(15,000)
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Student fees in excess of anticipated student fee revenues at Thomas A. Edison State College are appropriated, subject to approval by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5500 Glassboro State College

11-5500	Instruction	\$11,532,212
12-5500	Sponsored Programs and Research	75,000
13-5500	Extension and Public Service	459,000
15-5500	Academic Support	1,090,450
16-5500	Student Services	1,950,347
17-5500	Institutional Support	3,018,629
19-5500	Physical Plant Support Services	4,247,132

Total Appropriation, Glassboro State College		\$22,372,770
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Personal Services:

Salaries and wages	(\$16,357,704)
Student aides	(200,000)
Materials and Supplies	(2,594,397)
Services Other Than Personal	(1,551,110)
Maintenance and Fixed Charges	(269,249)

Special Purpose:

Academic development	(100,000)
Separately budgeted research	(75,000)
Camden Urban Center	(459,000)
National direct student loans (State share)	(26,383)
College work-study (State share) ..	(189,768)
Affirmative action and equal employ- ment opportunity program	(52,049)
Compensation awards	(29,354)
Additions, Improvements and Equip- ment	(468,756)

5510 Jersey City State College

11-5510	Instruction	\$11,411,081
12-5510	Sponsored Programs and Research	75,000
15-5510	Academic Support	1,119,371
16-5510	Student Services	1,403,763
17-5510	Institutional Support	2,369,152
19-5510	Physical Plant Support Services	3,599,490

Total Appropriation, Jersey City State
College

\$19,977,857

Personal Services:

Salaries and wages	(\$14,287,193)
Student aides	(205,000)
Materials and Supplies	(2,137,000)
Services Other Than Personal	(917,490)
Maintenance and Fixed Charges	(332,000)

Special Purpose:

A. Harry Moore Laboratory School. (	1,055,000)
Academic development	(90,000)
Separately budgeted research	(75,000)
National direct student loans (State share)	(10,000)
College work-study (State share) ..	(108,000)
Athletic fields	(80,000)
Affirmative action and equal oppor- tunity program	(51,174)
Compensation awards	(35,000)

Additions, Improvements and Equip-
ment (595,000)

All tuition and other receipts from the operation of
the A. Harry Moore Laboratory School of Jersey
City State College and the unexpended balances,
as of June 30, 1982 of such receipts are appropri-
ated for operating expenses of the School.

5520 Kean College of New Jersey

11-5520	Instruction	\$12,732,225
12-5520	Sponsored Programs and Research	75,000
15-5520	Academic Support	1,200,104
16-5520	Student Services	2,005,299
17-5520	Institutional Support	3,370,592
19-5520	Physical Plant Support Services	4,742,136

Total Appropriation, Kean College of New Jersey	\$24,125,356
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Personal Services:

Salaries and wages	(\$18,078,773)
Student aides	(200,000)
Materials and Supplies	(3,062,000)
Services Other Than Personal	(1,457,190)
Maintenance and Fixed Charges	(328,000)

Special Purpose:

Academic development	(120,000)
Separately budgeted research	(75,000)
National direct student loans (State share)	(10,000)
College work-study(State share)...	(70,000)
Affirmative action and equal employ- ment opportunity program	(39,393)
Compensation awards	(45,000)

Additions, Improvements and Equip-
ment (640,000)

5530 The William Paterson College of New Jersey

11-5530	Instruction	\$13,489,130
12-5530	Sponsored Programs and Research	75,000
15-5530	Academic Support	1,280,286
16-5530	Student Services	1,842,059
17-5530	Institutional Support	3,038,942
19-5530	Physical Plant Support Services	5,529,534

Total Appropriation, The William Paterson College of New Jersey	\$25,254,951
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Personal Services:

Salaries and wages	(\$18,948,808)
Student aides	(275,000)
Materials and Supplies	(3,253,786)
Services Other Than Personal	(1,305,917)
Maintenance and Fixed Charges	(478,000)

Special Purpose:

Academic development	(130,000)
Separately budgeted research	(75,000)
College work-study (State share) ..	(60,000)
Affirmative action and equal employ- ment opportunity program	(46,440)
Compensation awards	(25,000)

Additions, Improvements and Equip- ment	(657,000)
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5540 Montclair State College

11-5540	Instruction	\$15,580,575
12-5540	Sponsored Programs and Research	75,000
13-5540	Extension and Public Service	440,000
15-5540	Academic Support	1,644,366
16-5540	Student Services	2,503,144
17-5540	Institutional Support	3,504,370
19-5540	Physical Plant Support Services	4,857,316

Total Appropriation, Montclair State College	\$28,604,771
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Personal Services:

Salaries and wages	(\$21,739,769)
Student aides	(350,000)
Materials and Supplies	(2,833,075)
Services Other Than Personal	(1,336,172)
Maintenance and Fixed Charges	(431,000)

Special Purpose:

Academic development	(150,000)
Separately budgeted research	(75,000)
New Jersey State School of Conservation	(440,000)
College work-study (State share) ..	(70,000)
Affirmative action and equal employ- ment opportunity program	(94,755)
Compensation awards	(45,000)

Additions, Improvements and Equip-
ment

(1,040,000)

Of the amount hereinabove in the New Jersey State School of Conservation account, the sum of \$440,000 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, 1982 are appropriated.

5550 Trenton State College

11-5550 Instruction	\$12,289,481
12-5550 Sponsored Programs and Research	75,000
15-5550 Academic Support	1,590,321
16-5550 Student Services	1,923,448
17-5550 Institutional Support	2,631,372
19-5550 Physical Plant Support Services	5,225,551

Total Appropriation, Trenton State College. \$23,735,173

Personal Services:

Salaries and wages	(\$17,699,479)
Student aides	(255,000)
Materials and Supplies	(3,101,288)
Services Other Than Personal	(1,216,071)
Maintenance and Fixed Charges	(464,000)

Special Purpose:

Demonstration school services	(80,000)
Academic development	(100,000)
Separately budgeted research	(75,000)
Affirmative action and equal employ- ment opportunity program	(39,335)
College work-study (State share) . . .	(12,000)
Compensation awards	(50,000)

Additions, Improvements and Equip- ment	(643,000)
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5560 Ramapo College of New Jersey

11-5560	Instruction	\$4,797,081
12-5560	Sponsored Programs and Research	41,000
15-5560	Academic Support	736,188
16-5560	Student Services	917,155
17-5560	Institutional Support	1,868,517
19-5560	Physical Plant Support Services	2,855,128

Total Appropriation, Ramapo College of New Jersey	<u>\$11,215,069</u>
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Personal Services:

Salaries and wages	(\$8,479,002)
Student aides	(180,000)
Materials and Supplies	(1,415,000)
Services Other Than Personal	(619,058)
Maintenance and Fixed Charges	(222,190)

Special Purpose:

Academic development	(45,000)
Separately budgeted research	(41,000)
College work-study (State share) . . .	(42,000)
Affirmative action and equal employ- ment opportunity program	(40,319)
Compensation awards	(4,500)

Additions, Improvements and Equip- ment	(127,000)
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5570 Richard Stockton State College

11-5570	Instruction	\$5,472,392
12-5570	Sponsored Programs and Research	70,000
15-5570	Academic Support	1,153,306
16-5570	Student Services	1,000,884
17-5570	Institutional Support	1,867,821
19-5570	Physical Plant Support Services	3,107,836
Total Appropriation, Richard Stockton State College		\$12,672,239

Personal Services:

Salaries and wages	(\$9,143,343)
Student aides	(160,000)
Materials and Supplies	(1,902,040)
Services Other Than Personal	(675,500)
Maintenance and Fixed Charges	(256,550)

Special Purpose:

Academic development	(60,000)
Separately budgeted research	(70,000)
College work-study (State share) ..	(40,000)
Affirmative action and equal employment opportunity program	(45,206)
Compensation awards	(20,000)

Additions, Improvements and

Equipment	(299,600)
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State Colleges Programs

Receipts in excess of those anticipated from regular tuition are appropriated, subject to approval by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The expenditure of the amounts hereinabove to each State College for Academic Development shall be subject to prior approval of the Chancellor of Higher Education and the Director of 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, 1982 of such receipts, are 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 balance as of June 30, 1982 of such receipts, are appropriated (NJS 18A:64-18).

The amounts hereinabove allocated to the various State Colleges for Student aides 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 shall be in cash in lieu of being credited toward the payment of student charges for tuition, room and board.

Receipts from student service charges and parking fees and the unexpended balances as of June 30, 1982 of such receipts are 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.

Any transfer of appropriation from the Physical Plant Support Services program classification 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 classification accounts shall be deemed to be the primary expenditure accounts (NJS 18A:64-6f.).

Student application fees in excess of those anticipated are appropriated, provided that no application fee exceeds \$20.

Rutgers, The State University
5600 General University

11-5600	Instruction	\$89,592,546
12-5600	Sponsored Programs and Research	4,124,579
13-5600	Extension and Public Service	1,734,973
14-5600	Auxiliary Services	4,092,061
15-5600	Academic Support	10,600,212
16-5600	Student Services	16,590,845
17-5600	Institutional Support	24,231,544
19-5600	Physical Plant Support Services	38,152,358

Sub-Total, General Operations	\$189,119,118
Special Funds expense	39,250,000
Auxiliary Funds expense	43,153,214
Total All Operations	\$271,522,332

Less:

<i>General services income</i>	\$64,064,953
<i>Special funds income</i>	39,250,000
<i>Auxiliary services income</i>	43,153,214

<i>Total Income Deductions</i>	\$146,468,167
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Appropriation, Exclusive of Land

Grant Interest	(\$125,048,365)
Land Grant Interest	(5,800)

Sub-Total Appropriation	\$125,054,165
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Personal Services:

Salaries and wages	(\$138,954,551)
Student aides	(936,930)
Materials and Supplies	(23,067,218)
Services Other Than Personal	(12,501,452)
Maintenance and Fixed Charges ...	(2,532,385)

Special Purpose:

Research grants	(325,431)
Graduate and law school fellowships	(85,200)

Student aid	(3,803,828)
College work-study (State share) ..	(515,000)
Affirmative action and equal employment opportunity program ..	(111,305)
Retirement allowances	(735,000)
Bad debt expense	(125,000)
Special projects	(2,250,000)
Forum on policy research and public service, Rutgers—Camden ..	(60,000)
Additions and Improvements	(3,115,818)
Special Funds expense	(39,250,000)
Auxiliary Funds expense	(43,153,214)

Less:

<i>General services income</i>	(64,064,953)
<i>Special funds income</i>	(39,250,000)
<i>Auxiliary services income</i>	(43,153,214)

Actual full-time and part-time undergraduate enrollment, exclusive of enrollment in Extension and Public Service programs, shall not exceed 29,707 full-time equivalent (FTE) students at Rutgers, The State University. In the event that actual enrollment exceeds 31,192 the amount hereinabove for Rutgers, The State University, may be reduced by a sum equal to the tuition receipts collected by the University for those FTE students above 31,192, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Any transfer from Physical Plant Support Services to any other purpose shall be subject to the prior approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Student application fees in excess of those anticipated are appropriated, provided that no application fee exceeds \$30.

5620 Agricultural Experiment Station

12-5620	Sponsored Programs and Research	\$6,557,566*
13-5620	Extension and Public Service	3,851,096

Sub-Total, General Operations	\$10,408,662*
Federal research and extension funds expense ...	4,025,000
Special Funds expense	5,750,000

Total All Operations	\$20,183,662*
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Less:

<i>Federal research and extension</i>	
<i>funds income</i>	\$4,025,000
<i>Special funds income</i>	5,750,000

<i>Total Income Deductions</i>	\$9,775,000
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Sub-Total Appropriation	\$10,408,662*
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Personal Services:

Salaries and wages	(\$9,238,862*)
Student aides	(82,500)
Materials and Supplies	(371,400)
Services Other Than Personal	(393,700)
Maintenance and Fixed Charges	(89,300)

Special Purpose:

Federal research and extension	
funds expense	(4,025,000)
Special funds expense	(5,750,000)
Additions and Improvements	(232,900)

Less:

<i>Federal research and extension</i>	
<i>funds income</i>	(4,025,000)
<i>Special funds income</i>	(5,750,000)

Total Appropriation, Rutgers, The State University	\$135,462,827*
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5630 University of Medicine and Dentistry of New Jersey

Instruction	(\$43,889,639)
Sponsored Programs and Research ..	(19,674,000)
Extension and Public Service	(75,085,888)
Auxiliary Services	(1,303,495)
Academic Support	(1,070,429)
Student Services	(1,136,394)
Institutional Support	(14,245,972)
Physical Plant Support Services	(23,952,825)

Total All Operations (\$180,358,642)

Less:

Total Income Deductions (\$93,817,458)

17950 Central Administration

All Operations \$6,692,222

Less:

Income \$150,000

Sub-Total Appropriation, Central

Administration \$6,542,222

17951 University Programs

All Operations \$3,238,201

Less:

Income \$1,221,250

Sub-Total Appropriation, University

Programs \$2,016,951

17952 Physical Plant Support Services

Educational Units \$13,653,110

Hospitals 11,928,882

Sub-Total Appropriation, Physical Plant

Support Services \$25,581,992

17953 New Jersey Medical School

All Operations \$29,346,154

Less:

Income \$16,981,533Sub-Total Appropriation, New Jersey
Medical School \$12,364,621*17954 Rutgers Medical School, Piscataway*

All Operations \$31,588,332

Less:

Income \$18,819,182Sub-Total Appropriation, Rutgers Medical
School, Piscataway \$12,769,150*17955 Rutgers Medical School, South Jersey*

All Operations \$1,467,251

Less:

Income \$114,950Sub-Total Appropriation, Rutgers Medical
School, South Jersey \$1,352,301*17956 New Jersey School of Osteopathic Medicine*

All Operations \$6,326,115

Less:

Income \$1,871,300Sub-Total Appropriation, New Jersey
School of Osteopathic Medicine \$4,454,815*17957 New Jersey Dental School*

All Operations \$7,755,752

Less:

Income \$2,799,625Sub-Total Appropriation, New Jersey
Dental School \$4,956,127

17958 Graduate School of Biomedical Sciences

All Operations	\$2,246,200	
Less:		
Income	<u>\$414,121</u>	
Sub-Total Appropriation, Graduate School of Biomedical Sciences		<u>\$1,832,079</u>

17959 School of Allied Health Professions

All Operations	\$2,245,738	
Less:		
Income	<u>\$563,309</u>	
Sub-Total Appropriation, School of Allied Health Professions		<u>\$1,682,429</u>

17960 University Hospital

All Operations	\$63,870,685	
Less:		
Income	<u>\$50,882,188</u>	
Sub-Total Appropriation, University Hospital		<u>\$12,988,497</u>

*17962 Rutgers Medical School
Community Mental Health Center*

All Operations	\$7,829,187	
Less:		
Income	<u>\$7,829,127</u>	
Sub-Total Appropriation, Rutgers Medical School Community Mental Health Center ..		<u>\$0</u>

*17963 New Jersey Medical School
Community Mental Health Center*

All Operations \$3,896,026

Less:

Income *\$3,896,026*

Sub-Total Appropriation, New Jersey Medical School Community Mental Health Center

\$0

Total Appropriation, University of Medicine and Dentistry of New Jersey

\$86,541,184

Personal Services:

Salaries and wages (\$106,070,180)

Materials and Supplies (25,332,577)

Services Other Than Personal (10,841,078)

Maintenance and Fixed Charges (3,692,410)

Special Purpose:

Central Administration Board of Trustees planning fund (16,510)

University Student aid (458,594)

University Hospital Research under contract with the Institute of Medical Research, Camden (388,977)

Additions, Improvements and Equipment (855,608)

Special Funds expense (19,674,000)

Auxiliary Funds expense (1,303,495)

Rutgers Medical School Community Mental Health Center (7,829,187)

New Jersey Medical School Community Mental Health Center (3,896,026)

Less:

General Service Income (*\$12,406,566*)

Special Service Income (*19,674,000*)

Auxiliary Service Income (*1,303,495*)

Hospital Service Income (*48,708,184*)

<i>Rutgers Medical School Community</i>	
<i>Mental Health Center Income . . .</i>	<i>(7,829,187)</i>
<i>New Jersey Medical School Com-</i>	
<i>munity Mental Health Center In-</i>	
<i>come</i>	<i>(3,896,026)</i>

All General service income or Hospital service income in excess of the amounts hereinabove as income deductions, shall be credited to the General Fund and such excess income is appropriated therefrom for service improvements during fiscal year 1982-83 and the subsequent fiscal year in the several component units of the University of Medicine and Dentistry of New Jersey, upon the request of the Board of Trustees thereof, subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The University of Medicine and Dentistry of New Jersey is hereby authorized to operate its continuing medical-dental education program as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, is retained for such fund.

The receipts derived from the Capital Facilities Allowance—Capital Cash Component shall be credited to the General Fund and are appropriated for expenses at the University of Medicine and Dentistry, upon the request of the Board of Trustees thereof, subject to the approval of the Chancellor of Higher Education and the Director, Division of Budget and Accounting.

The Director, Division of Budget and Accounting is authorized to adjust the program classification and object distribution of the UMDNJ to correspond with the appropriation distribution listed above.

5640 New Jersey Institute of Technology

11-5640	Instruction	\$11,726,504
12-5640	Sponsored Programs and Research	559,962
13-5640	Extension and Public Service	630,674
14-5640	Auxiliary Services	1,800,000
15-5640	Academic Support	2,486,565
16-5640	Student Services	1,886,217
17-5640	Institutional Support	4,361,163
19-5640	Physical Plant Support Services	3,675,761

Sub-Total, General Operations	\$27,126,846
Special Funds Expense	2,800,000

Total, All Operations	\$29,926,846
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Less:

<i>General services income</i>	<i>\$7,579,825</i>
<i>Auxiliary services income</i>	<i>1,800,000</i>
<i>Special funds income</i>	<i>2,800,000</i>

<i>Total Income Deductions</i>	<i>\$12,179,825</i>
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Total Appropriation	\$17,747,021
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Personal Services:

Salaries and wages	(\$16,479,957)
Student aides	(220,000)
Materials and Supplies	(2,506,086)
Services Other Than Personal	(2,598,190)
Maintenance and Fixed Charges	(386,770)

Special Purpose:

Academic development	(250,000)
Separately budgeted research	(447,000)
Student activities	(175,000)
Scholarships, grants, fellowships ..	(120,000)
Board of Trustees	(4,000)
Affirmative action and equal em- ployment opportunity program ..	(60,843)
Fringe benefits/Retirement allowances	(1,079,000)

Additions, Improvements and

Equipment	(1,000,000)
Auxiliary Fund expenses	(1,800,000)
Special Fund expenses	(2,800,000)

Less:

<i>General services income</i>	(7,579,825)
<i>Auxiliary services income</i>	(1,800,000)
<i>Special Funds income</i>	(2,800,000)

Actual full-time and part-time undergraduate enrollments, including Summer Session undergraduate enrollments, exclusive of enrollments in Extension and Public Service programs, shall not exceed 4,280 full-time equivalent (FTE) students at the New Jersey Institute of Technology. In the event that actual enrollments exceed 4,494, the amount appropriated hereinabove for New Jersey Institute of Technology may be reduced by a sum equal to the tuition receipts collected by the Institute for those full-time equivalent students above 4,494, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The amount hereinabove shall be made available, subject to the execution of a contract for the purchase of educational services between the Board of Higher Education and the Board of Trustees of Schools for Industrial Education of Newark, New Jersey (NJS 18A:3-14q.).

Any transfer from Physical Plant Support Services to any other purpose shall be subject to the prior approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Student application fees in excess of those anticipated are appropriated, provided that no application fee exceeds \$40.

Total Appropriation, Department of Higher Education

\$488,460,242*

All expenditures for data processing services, equipment and software from sources other than the New Jersey Education Computer Network (NJEEN) shall be subject to approval by the Director of the Division of Budget and Accounting.

Of the amount hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule below first shall be charged to the State Lottery Fund:

Veterinary medicine education ..	(\$1,065,000)
Optometric education	(332,000)
Aid to independent colleges and universities	(10,900,000)
Schools of professional nursing ..	(1,500,000)
Dental school aid	(3,550,000)

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals

08-7700	Community Services	\$32,600,459
99-7700	Management and Administrative Services	2,511,510
	Total Appropriation, Division of Mental Health and Hospitals	\$35,111,969

Personal Services:

Salaries and wages	(\$2,113,418)
Positions established from lump sum appropriation	(1,000,000)
Materials and Supplies	(79,614)
Services Other Than Personal	(294,877)
Maintenance and Fixed Charges	(127,635)

Special Purpose:

Independent psychiatric evaluation and legal representation for indigent patients	(18,000)
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Statistical information system	(150,000)
Affirmative action and equal employment opportunity program	(17,073)
Compensation awards	(994,566)

Grants:

Community care	(22,200,000)
Community Mental Health Center, University of Medicine and Dentistry, Newark	(2,919,536)
Community Mental Health Center, University of Medicine and Dentistry, Rutgers	(5,157,250)

Additions, Improvements and Equipment	(40,000)
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Notwithstanding the provision of R. S. 30:4-23, no type or form of discharge shall be recognized that does not result in a patient leaving a State Hospital grounds within twenty-four hours.

Federal and other funds received or receivable for the operation of community mental health centers at the New Jersey Medical School and Rutgers Medical School shall be available to the University of Medicine and Dentistry of New Jersey for the operation of the centers.

7710 Greystone Park Psychiatric Hospital

09-7710 Outpatient and Community Services	\$139,499
10-7710 Inpatient Care and Health Services	18,872,707
98-7710 Physical Plant and Support Services	7,203,648
99-7710 Management and Administrative Services	4,290,475

Total Appropriation, Greystone Park Psychiatric Hospital	<u>\$30,506,329</u>
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Personal Services:

Salaries and wages	(\$22,963,236)
New positions	(23,281)
Food in lieu of cash	(94,025)
Materials and Supplies	(5,685,680)
Services Other Than Personal	(715,515)
Maintenance and Fixed Charges	(464,434)

Special Purpose:

Interim assistance	(65,000)
Computerized menu planning	(38,085)
Affirmative action and equal employment opportunity program ..	(17,073)
Additions, Improvements and Equipment	(440,000)

7720 Trenton Psychiatric Hospital

09-7720 Outpatient and Community Services	\$170,503
10-7720 Inpatient Care and Health Services	21,379,922
98-7720 Physical Plant and Support Services ...	6,908,363
99-7720 Management and Administrative Services	3,895,695

Total Appropriation, Trenton Psychiatric Hospital	\$32,354,483
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Personal Services:

Salaries and wages	(\$24,768,149)
New positions	(23,281)
Food in lieu of cash	(42,829)
Materials and Supplies	(5,254,449)
Services Other Than Personal	(1,094,079)
Maintenance and Fixed Charges	(569,441)

Special Purpose:

Interim assistance	(26,700)
Computerized menu planning	(38,085)
Affirmative action and equal employment opportunity program ..	(18,350)
Additions, Improvements and Equipment	(519,120)

7730 Marlboro Psychiatric Hospital

09-7730 Outpatient and Community Services	\$281,410
10-7730 Inpatient Care and Health Services	17,028,307
98-7730 Physical Plant and Support Services ...	4,557,830
99-7730 Management and Administrative Services	3,645,886

Total Appropriation, Marlboro Psychiatric Hospital	\$25,513,433
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Personal Services:

Salaries and wages	(\$18,536,565)
Positions established from lump sum appropriation	(96,800)
Positions transferred from other institutions	(1,520,395)
Food in lieu of cash	(30,281)
Materials and Supplies	(3,842,581)
Services Other Than Personal	(651,220)
Maintenance and Fixed Charges	(373,754)

Special Purpose:

Interim assistance	(89,044)
Computerized menu planning	(38,085)
Affirmative action and equal employment opportunity program ..	(17,073)

Additions, Improvements and Equipment	(317,635)
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7740 Ancora Psychiatric Hospital

09-7740 Outpatient and Community Services	\$202,310
10-7740 Inpatient Care and Health Services	17,946,019
98-7740 Physical Plant and Support Services	4,992,275
99-7740 Management and Administrative Services	3,700,311

Total Appropriation, Ancora Psychiatric Hospital	<u>\$26,840,915</u>
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Personal Services:

Salaries and wages	(\$20,600,337)
Positions transferred from other institutions	(739,650)
New positions	(23,281)
Food in lieu of cash	(55,281)
Materials and Supplies	(3,935,004)
Services Other Than Personal	(835,709)
Maintenance and Fixed Charges	(327,696)

Special Purpose:

Interim assistance	(53,000)
Computerized menu planning	(38,084)
Affirmative action and equal employment opportunity program ..	(17,073)

Additions, Improvements and Equipment	(215,800)
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7750 Arthur Brisbane Child Treatment Center

10-7750	Inpatient Care and Health Services	\$1,701,640
98-7750	Physical Plant and Support Services	391,925
99-7750	Management and Administrative Services	285,046

Total Appropriation, Arthur Brisbane Child Treatment Center	\$2,378,611
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Personal Services:

Salaries and wages	(\$1,926,970)
Food in lieu of cash	(5,309)
Materials and Supplies	(305,114)
Services Other Than Personal	(46,049)
Maintenance and Fixed Charges	(47,769)
Additions, Improvements and Equip- ment	(47,400)

7760 Glen Gardner Center for Geriatrics

10-7760	Inpatient Care and Health Services	\$2,665,014
98-7760	Physical Plant and Support Services	1,405,050
99-7760	Management and Administrative Services	767,891

Total Appropriation, Glen Gardner Center for Geriatrics	\$4,837,955
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Personal Services:

Salaries and wages	(\$3,386,810)
Food in lieu of cash	(11,151)
Materials and Supplies	(1,083,934)
Services Other Than Personal	(190,805)
Maintenance and Fixed Charges	(88,380)

Special Purpose:

Computerized menu planning	(38,085)
Additions, Improvements and Equip- ment	(38,790)

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

21-7540	Health Services Administration	\$6,364,610
24-7540	Pharmaceutical Assistance to the Aged and Disabled	44,322,320
99-7540	Management and Administrative Services	4,733,470
Total Appropriation, Division of Medical Assistance and Health Services		\$55,420,400

Personal Services:

Salaries and wages	(\$5,105,648)
Positions established from lump sum appropriation	(42,833)
Materials and Supplies	(102,470)
Services Other Than Personal	(1,275,720)
Maintenance and Fixed Charges ...	(136,148)

Special Purpose:

Payments to fiscal agents	(3,904,010)
Eligibility determination	(975,250)
Payments to fiscal agents (PAAD) ..	(2,000,000)
Health facilities rate setting	(382,555)
Health facilities inspections	(155,195)
Affirmative action and equal em- ployment opportunity program ..	(5,830)
Professional standards review orga- nizations	(661,375)
Compensation awards	(27,355)

Grants:

Pharmaceutical assistance for the aged and disabled-claims	(40,620,000)
Additions, Improvements and Equip- ment	(26,011)

The amounts hereinabove for Pharmaceutical as-
sistance to the aged and disabled-claims are
available for the payment of obligations ap-
plicable to prior fiscal years.

Notwithstanding any State law to the contrary, any
private health insurance carrier writing health in-
surance policies in the State shall permit the Di-

vision of Medical Assistance and Health Services to match its Medicaid eligibility file against any private health insurance carrier's policyholder file.

The Division of Medical Assistance and Health Services shall by January 1, 1983 prepare and submit a report to the Joint Appropriations Committee concerning the feasibility of consolidating the two existing levels of intermediate care into a new, single level of intermediate care. The report shall indicate the number of nursing hours per day the new level will require and shall also estimate any savings to be realized in the inspection, rate setting and assessment process.

Notwithstanding the provisions of C. 30:4D-3i.(7), the Division shall comply with the provisions of P. L. 96-611, 42 U. S. C. § 1396a(j)(1), which denies Medicaid eligibility for twenty-four months to persons who divest themselves of their assets in order to obtain Medicaid benefits, unless such person or spouse furnishes convincing evidence to establish that the transaction was exclusively for some other purpose. However, the period of disqualification shall bear a reasonable relationship to the uncompensated value of the assets.

The unexpended balance as of June 30, 1982, not to exceed \$1,000,000 in the Pharmaceutical Assistance for the aged and disabled-claims account is hereby appropriated.

Educational, Cultural and Intellectual Development
32 *Operation and Support of Educational Institutions*
7600 *Division of Mental Retardation*

01-7600	Purchased Residential Care	\$18,863,094*
02-7600	Social Supervision and Consultation	1,519,734
03-7600	Adult Activities	7,016,031
04-7600	Education and Day Training	4,350,776
99-7600	Management and Administrative Services	2,852,022*
Total Appropriation, Division of Mental Retardation		\$34,601,657*

Personal Services:

Salaries and wages	(\$3,455,515)
Positions established from lump sum	(940,340)
Materials and Supplies	(714,658)
Services Other Than Personal	(443,868)
Maintenance and Fixed Charges	(2,243,612)

Special Purpose:

Family care	(700,000)
Homemaker services	(115,500)
Social services	(195,000)
Adult activities	(4,159,660)
Social services	(840,000)
Foster grandparents program (State share)	(285,000)
Developmental disabilities services	(275,006)
Dental program for non-institu- tionalized mentally retarded and handicapped children	(102,999*)
Patient employees	(317,999)
Social services	(110,000)
Compensation awards	(1,000,000)

Grants:

Private institutional care	(15,200,000)
Skill development homes	(2,231,090)
Purchase of day training services ..	(700,000)
Group homes	(518,910)

Additions, Improvements and Equip-
ment

(52,500)

The sum hereinabove for Private institutional care shall be available for the payment of obligations applicable to Purchase of residential care for prior fiscal years.

None of the funds for Developmental disability services shall be expended without non-State matching funds.

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.

Notwithstanding the provisions of any law to the contrary, the unexpended balances as of June 30, 1982 in the tuition receipt accounts established pursuant to "The State Facilities Education Act of 1979," P. L. 1979, c. 207 (C. 18A:7B-1 et seq.) in the various departments, are appropriated for education related transportation costs (day training) in the Division of Mental Retardation in such amounts as the Director of the Division of Budget and Accounting shall determine to be necessary; provided, however, that such amounts shall not be in excess of \$2,000,000.

7610 Green Brook Regional Center

05-7610	Residential Care and Habilitation	\$445,960
06-7610	Health Services	78,500
07-7610	Education and Training	6,000
98-7610	Physical Plant and Support Services	416,800
99-7610	Management and Administrative Services	1,140,341

Total Appropriation, Green Brook Regional Center	\$2,087,601
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Materials and Supplies	(\$612,362)
Services Other Than Personal	(182,839)
Maintenance and Fixed Charges	(74,400)

Special Purpose:

Green Brook mortgage	(705,000)
ICF-MR certification	(400,000)

Additions, Improvements and Equipment	(113,000)
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7620 Vineland State School

05-7620	Residential Care and Habilitation	\$11,449,681
06-7620	Health Services	3,817,807
07-7620	Education and Training	453,159
98-7620	Physical Plant and Support Services	4,521,893
99-7620	Management and Administrative Services	5,153,162
Total Appropriation, Vineland State School		<u>\$25,395,702</u>

Personal Services:

Salaries and wages	(\$19,369,417)
Food in lieu of cash	(28,994)
Materials and Supplies	(4,847,549)
Services Other Than Personal	(637,169)
Maintenance and Fixed Charges	(194,989)

Special Purpose:

Family care	(5,500)
Computerized menu planning	(38,084)
Additions, Improvements and Equip- ment	(274,000)

7630 North Jersey Training School at Totowa

05-7630	Residential Care and Habilitation	\$5,538,981
06-7630	Health Services	1,545,349
07-7630	Education and Training	334,824
98-7630	Physical Plant and Support Services	2,077,356
99-7630	Management and Administrative Services	2,870,636
Total Appropriation, North Jersey Training School at Totowa		<u>\$12,367,146</u>

Personal Services:

Salaries and wages	(\$9,276,691)
Positions transferred from another institution	(113,269)
Food in lieu of cash	(15,143)
Materials and Supplies	(2,187,403)
Services Other Than Personal	(452,173)
Maintenance and Fixed Charges	(144,383)

Special Purpose:

Computerized menu planning	(38,084)
Additions, Improvements and Equip- ment	(140,000)

7640 Woodbine State School

05-7640	Residential Care and Habilitation	\$6,759,830
06-7640	Health Services	1,854,075
07-7640	Education and Training	95,579
98-7640	Physical Plant and Support Services	2,391,016
99-7640	Management and Administrative Services	3,081,353

Total Appropriation, Woodbine State School	<u>\$14,181,853</u>
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Personal Services:

Salaries and wages	(\$10,998,850)
Food in lieu of cash	(32,391)
Materials and Supplies	(2,526,164)
Services Other Than Personal	(301,083)
Maintenance and Fixed Charges	(131,780)

Special Purpose:

Computerized menu planning	(38,085)
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Additions, Improvements and Equip-

ment	(153,500)
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7650 New Lisbon State School

05-7650	Residential Care and Habilitation	\$5,775,645
06-7650	Health Services	1,252,120
07-7650	Education and Training	491,832
98-7650	Physical Plant and Support Services	2,631,439
99-7650	Management and Administrative Services	2,797,341

Total Appropriation, New Lisbon State School	<u>\$12,948,377</u>
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Personal Services:

Salaries and wages	(\$9,507,583)
Food in lieu of cash	(13,516)
Materials and Supplies	(2,747,776)
Services Other Than Personal	(313,217)
Maintenance and Fixed Charges	(153,201)

Special Purpose:

Computerized menu planning	(38,084)
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Additions, Improvements and Equip-

ment	(175,000)
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7660 Woodbridge State School

05-7660	Residential Care and Habilitation	\$6,862,492
06-7660	Health Services	2,835,049
07-7660	Education and Training	187,376
98-7660	Physical Plant and Support Services	3,218,019
99-7660	Management and Administrative Services	2,733,404
Total Appropriation, Woodbridge State School		<u>\$15,836,340</u>

Personal Services:

Salaries and wages	(\$11,688,497)
Food in lieu of cash	(11,232)
Materials and Supplies	(3,238,172)
Services Other Than Personal	(247,374)
Maintenance and Fixed Charges	(227,981)

Special Purpose:

Computerized menu planning	(38,084)
Edison habilitation center	(150,000)

Additions, Improvements and Equip-

ment	(235,000)
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7670 Hunterdon State School

05-7670	Residential Care and Habilitation	\$7,925,681
06-7670	Health Services	3,121,263
07-7670	Education and Training	150,000
98-7670	Physical Plant and Support Services ...	3,182,479
99-7670	Management and Administrative Services	2,910,079
Total Appropriation, Hunterdon State School		<u>\$17,289,502</u>

Personal Services:

Salaries and wages	(\$13,253,292)
Food in lieu of cash	(1,520)
Materials and Supplies	(3,097,923)
Services Other Than Personal	(686,298)
Maintenance and Fixed Charges	(170,385)

Special Purpose:

Computerized menu planning	(38,084)
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Additions, Improvements and Equip-

ment	(42,000)
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<i>7680 Edward R. Johnstone Training and Research Center</i>		
05-7680	Residential Care and Habilitation	\$2,324,474
06-7680	Health Services	579,477
07-7680	Education and Training	486,789
25-7680	Research	213,894
98-7680	Physical Plant and Support Services	1,565,395
99-7680	Management and Administrative Services	1,436,776
Total Appropriation, Edward R. Johnstone Training and Research Center		<u>\$6,606,805</u>

Personal Services:

Salaries and wages	(\$5,067,908)
Food in lieu of cash	(11,374)
Materials and Supplies	(1,203,475)
Services Other Than Personal	(115,536)
Maintenance and Fixed Charges	(100,048)

Special Purpose:

Computerized menu planning	(38,084)
Additions, Improvements and Equip- ment	(70,380)

<i>7690 New Jersey Neuropsychiatric Institute</i>		
05-7690	Residential Care and Habilitation	\$5,717,388
06-7690	Health Services	1,863,712
07-7690	Education and Training	170,405
98-7690	Physical Plant and Support Services	3,400,077
99-7690	Management and Administrative Services	3,143,595
Total Appropriation, New Jersey Neuro- psychiatric Institute		<u>\$14,295,177</u>

Personal Services:

Salaries and wages	(\$10,461,877)
Positions converted	(140,501)
New positions	(427,616)
Food in lieu of cash	(13,392)
Materials and Supplies	(2,446,819)
Services Other Than Personal	(387,188)
Maintenance and Fixed Charges	(186,700)

Special Purpose:

Computerized menu planning	(38,084)
Additions, Improvements and Equip- ment	(193,000)

Division of Mental Retardation

In addition to the amount hereinabove for Operation and Support of Educational Institutions of the Division of Mental Retardation, such other sums as the Director of the Division of Budget and Accounting shall determine, provided in interdepartmental accounts for employee benefits, be considered as appropriated on behalf of institutions for the mentally retarded and available for matching Federal funds.

*33 Supplemental Education and Training Programs**7560 Commission for the Blind and Visually Impaired*

11-7560	Habilitation and Rehabilitation	\$2,316,574
12-7560	Instruction and Community Programs ...	1,869,197
99-7560	Management and Administrative Services	790,352
Total Appropriation, Commission for the Blind and Visually Impaired		<u>\$4,976,123</u>

Personal Services:

Salaries and wages	(\$2,846,170)
Materials and Supplies	(121,310)
Services Other Than Personal	(331,698)
Maintenance and Fixed Charges	(66,689)

Special Purpose:

Compensation awards	(1,604)
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Grants:

Services to rehabilitation clients ...	(611,427)
Educational services for children ..	(992,625)

Additions, Improvements and Equip-

ment	(4,600)
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*Economic Planning, Development and Security**53 Economic Assistance and Security**7550 Division of Public Welfare*

13-7550	Fiscal Control	\$4,022,881
14-7550	Quality Control	1,182,190
15-7550	Income Maintenance	4,452,636
99-7550	Management and Administrative Services	2,762,586
Total Appropriation, Division of Public Welfare		<u>\$12,420,293</u>

Personal Services:

Salaries and wages	(\$5,005,224)
Positions established from lump sum appropriation	(771,159)
Materials and Supplies	(74,915)
Services Other Than Personal	(3,098,531)
Maintenance and Fixed Charges	(375,709)

Special Purpose:

Work incentive program (State share)	(750,000)
For transfer to the Division of Taxa- tion for operation of Wage Re- porting Program	(1,896,205)
Development and implementation of income maintenance information system	(434,820)
Affirmative action and equal employ- ment opportunity program	(13,730)

The unexpended balance as of June 30, 1982 in the Development and implementation of income maintenance information system account is appropriated.

Receipts derived from counties and local governments for data processing services, in addition to the unexpended balances of such receipts, as of June 30, 1982 are appropriated.

Any Federal funds received for the direct or indirect costs incurred by the Division of Taxation for the operation of the wage reporting system shall be deposited in the State Treasury.

The amount hereinabove for the Work incentive program is appropriated out of the Unemployment Compensation Auxiliary Fund.

The Division of Public Welfare shall comply with the child support requirement of P. L. 97-35 and shall adopt regulations by September 1, 1982 concerning the collection and retention of fees on behalf of non-AFDC families. Should the federal government amend this requirement to either re-

duce the percentage of fee to be collected or make the collection discretionary, the Division may modify its regulations accordingly.

The Division of Public Welfare shall finalize and publish such data as is necessary to administer the various public assistance programs within 90 days after the end of the report month.

Notwithstanding the provisions of C.44:14-1 et seq. funds distributed pursuant to the County Welfare Per Capita Cost Limitation Act of 1981 shall be distributed without determining whether counties entitled to funds have an error rate above the Statewide average error rate.

55 Related Social Services Program
7570 Division of Youth and Family Services

16-7570	Community Family Services	\$28,919,949*
17-7570	Residential Services	5,676,297
99-7570	Management and Administrative Services	8,910,329*
Total Appropriation, Division of Youth and Family Services		\$43,506,575*

Personal Services:

Salaries and wages	(\$11,521,852)
Positions established from lump sum appropriation	(19,959,122)
Food in lieu of cash	(6,772)
Materials and Supplies	(590,885)
Services Other Than Personal	(1,636,671)
Maintenance and Fixed Charges	(800,888)

Special Purpose:

Work incentive program—Social services	(346,889)
Facilities for autistic children	(345,180)
Youth facilities aid program	(330,000)
Microfilm service charges	(100,000)
Affirmative action and equal employment opportunity program	(49,977)
Compensation awards	(6,534)

Grants:**State assumption of Federal programs:**

Social services block grant—	
purchased service	(1,000,000)
Work incentive program (State	
share)	(153,111)
Community day care—purchased	
service	(3,419,694)
DYFS purchased social services ...	(3,108,000)
Shelters for battered women	(131,000)

The amount hereinabove for Community day care-purchased service is made available on the basis of up to 100% funding of the non-Federal share to those centers in which the State financed the non-Federal share in fiscal year 1981-1982, 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.

Funds in excess of \$500,00 recovered as a result of billing for children in State operated Residential Facilities during the fiscal year ending June 30, 1983 are appropriated.

Receipts derived pursuant to P. L. 1981, c. 382 (C.37:1-12.1 et seq.) are appropriated for domestic violence programs and of those sums not less than \$300,000 shall be used to provide shelters for battered spouses.

The amounts hereinabove for the Work Incentive Program account shall be appropriated out of the Unemployment Compensation Auxiliary Fund.

*Government Direction, Management and Control**76 Management and Administration**7500 Division of Management and Budget*

99-7500 Management and Administrative Services	\$6,456,505*
Total Appropriation, Division of Management and Budget	\$6,456,505*

Personal Services:

Commissioner	(\$70,000)
Salaries and wages	(4,413,487)
Positions transferred from other agencies	(33,717)
Positions established from lump sum appropriation	(150,000)
Materials and Supplies	(68,400)
Services Other Than Personal	(764,523)
Maintenance and Fixed Charges	(129,240)

Special Purpose:

Contract auditing	(300,000)
Nursing scholarship program	(270,000)
Computerized menu planning	(39,000)
Crisis intervention, patients' rights staff training	(15,000)
Financial information systems	(50,000)
Affirmative action and equal employ- ment opportunity program	(66,638)
Compensation awards	(6,500)
Commission on Children's Services	(60,000*)

Additions, Improvements and Equip- ment	(20,000)
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The Commissioners of Human Services and Labor shall on October 1, 1982 jointly submit a report to the Senate and Assembly Revenue, Finance and Appropriations Committees concerning the feasibility of funding sheltered workshop costs for eligible Medicaid clients through the Medicaid program. The report shall include data as to the number of clients who would be eligible for Medicaid funding, and the amount of federal Medicaid reimbursement the State may receive and such other information concerning the subject the Commissioners may wish to present.

Special Government Services
83 Services to Veterans
7520 Division of Veterans' Services

19-7520 Management and Field Services \$849,756*

Total Appropriation, Division of Veterans'
 Services \$849,756*

Personal Services:

Salaries and wages (\$458,966)
 Materials and Supplies (4,200)
 Services Other Than Personal (19,850)
 Maintenance and Fixed Charges (13,740)

Special Purpose:

Agent Orange Commission (25,000*)

Grants:

Veterans' orphans' fund—education
 grants (35,000)
 Blind veterans' allowances (50,000)
 Paraplegic and hemiplegic veterans'
 allowances (240,000)

Additions, Improvements and Equip-
 ment (3,000)

The unexpended balance as of June 30, 1982 in the
 Establish and operate a veterans' cemetery ac-
 count is appropriated.

*7525 New Jersey Memorial Home for Disabled Soldiers at
 Menlo Park*

20-7525 Domiciliary and Treatment Services \$4,497,953
 98-7525 Physical Plant and Support Services 1,103,048
 99-7525 Management and Administrative Services 643,001

Total Appropriation, New Jersey Memorial
 Home for Disabled Soldiers at Menlo Park \$6,244,002

Personal Services:

Salaries and wages (\$4,770,242)
 New positions (158,447)
 Food in lieu of cash (8,142)

Materials and Supplies	(972,523)
Services Other Than Personal	(208,064)
Maintenance and Fixed Charges	(55,500)
Special Purpose:	
Computerized menu planning	(38,084)
Compensation awards	(33,000)

*7530 New Jersey Memorial Home for Disabled Soldiers
at Vineland*

20-7530	Domiciliary and Treatment Services	\$3,981,064
98-7530	Physical Plant and Support Services	1,489,029
99-7530	Management and Administrative Services	724,598
Total Appropriation, New Jersey Memorial Home for Disabled Soldiers at Vineland ..		<u>\$6,194,691</u>

Personal Services:

Salaries and wages	(\$4,861,979)
Food in lieu of cash	(7,434)
Materials and Supplies	(983,950)
Services Other Than Personal	(227,238)
Maintenance and Fixed Charges	(46,006)

Special Purpose:

Computerized menu planning	(38,084)
Compensation awards	(30,000)

Total Appropriation, Department of Human Services	<u><u>\$449,222,200*</u></u>
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Balances on hand as of June 30, 1982 of funds held for the benefit of patients in the several institutions, and such funds as may be received, are appropriated for the use of such patients.

Revenues representing receipts to the General Fund from charges to Residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for such purposes; provided, however, that the allowance shall not exceed \$25.00 per month for any eligible resident of an institution and provided further, that the total amount herein for such allowances shall not exceed \$854,000.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

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 State psychiatric hospitals	(\$65,186,726)
Operation of schools for the mentally retarded	(70,588,164)
Operation of homes for disabled veterans	(8,037,596)

DEPARTMENT OF INSURANCE

Economic Planning, Development and Security

52 Economic Regulation

01-3110	Licensing and Enforcement	\$2,413,853
02-3120	Actuarial Services	1,333,451
03-3130	Regulation of the Real Estate Industry ..	872,774
99-3150	Management and Administrative Services	1,302,340
	Total Appropriation, Economic Regulation	<u>\$5,922,418</u>

Personal Services:

Commissioner	(\$70,000)
Salaries and wages	(4,739,748)
Position established from lump sum appropriation	(14,749)
New positions	(33,207)
Materials and Supplies	(155,000)
Services Other Than Personal	(752,918)
Maintenance and Fixed Charges	(63,000)

Special Purpose:

Surplus lines	(25,000)
Language simplification and minimum standards	(17,000)

Compensation awards	(25,000)
Affirmative action and equal employment opportunity program ..	(5,196)
Additions, Improvements and Equipment	(21,600)

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

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

There are appropriated from receipts, to defray the expenses of the Committee on Valuation of Securities of the National Association of Insurance Commissioners, a sum in accordance with the limitations of C17:24-13.

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

Total Appropriation, Department of Insurance	\$5,922,418
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DEPARTMENT OF LABOR

Economic Planning, Development and Security

51 Economic Planning and Development

18-4570 Planning and Research	\$428,582
99-4565 Management and Administrative Services	970,536

Total Appropriation, Economic Planning and Development	\$1,399,118
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Personal Services:

Commissioner	(\$60,000)
Salaries and wages	(1,007,444)
Materials and Supplies	(3,765)
Services Other Than Personal	(139,174)
Maintenance and Fixed Charges	(10,810)

Special Purpose:

Statistical reporting (State share) .	(50,000)
Census information center	(75,000)
Affirmative action and equal employ- ment opportunity program	(50,575)

Additions, Improvements and Equip- ment	(2,350)
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The amount hereinabove for a data processing system is appropriated from the Unemployment Compensation Auxiliary Fund, provided, however, that an additional amount not to exceed \$2,500,000, is appropriated from the Unemployment Compensation Auxiliary Fund for expanded data processing capabilities, subject to the approval of the Director of the Division of Budget and Accounting.

52 Economic Regulation

11-4550 Promulgation and Licensing of Workplace Standards	\$471,624
12-4550 Enforcement of Workplace Standards ...	3,149,645
Total Appropriation, Economic Regulation .	<u>\$3,621,269</u>

Personal Services:

Salaries and wages	(\$2,893,378)
New positions	(96,964)
Materials and Supplies	(56,000)
Services Other Than Personal	(317,745)
Maintenance and Fixed Charges	(139,350)

Special Purpose:

Carnival-Amusement ride safety advisory board	(1,200)
On-site consultation (State share) .	(65,000)

Mine Safety Training Act (State share)	(25,000)
Compensation awards	(8,632)
Additions, Improvements and Equipment	(18,000)

There are appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as may be necessary for payments.

Receipts in excess of those anticipated from fees charged by the Division of Workplace Standards and the unexpended balance as of June 30, 1982 of such fees are appropriated.

53 Economic Assistance and Security

01-4510	Unemployment Insurance	\$2,196,205
03-4520	State Disability Insurance Plan	5,409,836
04-4520	Private Disability Insurance Plan	1,882,804
05-4525	Workers' Compensation	4,105,289
06-4530	Special Compensation Fund	828,886
Total Appropriation, Economic Assistance and Security		<u>\$14,423,020</u>

Personal Services:

Salaries and wages	(\$9,764,595)
Positions established in lieu of appropriated revenue	(12,425)
Materials and Supplies	(505,455)
Services Other Than Personal	(1,515,143)
Maintenance and Fixed Charges	(394,597)

Special Purpose:

Administration of the "Wage Reporting Act," P. L. 1980, c. 48 (C. 54:1-55 et seq.)	(300,000)
For transfer to the Division of Taxation for Wage Reporting	(1,896,205)
Compensation awards	(28,100)
Additions, Improvements and Equipment	(6,500)

The amounts hereinabove for State Disability Insurance Plan and Private Disability Insurance Plan shall be payable out of the State Disability Benefits Fund and, in addition to the amounts hereinabove, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer the Disability Insurance Program, subject to the approval of the Director of the Division of Budget and Accounting, 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 appropriated out of the Special Compensation Fund such additional sums as may be required to administer Special Compensation subject to the approval of the Director of the Division of Budget and Accounting, and such sums as may be required for beneficiary payments.

The State Treasurer is 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, 1982 (RS 34:15-94).

Any funds received for the direct or indirect costs of the operations of the Wage Reporting program are deposited in the State Treasury.

Notwithstanding the provisions of RS 43:21-1 et seq., any employer who shall fail to pay Unemployment Compensation or Disability Insurance contributions due for any period on or before the date they are required by the Division of Unemployment and Disability Insurance to be paid, shall pay, in addition to the contribution, interest on the underpayment at a per annum rate of 5% above the average predominant prime rate, as determined by the Board of Governors of the Federal Reserve System, quoted by commercial banks to large

businesses as of the first business day of the calendar quarter within which the payment was due.

54 Manpower and Employment Services

07-4535	Vocational Rehabilitation Services	\$8,759,747*
10-4545	Employment Development Services	1,000,000
16-4555	Public Sector Labor Relations	1,474,218
17-4560	Private Sector Labor Relations	393,872
23-4538	Services for the Deaf	241,378*

Total Appropriation, Manpower and Employment Services	<u>\$11,869,215*</u>
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Personal Services:

Board members (7)	(\$10,500)
Salaries and wages	(3,152,194*)
Materials and Supplies	(50,181)
Services Other Than Personal	(520,515)
Maintenance and Fixed Charges	(29,725)

Special Purpose:

Services to clients (State share) ...	(2,891,000*)
Sheltered workshop support	(4,000,000)
Work activity training center	(156,000*)
Services to deaf clients	(42,000)
Advisory council on the deaf	(800)
Summer Urban Youth Jobs	(1,000,000)

Additions, Improvements and

Equipment	(16,300)
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The sum hereinabove for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

The unexpended balances, not to exceed \$150,000 as of June 30, 1982 in Vocational Rehabilitation Services are appropriated.

Notwithstanding the provisions of C. 34:13A-1 et seq., the cost of fact-finding shall be borne equally by the public employer and the exclusive employee representative.

A sum of \$8,000,000 is held in reserve in the Unemployment Compensation Auxiliary Fund for employment and training programs for the working poor, subject to the enactment of enabling legislation.

Notwithstanding any law to the contrary, the salary of the Chairman of the Public Employee Relations Commission shall be established by the Civil Service Commission in the "State Compensation Plan."

The Commissioners of Human Services and Labor shall on October 1, 1982 jointly submit a report to the Senate and Assembly Revenue, Finance and Appropriations Committees concerning the feasibility of funding sheltered workshop costs for eligible Medicaid clients through the Medicaid program. The report shall include data as to the number of clients who would be eligible for Medicaid funding, and the amount of federal Medicaid reimbursement the State may receive and such other information concerning the subject the Commissioners may wish to present.

The sum hereinabove for a Summer Urban Youth Jobs Program shall be expended for the provision of summer jobs in State agencies for residents aged 16 to 22 of municipalities eligible for Municipal Aid with populations exceeding 84,000, according to guidelines developed by the Commissioner of Labor and based on such factors as population, youth unemployment rates and family income.

The Director of the Division of Budget and Accounting is empowered to appropriate funds for the purpose of paying interest on Title XII advances made to State Unemployment funds.

Total Appropriation, Department of Labor . .	<u><u>\$31,312,622*</u></u>
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DEPARTMENT OF LAW AND PUBLIC SAFETY

*Public Safety and Criminal Justice**11 Vehicular Safety*

01-1110	Licensing and Registration	\$14,782,774
02-1110	Vehicle Control and Driver Testing	15,638,339
03-1110	Driver Control	3,806,863
04-1140	Security Responsibility	4,871,037
05-1150	Unsatisfied Claims	558,970
99-1110	Management and Administrative Services	2,740,722

Total Appropriation, Vehicular Safety	<u>\$42,398,705</u>
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Personal Services:

Salaries and wages	(\$26,240,056)
Positions established from lump sum appropriation	(109,145)
Positions established in lieu of appropriated revenue	(1,068,285)
Materials and Supplies	(4,019,605)
Services Other Than Personal	(9,090,931)
Maintenance and Fixed Charges	(866,199)

Special Purpose:

Transfer to an applicant State de- partment for State share of cost of highway safety projects which qualify for no less than 70% Federal government matching ...	(70,000)
Boat registration	(93,000)
Microfilm service charges	(300,000)
Affirmative action and equal employ- ment opportunity program	(8,288)
Compensation awards	(108,545)
Indirect costs	(258,572)

Additions, Improvements and Equip- ment	(166,079)
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In addition to the amounts hereinabove, there are appropriated from driver license and motor vehicle fees such sums as may be necessary to defray the cost of registering motor vehicles and

licensing drivers (RS 39:3-3 and RS 39:10-25), subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance in the Transfer to an applicant State department for the State share of the cost of highway safety projects account, including the accounts of the several departments, as of June 30, 1982 is appropriated for such projects.

The amount hereinabove to Security Responsibility shall be payable from receipts received from mutual associations and stock companies writing motor vehicle liability insurance within the State (C. 39:6-58), and any receipts in excess of the amount hereinabove, are appropriated to defray additional cost of administration of the Security Responsibility program.

The amount hereinabove for Unsatisfied Claims is appropriated out of the Unsatisfied Claim and Judgment Fund and, in addition, there are appropriated out of such Fund additional sums as may be necessary for the payment of claims (C. 39:6-67), and for such additional costs as may be required to administer the program (C. 39:6-62 et seq.).

The unexpended balance as of June 30, 1982 in the Agency automation system account is appropriated for the same purpose.

Receipts derived pursuant to C. 39:3-10g, with respect to motor vehicle driver licenses with color photographs and the unexpended balance as of June 30, 1982 of such receipts are appropriated to defray the cost of operation.

12 Law Enforcement

06-1200	Patrol Activities and Crime Control	\$54,241,177*
07-1200	Police Services and Public Order	8,905,008
08-1200	Emergency Services	965,236
09-1020	Criminal Justice	8,368,778*

10-1040	Police Training Commission	560,102
11-1050	State Medical Examiner	1,202,466
23-1200	State Capitol Complex Security	2,662,611
24-1200	Marine Police Operations	2,248,835
99-1200	Management and Administrative Services	6,584,098

Total Appropriation, Law Enforcement	<u>\$85,738,311*</u>
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Personal Services:

Salaries and wages	(\$56,869,131)
Positions established from lump sum appropriation	(2,420,665)
Positions transferred from another Statewide program	(64,117)
Positions converted	(1,060,528)
Cash in lieu of maintenance	(5,611,025)
Materials and Supplies	(7,384,270)
Services Other Than Personal	(5,667,787)
Maintenance and Fixed Charges	(1,880,497)

Special Purpose:

Medical-evacuation helicopter replacement	(607,500)
Office of State Fire Marshal	(110,000)
Domestic Violence Act—Data Collection System	(51,983)
Emergency management training and education—State match	(30,000)
Radiation emergency response	(350,000)
Expenses of State Grand Jury	(215,000)
State Assumption of Federal programs:	
Traffic Management Institute—Sea Girt	(65,635)
State police recruit training	(1,172,073)
Affirmative action and equal employment opportunity program	(119,436)
Compensation awards	(220,580)
Medicaid fraud investigation—State match	(418,380)

Additions, Improvements and Equipment	(1,419,704)
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The unexpended balance as of June 30, 1982 in the revolving fund established under the New Jersey Antitrust Act (C. 56:9-1 et seq.) is appropriated for the administration of the Act; provided, however, that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

There are 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 balances as of June 30, 1982, in Patrol Activities and Crime Control, Police Services and Public Order, State Capitol Complex Security, and Management and Administrative Services are appropriated for State police recruit training.

In addition to the sum hereinabove under the terms of the Radiation Accident Response Act, such other sums as the Director of the Division of Budget and Accounting shall determine, are considered as appropriated on behalf of the Division of State Police with respect to the assessment of electric utilities under that Act (C. 26:2D-37 et seq.).

Such sums as may be necessary are appropriated from the Special Fund for Civil Defense volunteers (C. App. A:9-57.1 et seq.).

Of the amount hereinabove for Marine Police Operations, \$1,600,000 shall be payable out of receipts pursuant to the New Jersey Boat Act (C. 12:7-34.36 et seq.).

The unexpended balances as of June 30, 1982 in the Marine Police Operations account are appropriated for the same purpose.

In addition to the amounts hereinabove to the Divisions of State Police, Criminal Justice, and the Office of the State Medical Examiner, there are appropriated to the respective State departments and agencies such sums as may be received or receivable from any instrumentality or public authority for direct and indirect costs of all services furnished thereto, except as to such cost for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided, however, that payments from such instrumentalities or authorities for employer contributions to the State Police and Public Employee Retirement Systems shall not be appropriated and shall be paid into the General Fund.

In addition to the amounts hereinabove to the Division of State Police there are appropriated to the Division of State Police all receipts, or portions thereof, charged for the processing of non-criminal justice applications for fingerprint records by the Federal Bureau of Investigation or the Division of State Police.

13 Special Law Enforcement Activities

17-1420	Election Law Enforcement	\$645,619
20-1450	Review and Enforcement of Ethical Standards	105,530
21-1400	Regulation of Alcoholic Beverages	1,000,640
22-1410	Regulation of Racing Activities	1,558,693
Total Appropriation, Special Law Enforcement Activities		<u>\$3,310,482</u>

Personal Services:

Salaries and wages	(\$2,613,538)
Positions converted	(59,439)
Materials and Supplies	(120,890)
Services Other Than Personal	(392,152)
Maintenance and Fixed Charges	(42,763)

Special Purpose:

Payment to members of the Election Law Enforcement Commission, a per diem amount of \$200 for each meeting of the Commission attended	(24,000)
Computerized licensing	(50,000)
Compensation awards	(7,700)

The unexpended balance as of June 30, 1982 for Law Enforcement Planning, including the accounts of the several departments, is appropriated for the same purposes; provided that \$58,000 of the balance in the Administration of SLEPA account is used for the administration of Juvenile Justice grants, and any remaining balance in the Administration of SLEPA account is placed in reserve and only released to match additional federal funds which may become available, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated to the Division of Alcoholic Beverage Control, there are appropriated from Amusement Games Control fees such sums as may be necessary to defray the cost of administering the provisions of C. 5:8-78 et seq.

19 Central Planning, Direction and Management

99-1000 Management and Administrative Services	\$2,003,372
Total Appropriation, Central Planning, Direction and Management	<u>\$2,003,372</u>

Personal Services:

Attorney General	(\$70,000)
Salaries and wages	(1,674,928)
Materials and Supplies	(56,068)
Services Other Than Personal	(97,989)
Maintenance and Fixed Charges	(62,387)

Special Purpose:

Affirmative action and equal employment opportunity program (42,000)

There are appropriated out of the Veterans' Guaranteed Loan Fund (C38:23B-1) such sums as may be necessary to pay for the administration thereof.

*Government Direction, Management and Control**74 General Government Services*

12-1010 Legal Services \$7,070,296

Total Appropriation, General Government Services \$7,070,296

Personal Services:

Salaries and wages (\$6,101,447)

Positions transferred from other

Statewide programs (25,595)

Positions converted (108,298)

Materials and Supplies (242,500)

Services Other Than Personal (465,173)

Maintenance and Fixed Charges (117,083)

Special Purpose:

Compensation awards (10,200)

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

14-1310 Consumer Affairs \$2,413,799

15-1320 Board of Certified Public Accountants .. 710,000

15-1321 Board of Architects 156,000

15-1322 Board of Dentistry 260,000

15-1323 Board of Mortuary Science 150,000

15-1324 Board of Professional Engineers and Land Surveyors 310,000

15-1325 Board of Medical Examiners 1,000,000

15-1326 Board of Nursing 820,000

15-1327 Board of Optometrists 80,000

15-1328 Board of Pharmacy 293,000

15-1329 Board of Veterinary Medical Examiners 32,000

15-1330	Board of Shorthand Reporting	18,000
15-1331	Board of Examiners of Ophthalmic Dis- pensers and Ophthalmic Technicians ..	70,000
15-1332	Board of Beauty Culture Control	425,000
15-1333	Board of Professional Planners	120,000
15-1334	Board of Examiners of Electrical Con- tractors	240,000
15-1335	Board of Psychological Examiners	64,000
15-1336	Board of Examiners of Master Plumbers	290,000
15-1337	Board of Marriage Counselor Examiners	42,000
15-1338	Board of Barber Examiners	120,000
15-1339	Board of Public Movers and Warehousemen	100,000
16-1350	Protection of Civil Rights	1,995,154
19-1440	Violent Crimes Compensation	2,784,824
Total Appropriation, Protection of Citizens' Rights		<u>\$12,493,777</u>

Personal Services:

Salaries and wages	(\$6,021,230)
Positions established from lump sum appropriation	(376,575)
Positions established in lieu of appropriated revenue	(59,506)
Materials and Supplies	(295,393)
Services Other Than Personal	(3,058,281)
Maintenance and Fixed Charges	(572,716)

Special Purpose:

Hearing Aid Dispensers' Examining Committee	(2,000)
Claims—Victims of violent crimes ..	(2,000,000)
Compensation awards	(600)
Senior citizens' public awareness program (C. 52:4B-24)	(68,632)

Additions, Improvements and

Equipment	(38,844)
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Receipts derived from the assessment and recovery of costs of hearings conducted, pursuant to the Consumer Fraud Act, are appropriated for such purpose.

Of the sum hereinabove for Consumer Affairs, not more than \$10,000 shall be available to compensate the State Athletic Commissioner.

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 appropriated; provided, however, that the appropriation of excess receipts shall not apply to the State Board of Beauty Culture Control and to the State Board of Barber Examiners.

The sum hereinabove for Claims—Victims of violent crimes shall be available for payment of awards applicable to claims filed in prior fiscal years.

Receipts derived from penalties (NJS 2C:43-3.1) and the unexpended balances as of June 30, 1982 of such receipts are appropriated for payment of claims of victims of violent crimes (C. 52:4B-1 et seq.).

Total Appropriation, Department of Law and Public Safety	\$153,014,943*
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DEPARTMENT OF THE PUBLIC ADVOCATE

Government Direction, Management and Control

76 Management and Administration

99-8470 Management and Administrative Services	\$898,034
99-8480 Management and Administrative Services	
—Commissioner's Office	490,328
Total Appropriation, Management and Administration	\$1,388,362

Personal Services:

Commissioner	(\$70,000)
Salaries and wages	(1,022,098)
Positions transferred from other	
Statewide programs	(8,624)

Materials and Supplies	(45,000)
Services Other Than Personal	(100,283)
Maintenance and Fixed Charges	(59,860)

Special Purpose:

Affirmative action and equal employ- ment opportunity program	(32,497)
Microfilm services	(50,000)

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

01-8310 Mental Health Advocacy	\$1,606,696
02-8320 Public Interest Advocacy	537,904
03-8330 Citizens' Complaints and Dispute Settle- ment	639,285
04-8410 Trial Services to Indigents and Special Programs	16,214,978*
05-8420 Appellate Services to Indigents	2,774,392
06-8430 Public Defender Administration	692,286

Total Appropriation, Protection of Citizens' Rights	<u>\$22,465,541*</u>
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Personal Services:

Salaries and wages	(\$15,888,386)
Positions established from lump sum appropriation	(1,014,360)
Positions transferred from other Statewide programs	(10,530)
New positions	(253,000)
Materials and Supplies	(327,820)
Services Other Than Personal	(4,591,449)
Maintenance and Fixed Charges	(293,269)

Special purpose:

Advocacy for developmentally dis- abled	(43,727)
Compensation awards	(10,000)

Additions, Improvements and Equip- ment	(33,000)
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Receipts from Rate Counsel services and the unexpended balance as of June 30, 1982 of such receipts, are appropriated for the purpose of defraying the cost of operation of the Rate Counsel program classification and an amount not to exceed 20% of departmental administrative costs.

Receipts from clients and the unexpended balance as of June 30, 1982 of such receipts, are appropriated.

The sum hereinabove for legal and investigative services shall be available for payment of obligations applicable to prior fiscal years.

Total Appropriation, Department of the Public Advocate	<u>\$23,853,903*</u>
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DEPARTMENT OF STATE

Government Direction, Management and Control

74 General Government Services

01-2505 Commercial and Governmental Records Control	\$2,426,635
03-2515 Adjudication of Administrative Appeals .	<u>3,782,378</u>
Total Appropriation, General Government Services	<u>\$6,209,013</u>

Personal Services:

Secretary of State	(\$60,000)
Salaries and wages	(4,272,155)
Materials and Supplies	(339,450)
Services Other Than Personal	(986,452)
Maintenance and Fixed Charges	(66,450)

Special Purpose:

Voter Registration	(200,000)
Voter Declaration	(4,000)
Affirmative action and equal employ- ment opportunity program	(37,406)
Compensation awards	(100)
Microfilm service charges	(125,000)

Additions, Improvements and Equip-
ment(118,000)

Receipts derived from the examination of voting machines by the Secretary of State and the unexpended balance as of June 30, 1982 of such receipts, are appropriated for the costs of making such examinations.

Receipts from charges made for services by the Office of Administrative Law are appropriated.

Receipts in excess of \$100,000 derived from the sale of publications by the Office of Administrative Law and the unexpended balance as of June 30, 1982 of such receipts are appropriated for the preparation, printing and distribution of such publications.

Notwithstanding any law to the contrary, the salary of the Director of the Office of Administrative Law shall be established by the Civil Service Commission in the "State Compensation Plan."

The Director of the Division of Budget and Accounting be empowered to transfer or credit to the Office of Administrative Law in this Department from any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such departments for their share of such costs. The Director of the Division of Budget and Accounting is also empowered to and shall transfer or credit to the Office of Administrative Law in this Department excess hearing costs for any department which was not charged for services during FY 1981 and FY 1982. These excess costs shall be based on any increase during FY 1983 in contested cases conducted by the Office of Administrative Law which exceeds the average of that department's hearings conducted by the Office of Administrative Law during FY 1981 and FY 1982. Such costs shall be based on a billing rate established by the Office of Administrative Law and approved by the Director of Budget and Accounting.

Total Appropriation, Department of State ..

\$6,209,013

DEPARTMENT OF TRANSPORTATION

*Transportation Services**61 State Highway Facilities*

06-6100	Roadway and Bridge Maintenance	\$39,545,074
07-6110	Electrical and Traffic Operations	16,356,925
08-6120	Physical Plant	4,173,220
09-6130	Equipment Maintenance and Operations .	26,463,259
71-6200	Transportation Construction Engineering	17,817,060

Total Appropriation, State Highway Facilities	<u>\$104,355,538</u>
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Personal Services:

Salaries and wages	(\$52,562,743)
Positions transferred from other	
Statewide programs	(172,121)
Materials and Supplies	(11,494,823)
Services Other Than Personal	(4,215,069)
Maintenance and Fixed Charges	(13,854,383)

Special Purpose:

Improved maintenance of roadways and bridges	(6,350,000)
Traffic signals, signs, lighting and safety improvements	(1,696,700)

Additions, Improvements and Equipment	(14,009,699)
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The unexpended balance as of June 30, 1982 in this account is appropriated.

62 Public Transportation

04-6050	Railroad and Bus Operations	\$104,500,000
04-6070	Aeronautics	620,892

Total Appropriation, Public Transportation	<u>\$105,120,892</u>
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Personal Services:

Salaries and wages	(\$506,222)
Materials and Supplies	(12,000)
Services Other Than Personal	(89,500)
Maintenance and Fixed Charges	(12,170)

Special Purpose:

Purchase of transportation services
from the New Jersey Transit
Corporation:

Passenger service subsidies for bus operations	(20,712,000)
Administration of New Jersey Transit Corporation	(11,051,000)
Reimbursement to bus com- panies for student reduced fare program	(517,000)
Subsidies for motor bus trans- portation services to elderly and handicapped citizens ...	(8,500,000)
Promotion of public transit ridership	(820,000)
Passenger service subsidies for rail operations	(62,900,000)

Additions, Improvements and Equip- ment	(1,000)
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64 Planning and General Management Support

02-6030 Planning	\$1,530,327
03-6040 Research and Demonstration	550,222
97-6020 Financial Management	4,555,855
98-6010 Employee and Support Services	4,598,101
99-6000 Management and Administrative Services	3,425,978

Total Appropriation, Planning and General Management Support	<u>\$14,660,483</u>
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Personal Services:

Commissioner	(\$70,000)
Salaries and wages	(9,572,062)
Positions transferred from other Statewide programs	(234,660)
Positions converted	(446,387)
Materials and Supplies	(246,455)
Services Other Than Personal	(2,412,066)
Maintenance and Fixed Charges	(113,650)

Special Purpose:

Comprehensive highway transportation planning studies	(50,600)
Public transportation and aviation planning	(194,200)
Metropolitan planning studies	(181,898)
Microfilm service charges	(65,000)
Affirmative action and equal employment opportunity program ..	(327,400)
Compensation awards	(770,000)

Additions, Improvements and Equipment

(46,105)

Sums allocated by the Commissioner of Transportation for planning and research and demonstration in the annual construction program may be transferred to this account for expenditure.

The unexpended balances as of June 30, 1982 in the Planning and Research and Demonstration program classifications are appropriated.

The unexpended balance as of June 30, 1982, and the reimbursements in the Department stock purchase revolving fund for the purchase of materials and supplies required for the operation of the Department, are appropriated.

Total Appropriation, Department of Transportation

\$224,136,913

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 that Act.

DEPARTMENT OF THE TREASURY

*Government Direction, Management and Control**72 Governmental Review and Oversight*

03-2015	Employee Relations and Collective Negotiations	\$443,094
05-2030	Budget Planning and Control	2,596,107
07-2040	Accounting and Fiscal Management	7,273,118
08-2045	Management of Data Processing and Telecommunications	1,531,870
Total Appropriation, Governmental Review and Oversight		\$11,844,189

Personal Services:

Salaries and wages	(\$7,071,548)
Materials and Supplies	(257,200)
Services Other Than Personal	(4,373,741)
Maintenance and Fixed Charges	(75,500)

Additions, Improvements and Equipment	(66,200)
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There are appropriated, out of revenues derived from escheated property under the various escheat acts, such sums as may be necessary to administer such acts and such sums as may be required for refunds.

There are appropriated out of receipts derived from the investment of State funds such sums as may be necessary for bank service charges.

Such sums as may be necessary for administrative expenses incurred by the Bureau of Accounting in processing Federal benefit payments are 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 appropriated for the purposes and from the sources defined in said acts.

There are appropriated such sums, not to exceed \$250,000, for the administration of the New Jersey State Employees' Deferred Compensation Plan (C. 52:18A-163 et seq.); provided, however, that such sum is appropriated as a loan to the New Jersey Employees' Deferred Compensation Board, if and as requested by the Board, with any amount so appropriated to be repaid by the participants in the Plan in accordance with a repayment schedule which the Board shall establish.

The unexpended balance as of June 30, 1982 in the New Jersey State Employees' Deferred Compensation Board Implementation Loan account is appropriated for the same purposes.

73 Financial Administration

13-2070	Special Procedures and Investigations . . .	\$7,860,046*
14-2075	Tax Audit Services	12,090,305
15-2080	Processing and Administration	9,933,642
19-2120	Management of State Investments	1,679,766
Total Appropriation, Financial Administration		<u>\$31,563,759*</u>

Personal Services:

Salaries and wages	(\$24,720,631)
New positions	(100,000*)
Materials and Supplies	(796,100*)
Services Other Than Personal	(4,510,181)
Maintenance and Fixed Charges	(958,400)

Special Purpose:

Farmland act administration	(5,000)
Administration of cigarette distributor licensing	(50,000)
Compensation awards	(59,000)

Additions, Improvements and Equipment	(364,447)
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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 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.

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 appropriated from the receipts thereof.

There are appropriated, out of the State Lottery Fund, such sums as may be necessary for costs required to implement C5:9-1 et seq. and for payment of commissions, prizes and expenses of developing games (C5:9-7).

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

There are appropriated, out of receipts derived from the investment of State funds, such sums as may be necessary for bank service charges, custodial costs, mortgage servicing fees and advertising bank balances (C52:18-16.1).

74 General Government Services

09-2050	Purchasing and Inventory Management ..	\$3,118,397
10-2055	Physical Plant Operation and Maintenance	8,962,305
11-2060	Other Property Management Services ...	703,402
11-2061	Real Property Management Services ...	44,450
12-2065	Construction Management Services	3,200,201

21-2140 Management of Employee Benefits Programs

9,721,713

Total Appropriation, General Government Services

\$25,750,468

Personal Services:

Salaries and wages (\$12,375,108)
 Positions established from lump
 sum (1,152,336)
 New positions (234,367)
 Materials and Supplies (4,894,460)
 Services Other Than Personal (6,024,464)
 Maintenance and Fixed Charges (445,600)

Special Purpose:

Energy efficient procurement prac-
 tices (118,463)
 Microfilm service charges (74,420)
 Compensation awards (62,500)

Additions, Improvements and Equip-
 ment (368,750)

The Director of the Division of Budget and Account-
 ing is hereby empowered to transfer or credit to
 the Construction management services program
 classification, from appropriations for construc-
 tion and improvements, a sufficient sum to pay for
 the cost of architectural work, superintendence
 and other expert services in connection with such
 work.

In addition to the amounts hereinabove, there are
 appropriated such additional sums as may be
 necessary for needs related to the implementa-
 tion of improvements to the administrative sys-
 tems of the Division of Pensions, including
 improvements to internal controls, systems and
 data processing.

There are appropriated, out of the New Jersey Spill
 Compensation Fund, such sums as may be re-
 quired for hiring adjustors, administering the
 Fund and paying approved claims for damages.

The unexpended balances in the accounts Gubernatorial Transition—Governor and Gubernatorial Transition—Governor Elect as of June 30, 1982 are appropriated for the same purpose, provided, however, that notwithstanding the provisions of C52:15A-4, the appropriation for the former Governor and the services and facilities authorized shall continue to be available to the former Governor for one year following the expiration of his term of office.

A sum not to exceed \$256,952, 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.

2050-321-09 State Purchase Fund

The unexpended balance in the State Purchase Fund as of June 30, 1982, and the reimbursements thereto, are 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.

2000-301-43 Print Shop

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

2000-302-42 Microfilm Section

The Director of the Division of Budget and Accounting is 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.

2064-443-62, 444-66 State Cafeterias

The unexpended balances in the State Cafeteria accounts as of June 30, 1982 and receipts obtained from cafeteria operations, are appropriated for the improvement and extension of cafeteria services and facilities (C52:18A-19.6).

76 Management and Administration

01-2005	Federal Liaison Activities	\$100,000
99-2000	Management and Administrative Services	2,428,205

Total Appropriation, Management and Administration	\$2,528,205
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Personal Services:

State Treasurer	(\$70,000)
Salaries and wages	(1,847,871)
New position	(28,144)
Materials and Supplies	(55,200)
Services Other Than Personal	(86,040)
Maintenance and Fixed Charges	(39,600)

Special Purpose:

Federal Liaison Office—Washington, D.C.	(100,000)
Office of Management Services	(250,000)
Public contracts affirmative action program	(11,820)
Affirmative action and equal employment opportunity program ..	(19,530)
Compensation awards	(10,000)

Additions, Improvements and Equipment	(10,000)
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Fees collected on behalf of the Public contracts affirmative action program and the unexpended balance as of June 30, 1982 of such fees, are appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

The State Treasurer shall cause an inventory of all excess State-owned housing to be made and cause such excess State-owned housing to be sold at public auction. All monies derived from such sales shall be deposited into the General Fund.

The Director of the Division of Purchase and Property shall study the feasibility of using State National Guard armories to help meet State agency space needs and report the results of this study to the Chairman of the Joint Appropriations Committee on or before January 3, 1983.

Total Appropriation, Department of the Treasury	\$71,686,621*
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MISCELLANEOUS EXECUTIVE COMMISSIONS

Community Development and Environmental Management

43 Environmental Quality

9130 Interstate Sanitation Commission

03-9130 Air Pollution Control	\$87,000
04-9130 Water Quality Management	163,000

Total Appropriation, Interstate Sanitation Commission	\$250,000
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Special Purpose:

New Jersey share of air pollution costs	(\$87,000)
New Jersey share of water quality costs	(163,000)

9140 Delaware River Basin Commission

02-9140 Water Supply Management	\$398,000
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Total Appropriation, Delaware River Basin Commission	\$398,000
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Special Purpose:

Expenses of Commission	(\$398,000)
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*Transportation Services**61 State Highway Facilities**9120 Delaware River Joint Toll Bridge Commission*

07-9120 Delaware River Joint Toll Bridge Commission	\$1,980,121
Total Appropriation, Delaware River Joint Toll Bridge Commission	\$1,980,121

Personal Services:

Salaries and wages	(\$1,171,146)
Materials and Supplies	(77,300)
Services Other Than Personal	(216,400)
Maintenance and Fixed Charges	(40,000)

Special Purpose:

Other special purpose	(29,775)
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Additions, Improvements and Equipment	(445,500)
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Of the unexpended balance as of June 30, 1982 in the Additions, Improvements and Equipment account, \$76,000 shall lapse.

*Government Direction, Management and Control**72 Governmental Review and Oversight**9150 New Jersey Commission on Capital Budgeting and Planning*

08-9150 New Jersey Commission on Capital Budgeting and Planning	\$130,000
Total Appropriation, New Jersey Commission on Capital Budgeting and Planning ..	\$130,000

Special Purpose:

Expenses of Commission	(\$130,000)
Total Appropriation, Miscellaneous Executive Commissions	\$2,758,121

INTER-DEPARTMENTAL ACCOUNTS

*Government Direction, Management and Control**74 General Government Services**9400 Property Rentals, Insurance and Other Services*

01-9400	Property Rentals	\$41,198,287
02-9400	Insurance and Other Services	1,335,000

Total Appropriation, Property Rentals, Insurance and Other Services	\$42,533,287
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Maintenance and Fixed Charges (\$41,198,287)

Special Purpose:

Excess liability insurance master policy	(300,000)
Tort claims liability fund (NJS 59:12-1)	(1,000,000)
Retroactive premium—master automobile policy	(35,000)

Of the amount hereinabove for Property rentals, so much as is necessary 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 of the Senate and the Speaker of the General Assembly.

The Director of the Division of Budget and Accounting is empowered to allocate to any State agency occupying space in any State-owned building, equitable charges for the rental of such space to include but not be limited to the costs of operation and maintenance thereof, and the amounts so charged shall be credited to the Gen-

New Jersey State Library

eral Fund; and, to the extent that such charges exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General Fund, the required additional appropriation shall be made out of such other fund.

Receipts derived from direct charges and charges to non-State fund sources are appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding any other provision of law, 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 of the Senate and the Speaker of the General Assembly.

Of the amount provided hereinabove for the Richard J. Hughes Justice Complex, the sum of \$7,156,368, provided for rent (debt service), shall be exempt from the provisions of P. L. 1976, c. 67.

The unexpended balance as of June 30, 1982 in the Tort Claims Liability Fund account (NJS 59:12-1) is appropriated for the same purpose.

There are appropriated such additional sums as may be required to pay tort claims (NJS 59:12-1), subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Tort Claims Liability Fund (NJS 59:12-1) shall be available for the payment of direct costs of outside legal and investigative services related to the investigation and litigation of claims against the Fund.

The unexpended balances as of June 30, 1982 in the Inter-departmental accounts for automobile insurance are appropriated as a reserve for payment of retroactive premiums, or for reallocation to departments based on loss experience.

The sum hereinabove shall be available for payment of obligations applicable to prior fiscal years.

9410 Employee Benefits

03-9410 Employee Benefits	\$351,178,116
Total Appropriation, Employee Benefits	<u>\$351,178,116</u>

Personal Services:

Heath Act	(\$50,000)
Veterans' Act	(100,000)
Miscellaneous special acts	(8,500)
Annuity for Governors' Widows	(8,000)
Judicial Retirement System	(6,200,000)
Prison Officers' Pension Fund	(2,100,000)
Public Employees' Retirement Sys- tem	(87,500,000)
Premiums for non-contributory in- surance	(95,482,893)
Social security tax	(11,928,723)
State Police Retirement System ..	(7,500,000)
Premiums for non-contributory in- surance—State Police	(80,000,000)
Dental care program, shared cost ..	(6,000,000)
State employees' health benefits ...	(25,200,000)
Prescription drug program	(10,200,000)
Pension Adjustment Act	(5,100,000)
Employer contributions, alternate benefit program	(5,000,000)
Pension and insurance contributions payable to Teachers' Pension and Annuity Fund for higher educa- tion and State employee members ..	(2,400,000)
Unemployment insurance— Employer liability	(5,800,000)
Temporary disability insurance	(600,000)
Police and Firemen's Retirement System (C43:16A-1)	
Vision care	

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 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, 1983 in amounts and at times as determined by the Director of the Division of Budget and Accounting, with interest at the average rate of earnings during the fiscal year from the State's general investments, computed from the period beginning July 1, 1982 through the date of such payment.

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

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

The amount hereinabove for Prescription drug program is based upon a co-payment of \$3.50 for each eligible prescription.

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

In addition to the sums hereinabove appropriated for social security the Director of the Division of Budget and Accounting shall cause to be credited to this account the additional sum of \$7,517,107 from the various minor object and salary accounts. The source of this sum shall be as identified in Resolution No. 468 adopted by the Joint Appropriations Committee and constitutes an expression of legislative intent. The Director of the Division of Budget and Accounting shall notify the Chairman of the Joint Appropriations Committee of his compliance with Resolution No. 468, and such compliance shall be reflected in the Appropriations Handbook.

9420 State Contingency Fund

04-9420 State Contingency Fund	\$950,000
Total Appropriation, State Contingency Fund	<u>\$950,000</u>

Special Purpose:

To the Governor, for allotment to the various departments or agencies, to meet any condition of emergency or necessity; provided, however, that a sum not in excess of \$5,000 shall be available for the expense of officially receiving dignitaries and for incidental expenses, including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State .. (\$300,000)

To the Director of the Division of Budget and Accounting, for allotment, as required, to meet contingencies, including increases in the price of fuel and food and other commodities and services beyond those anticipated (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 (50,000)

To the Director of the Division of Budget and Accounting, for allotment to the various departments or agencies to pay compensation awards allowed State employees. (100,000)

To the Director of the Division of Budget and Accounting for payment to the Emergency Services Fund as a restoration of amounts withdrawn for emergencies (200,000)

The unexpended balance as of June 30, 1982 in the productivity improvements account is appropriated for the same purpose.

Balances resulting from the implementation of cost saving processes or other productivity improvements may be transferred to the productivity improvements account as the Director of the Division of Budget and Accounting shall determine.

Revenue in excess of that anticipated resulting from the implementation of a revenue producing improvement is appropriated as determined by the Director of the Division of Budget and Accounting for other productivity improvements.

9430 Salary and Other Benefits

05-9430 Salary and Other Benefits	\$60,000,000
Total Appropriation, Salary and Other Benefits	<u>\$60,000,000</u>

Special Purpose:

To the Director of the Division of
 Budget and Accounting for allot-
 ment to the various agencies for
 the costs of salary and other ben-
 efits resulting from negotiated
 contractual agreements with va-
 rious employee organizations and
 the costs of salary and other ben-
 efits for those employees not cov-
 ered by a negotiated contractual
 agreement with any employee or-
 ganization } (\$60,000,000)

To the Director of the Division of
 Budget and Accounting for allot-
 ment to the various agencies for
 lump sum payments to eligible
 retired employees for earned and
 unused accumulated sick leave
 (C11:14-9 et seq.) }

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

The State Treasurer, the President of the Civil Service Commission, and the Director of the Division of Budget and Accounting shall establish rules and regulations governing salary ranges and rates of pay.

No salary range or rate of pay shall be increased or 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, pursuant to rules and regulations. The implementation of such rules and regulations shall be made effective at the beginning of the bi-weekly pay period nearest July 1, 1982 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. Timely notice of such rules, regulations, and effective dates shall be made to the Subcommittee on Personnel of the Joint Appropriations Committee.

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

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; and provided, further, the funds required therefor are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Inter-Departmental Accounts	\$454,661,403
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THE JUDICIARY

*Public Safety and Criminal Justice**15 Judicial Services*

01-9710 Supreme Court	\$1,908,546
02-9720 Superior Court	24,208,168
03-9785 Tax Court	1,580,637
06-9730 Official Court Reporters	6,071,818
07-9740 General Support Services	4,696,414*
08-9750 Legal Services	1,210,966
09-9760 Probation Services	746,188
99-9770 Management and Administrative Services	1,371,709

Total Appropriation, Judicial Services	\$41,794,446*
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Personal Services:

Chief Justice	(\$80,000)
Associate Justices (6 @ \$78,000) ..	(468,000)
Judges (245)	(17,171,000)
Salaries and wages	(18,454,435)
Positions established from lump sum appropriations	(40,449)
Materials and Supplies	(1,150,917)
Services Other Than Personal	(2,999,865)
Maintenance and Fixed Charges	(215,750)

Special Purpose:

New Jersey Criminal Disposition Commission	(23,500)
Affirmative action and equal employ- ment opportunity program	(71,130)
Compensation awards	(25,000)
Child support and paternity (State share)	(100,000)
Implementation of Community Service Programs	(600,000)

Additions, Improvements and Equip- ment	(394,400)
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Total Appropriation, Judiciary	\$41,794,446*
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The unexpended balance as of June 30, 1982 in this account is appropriated.

Receipts from charges to the Superior Court trust fund, Clients' security fund, Board of Trial Attorney Certification and Attorney Regulation fund for services provided to these funds are hereby appropriated.

Total Appropriation, Direct State Services . . \$2,307,285,969*

STATE AID

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Economic Planning, Development and Security

51 Economic Planning and Development—State Aid

21-2890	Port Facilities and Operation	\$535,600
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Total Appropriation, Department of Commerce and Economic Development		\$535,600
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State Aid:

Property Tax Reserve Fund requirement (C. 12:11A-20)	(\$535,600)
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There are appropriated such additional sums as may be certified to the Governor by the South Jersey Port Corporation as necessary to meet the requirements of the Debt Service Reserve Fund (C. 12:11A-14) and the Property Tax Reserve Fund (C. 12:11A-20), subject to the approval of the Director of the Division of Budget and Accounting.

DEPARTMENT OF COMMUNITY AFFAIRS

Community Development and Environmental Management

41 Community Development Management—State Aid

02-8020	Housing Services	\$3,000,000
03-8040	State and Regional Planning	2,655,000*
04-8030	Local Government Services	77,891,482*
06-8015	Uniform Construction Code	39,600

Total Appropriation, Community Development Management		\$83,586,082*
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State Aid:

Relocation assistance	(\$500,000)
Neighborhood preservation	(2,500,000)
Municipal aid (C52:27D-178 et seq.) (	40,025,030)
Safe and clean neighborhoods	(19,278,992)
Aid to depressed rural centers	(487,460)
County Welfare Aid	(15,000,000*)
Payment to Jersey City for urban aid redevelopment planning	(1,250,000)
Special assistance to the City of Camden	(1,250,000)
Payment to the City of Newark to help raze vacant buildings	(500,000)
Training for tax collectors	(50,000)
Training for municipal finance officers	(50,000)
Municipal memberships in Building Code Association	(39,600)
Hackensack Meadowlands Develop- ment Commission:	
Debt Service	(420,000)
Commission operations	(1,900,000*)
Special capital projects	(120,000*)
Food distribution center feasibil- ity study	(200,000*)
Municipal committee	(15,000*)

Of the sum hereinabove for Neighborhood preservation, a sum not to exceed \$230,000 may be used as the State match for the Small Cities Block Grant Program, and a sum not to exceed \$400,000 may be used for administration of the Neighborhood Preservation Program and no additional funds shall be used for administrative costs.

Of the sum available in the Revolving Housing Development and Demonstration Grant Fund a sum not to exceed \$75,000 may be used for administrative and technical assistance.

The unexpended balance as of June 30, 1982 in the Capital Trade and Civic Center (State contribution) account is hereby appropriated.

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.

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.

Notwithstanding the provisions of the Depressed Rural Centers Aid Act (C.52:27D-179), the amount hereinabove shall be distributed in the same amount and to the same municipalities which received such aid in calendar year 1981.

The unexpended balance as of June 30, 1982 in the Safe and Clean Neighborhoods aid program, not to exceed \$100,000, is hereby appropriated.

Notwithstanding the provisions of C52:27D-118.1 et seq., \$3,000,000 of the amount hereinabove for safe and clean neighborhoods shall be allocated equally to each municipality whose population is in excess of 84,000; provided, further, however, that each recipient municipality match its allocation with an equal amount; provided further, however, that any increase in assistance to any municipality be used for law enforcement.

Notwithstanding any law to the contrary, any funds appropriated as State aid and payable to any municipality in which the provisions of Article 4 of the "Local Government Supervision Act (1947)," P. L. 1947, c. 151 (C.52:27BB-54 et seq.) are in effect, may be pledged as a guarantee for payment of principal of and interest on any "bond anticipation notes" issued pursuant to N. J. S. 40A:2-8 and any "tax anticipation notes" issued pursuant to N. J. S. 40A:4-64 by such municipality. Such funds, if so pledged shall be made avail-

able by the State Treasurer upon receipt of a written notification by the Director of the Division of Local Government Services that the municipality does not have sufficient funds available for prompt payment of principal of and interest on such notes, and shall be paid by the State Treasurer directly to the holders of such notes at such time and in such amounts as specified by the director, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

Notwithstanding 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 the amount hereinabove is hereby appropriated for the Hackensack Meadowlands Development Commission, provided, however, that such amounts necessary for payment of principal and interest for outstanding notes and other Commission purposes are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, provided, further, that if receipts are not adequate, the amounts hereinabove shall be considered to be a loan from the General Fund and shall be repaid to the General Fund, with interest at the discount rate of the Philadelphia Reserve Bank at the close of the last business day of the month, not to be less than 8% per annum.

Notwithstanding the provisions of P. L. 1981, c. 60 (C.44:14-1), funds distributed pursuant to the County Welfare Per Capita Cost Limitation Act of 1981 shall be distributed without determining whether counties entitled to funds have an error rate above the Statewide average error rate.

The unexpended balance, not to exceed \$250,000 as of June 30, 1982 in the Relocation Assistance account is hereby appropriated for the same purpose.

In addition to the amount hereinabove, there is appropriated from the General Fund, as State aid, an amount not to exceed \$1.8 million to fund loans to any municipality subject to the provisions of Chapter 211, P. L. 1981, for use as a revenue item in the 1982 municipal budget of said unit, as determined by the Director of the Division of Local Government Services, subject to the approval of the Director of the Division of Budget and Accounting. Any municipality receiving such a loan is directed to pay to the General Fund an amount equal to the amount it received plus interest at the discount rate of the Philadelphia Reserve Bank at the close of the last business day of the month, not to be less than 8% per annum, when so ordered by the Director of the Division of Local Government Services in Fiscal Year 1983 from sources to be determined by said Director.

Economic Planning, Development and Security

55 Related Social Services Program—State Aid

05-8050	Human Resources	\$1,175,000*
05-8060	Programs for the Aging	1,630,000

Total Appropriation, Related Social Services Programs	<u>\$2,805,000*</u>
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State Aid:

State Legal Services	(\$250,000*)
Recreation for the handicapped ...	(150,000)
Office of Hispanic Affairs	(650,000)
Special Olympics	(125,000)
County offices on aging	(420,000)
Older Americans' Act (State share) (	1,210,000)

The amount hereinabove for State Legal Services shall be used for grants to local Legal Services programs, provided that an amount not to exceed \$15,000 be available for State administrative costs.

Total Appropriation, Department of Community Affairs	<u><u>\$86,391,082*</u></u>
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DEPARTMENT OF EDUCATION

*Educational, Cultural and Intellectual Development**31 Direct Educational Services and Assistance—State Aid*

01-5120	General Formula Aid	\$133,522,198*
02-5120	Non-Public School Aid	18,100,000*
03-5120	Miscellaneous Grants-in-Aid	2,700,000
04-5030	Adult and Continuing Education	3,033,946*
07-5120	Special Education	900,000*

Total Appropriation, Direct Educational Services and Assistance	\$158,256,144*
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State Aid:

Current expense equalization aid	(\$70,775,798*)
Minimum Aid	(62,746,400)
Aid to non-public education	(3,650,000*)
Non-public nutrition aid	(430,000)
Non-public handicapped aid	(5,600,000)
Non-public auxiliary services aid	(8,053,000)
Non-public auxiliary services aid—	
Transportation	(367,000)
Public school safety act	(2,500,000)
Emergency fund	(200,000)
Evening school for the foreign born	(203,000)
High school equivalency	(1,213,478*)
Adult education	(638,458*)
Adult literacy	(979,010)
Pilot project for pre-school educa-	
tion for the handicapped	(900,000*)

Of the amount appropriated hereinabove for current expense equalization aid, an amount equal to the total earnings on investments of the school fund shall first be charged to such fund.

The amount hereinabove for non-public auxiliary services to provide compensatory education services, and to provide supportive services for acquiring communication proficiency in the English language for children of limited English-speaking ability, shall be apportioned to local school districts by multiplying the Statewide

average cost of providing such services to children enrolled in the public schools by the actual number of pupils enrolled in the non-public schools who were receiving such services on October 23, 1981, adjusted by the number of pupils enrolled in the non-public schools requiring services as of June 30, 1982.

From the amount hereinabove for Current expense equalization aid, an amount not to exceed \$11,000,000 may be used to fund County special services districts (NJS 18A:46-44).

With respect to the amount hereinabove for Non-public auxiliary services aid—Transportation, the Department is authorized to allocate this amount to local school districts to provide transportation services to students who are eligible (NJS 18A: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.

In the event that sufficient funds are not appropriated to fully fund NJS 18A:50-7 (Supervisors of Adult Education in local school districts), the Department of Education shall have the authority to prorate the entitlements based on the relationship between the percent of time a Supervisor devotes to adult education and the maximum allowable State aid.

Notwithstanding any other law to the contrary, the Commissioner of Education shall establish the guaranteed valuation per pupil and the minimum aid guaranteed valuation per pupil at a level required to distribute, without proration, the amounts hereinabove appropriated for Current Expense Equalization Aid, Minimum Aid and School Building Aid, less such amounts as are reserved to fund County Special Services School Districts and adjustments due to tax appeals and other factors; provided, however, that districts

shall receive aid pursuant to subsection b. of N. J. S. 18A:7A-18 and paragraph 2 of N. J. S. 18A:7A-24 only if they meet any two of the following three criteria for the prebudget year:

1. A district equalized valuation per pupil of less than \$220,276.00;
2. A net current expense budget per pupil of less than \$3,324.00;
3. A resident enrollment greater than 969 pupils.

33 Supplemental Education and Training Programs—State Aid

20-5040	General Vocational Education Programs .	\$7,155,000
20-5120	General Vocational Education Programs .	11,318,806
Total Appropriation, Supplemental Education and Training Programs		\$18,473,806

State Aid:

District and regional vocational education	(\$2,000,000)
Schools of industrial education	(30,000)
Vocational education	(4,500,000)
National Guard cooperative education	(125,000)
Work-study	(500,000)
Local vocational aid	(11,318,806)

34 Educational Support Services—State Aid

31-5110	Educational Improvement Centers	\$1,000,000
36-5120	Pupil Transportation Services	115,382,513
37-5120	School Nutrition	7,000,000
38-5120	Facilities Planning and School Building Aid	81,520,640
39-5095	Teachers' Pension and Annuity Assistance	457,900,000
Total Appropriation, Educational Support Services		\$662,803,153

State Aid:

Educational improvement centers ..	(\$1,000,000)
Computerized bus scheduling	(250,000)
Transportation aid	(115,132,513)
State school lunch aid	(7,000,000)
School building aid debt service ...	(18,323,976)
School building aid	(63,196,664)
Teachers' pension and annuity fund	(219,606,000)
Premium for non-contributory insurance	(13,894,000)
Social security tax	(149,000,000)
Pension Adjustment Act	(75,400,000)

The amount appropriated hereinabove for Transportation aid shall be used to reimburse school districts for approved transportation expenses based upon costs incurred in the 1980-1981 school year.

The unexpended balance as of June 30, 1982 in the School building aid debt service account is appropriated for the same purpose.

Any adjustment in the Premium for non-contributory insurance shall be 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, 1983 in amounts and at times as determined by the Director of the Division of Budget and Accounting, with interest at the average rate of earnings during the fiscal year from the State's general investments, computed from the period beginning July 1, 1982 through the date of such payment.

Such interest as may be required to be paid on account of delayed payments to the Teachers' Pension and Annuity Fund is appropriated 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.

37 Cultural and Intellectual Development Services—State Aid

51-5070	Library Services	\$7,790,000*
53-5080	Museum Services	912,026
Total Appropriation, Cultural and Intellectual Development Services		<u>\$8,702,026*</u>

State Aid:

Per capita library aid	(\$5,040,000*)
Area library aid	(1,590,000*)
Research library aid	(265,000*)
Emergency Aid/Incentive Grants ..	(135,000)
Library construction incentive aid ..	(670,000)
Optical Scanners for the blind	(90,000)
Newark Museum Association	(912,026)

Total Appropriation, Department of Education	<u>\$848,235,129*</u>
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The unexpended balances as of June 30, 1982, in the State Aid accounts, not to exceed \$250,000, are appropriated.

Of the amount hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's budget shall first be charged to the State Lottery Fund:

Non-public school aid	(\$18,100,000)
Educational improvement centers	(1,000,000)
School building aid debt service	(18,323,976)
School building aid	(63,196,664)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Community Development and Environmental Management**42 Natural Resource Management—State Aid*

15-4890	Marine Lands Management	\$105,000
Total Appropriation, Natural Resource Management		\$105,000

State Aid:

Town of Keansburg for not more than 50% of the cost of operation and maintenance of hurricane and beach control structures (\$105,000)

There is appropriated from the Beaches and Harbors Fund, the sum of \$495,000 for costs attributable to planning and administration of the Shore Protection Program.

43 Environmental Quality—State Aid

17-4900	Solid Waste Resource Management	\$500,000
Total Appropriation, Environmental Quality		\$500,000

State Aid:

Implementation and demonstration grants to solid waste management districts, contingent upon no less than 50% participation by such districts (\$500,000)

The unexpended balance as of June 30, 1982 in Implementation and demonstration grants to solid waste management districts account is appropriated.

44 Hazardous and Toxic Pollution Control—State Aid

The unexpended balances as of June 30, 1982 in the Major Hazardous Waste Facilities Siting Act—Grants to municipalities and the Major Hazardous Waste Facilities Siting Act—Training programs accounts are appropriated.

45 Recreational Resource Management—State Aid

21-4895	Navigational Aids	\$1,200,000
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Total Appropriation, Recreational Resource Management		\$1,200,000
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State Aid:

Dredging of inland waterways—
State aid to counties and municipalities, 100% grants for maintenance dredging projects (\$1,200,000)

The unexpended balance, not to exceed \$1,000,000, as of June 30, 1982 is appropriated.

46 Environmental Planning and Administration—State Aid

99-4800	Management and Administrative Services	\$2,793,190*
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Total Appropriation, Environmental Planning and Administration		\$2,793,190*
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State Aid:

Payment of in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes (\$1,040,184)

Reimbursements and Loans to the Boroughs of Pennington and Hopewell for interest and debt service cost (C. 58:25-9) (203,006)

Administration, planning and development activities of the Pine-lands Commission (1,150,000)

Mosquito control, research, administration, and operations (400,000)

The unexpended balance as of June 30, 1982 in the Mosquito control, research, administration and operations account and the Payment in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes accounts are appropriated.

The amount hereinabove for Mosquito control, research, administration and operations shall be available to the State Mosquito Control Commission; provided, however, that an amount not to exceed \$80,000 be available to the Department of Environmental Protection for the administration and coordination of such programs.

The unexpended balance as of June 30, 1982, 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, 1982, not to exceed \$300,000, for Aid to Counties and Municipalities by the Pinelands Commission is appropriated.

Total Appropriation, Department of Environmental Protection	\$4,598,190*
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DEPARTMENT OF HEALTH

Physical and Mental Health

25 Health Administration—State Aid

10-4225 Local Health and Regional Operations ...	\$6,475,824*
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Total Appropriation, Health Administration	\$6,475,824*
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State Aid:

Community health services	(\$2,425,824)
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Assistance to Public General	
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Hospitals	(4,050,000*)
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The capitation is set at 25 cents for the year ending June 30, 1983 for the purposes prescribed (C26:2F-1 et seq.).

Total Appropriation, Department of Health	\$6,475,824*
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DEPARTMENT OF HIGHER EDUCATION

*Educational, Cultural and Intellectual Development**36 Higher Educational Services—State Aid**5400 Office of the Chancellor*

06-5400	Aid to County Colleges	\$67,687,500
	Total Appropriation	<u>\$67,687,500</u>

State Aid:

Operational costs	(\$56,187,500)
Debt service (NJS 18A:64A-22) ..	(2,200,000)
Employer contributions, alternate benefit program	(9,300,000)

The unexpended balance as of June 30, 1982 in this account is appropriated.

Of the amount hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's budget first shall be charged to the State Lottery Fund:

Aid to County colleges for operational costs	(\$56,187,500)
Total Appropriation, Department of Higher Education	<u><u>\$67,687,500</u></u>

DEPARTMENT OF HUMAN SERVICES

*Physical and Mental Health—State Aid**23 Mental Health Services**7700 Division of Mental Health and Hospitals*

08-7700	Community Services	\$25,000,000
	Total Appropriation, Division of Mental Health and Hospitals	<u>\$25,000,000</u>

State Aid:

Support of patients in county mental
hospitals (\$25,000,000)

The sums hereinabove shall be available for pay-
ment of obligations applicable to prior fiscal
years.

*24 Special Health Services—State Aid**7540 Division of Medical Assistance and Health Services*

22-7540 General Medical Services \$430,580,000

Total Appropriation, Division of Medical Assistance and Health Services	\$430,580,000
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State Aid:

Payments for medical assistance
recipients (State share) (\$430,580,000)

All funds recovered under C30:4D-1 et seq., during
the fiscal year ending June 30, 1983 are appro-
priated.

The amounts hereinabove for Payments for medical
assistance recipients are available for the pay-
ment of obligations applicable to prior fiscal
years.

Reimbursements for services provided for recip-
ients of other jurisdictions, as established by
interstate agreements, which represent the State
share of medical assistance are hereby appro-
priated to the Division of Medical Assistance and
Health Services for the purpose of making further
payments of medical assistance.

The State appropriation is based on a Federal
financial participation rate of 47.89% ; provided,
however, that if the Federal financial participa-
tion rate exceeds this percentage, there will be
placed in reserve a portion of the State appro-
priation equal to the amount of additional federal
funds, subject to the approval of the Director,
Division of Budget and Accounting.

Notwithstanding the provisions of C44:7-76 et seq., the Medical Assistance to the Aged program is hereby eliminated; provided, however, that necessary medical services be available to those enrolled in the program as of June 30, 1982, until such time that those persons no longer require medical care or are eligible for alternative programs.

The unexpended balance as of June 30, 1982 in the General medical services program classification, not to exceed \$3,000,000, is appropriated for the same purpose.

Economic Planning, Development and Security

53 Economic Assistance and Security—State Aid

7550 Division of Public Welfare

15-7550	Income Maintenance	\$247,943,077*
Total Appropriation, Division of Public Welfare		<u>\$247,943,077*</u>

State Aid:

Payments to municipalities for cost of general assistance (State share)	(\$37,534,077)
Payments for dependent children assistance regular segment (State share)	(172,211,605)
Payments for emergency assistance (State share)	(1,745,000)
Payments for supplemental security income (State share)	(21,418,000*)
Payments for dependent children assistance, unemployment of father (State share)	(9,537,125)
Payments for dependent children assistance, insufficient employment of parents (State share) ...	(5,497,270)

The net State share of reimbursements and the net balances remaining after full payment of sums due the Federal government of all funds recovered under RS 44:7-14, C44:10-1 et seq., C30:4B-1 et seq., and C44:3-1 et seq., during the fiscal year ending June 30, 1983 are appropriated.

The amount hereinabove for Payments for supplemental security income (State share) account shall be 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 unexpended balances as of June 30, 1982 in the Income Maintenance program classification are appropriated for the same purpose.

Receipts from State administered towns during the fiscal year ending June 30, 1983 are appropriated.

A portion of the amount hereinabove for Payments to municipalities for cost of general assistance (State share), not to exceed \$1,400,000, is available for transfer to the Department of Labor, Division of Employment Services, for support costs related to the Workfare program (C44:8-108 et seq.).

Any funds transferred to the Department of Labor shall be used solely to fund employability teams and other costs to implement this general assistance work program.

The sum hereinabove is available for payment of obligations applicable to prior fiscal years.

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, Division of Budget and Accounting.

*55 Related Social Services Programs—State Aid**7570 Division of Youth and Family Services*

16-7570	Community Family Services	\$18,172,000
17-7570	Residential Services	14,415,000
Total Appropriation, Division of Youth and Family Services		\$32,587,000

State Aid:

Substitute family care	(\$13,974,000)
Family support services	(4,198,000)
Maintenance to children residing in institutions	(14,095,000)
Community based alternative pro- grams	(130,000)
Juveniles in need of supervision	(190,000)

Funds recovered under C30:4C-1 et seq., during the fiscal year ending June 30, 1983, are appropriated.

Of the amount hereinabove, sums equal to the federal funds in excess of \$3.2 million made available for Foster care and adoption assistance, or in excess of \$4.3 million made available for Child welfare services, are placed in reserve for allotment only upon approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove for Family support services, the Division of Youth and Family Services may expend up to \$300,000 to provide emergency services funds to families with children to prevent the out-of-home placement of such children.

Of the amount hereinabove appropriated for Substitute Family care, the Division of Youth and Family Services may expend up to \$225,000 for recruitment of foster and adoptive families; provided, however, that a plan for recruitment and training first shall be approved by the Director of the Division of Budget and Accounting.

The sums hereinabove are available for the payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the rates paid for the Foster care and adoption subsidy programs first shall be approved by the Director, Division of Budget and Accounting.

Total Appropriation, Department of Human Services	\$736,110,077*
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DEPARTMENT OF TRANSPORTATION

Transportation Services

63 Local Highway Facilities—State Aid

80-6220 County and Municipal Aid	\$1,600,000
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Total Appropriation, Local Highway Facilities	\$1,600,000
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State Aid:

County and Municipal Aid for Lighting	(\$1,600,000)
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The unexpended balance as of June 30, 1982 in this account is 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 available for Capital construction projects as the Commissioner of Transportation shall determine, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other requirement of law, the Department may expend necessary sums for improvements to streets and roads providing access to State facilities within the Capital city without local participation.

Total Appropriation, Department of Transportation	\$1,600,000
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DEPARTMENT OF THE TREASURY

*Government Direction, Management and Control**75 State Subsidies and Financial Aid—State Aid*

28-2077	County Boards of Taxation	\$661,125
29-2088	Locally Provided Services	13,050,000
31-2082	Business Personal Property Tax Replace- ment	158,703,825
35-2087	Consolidated Police and Firemen's Pen- sion Fund	6,121,722
36-2081	Municipal Purposes Tax Assistance Pro- gram	30,500,000
Total Appropriation, State Subsidies and Financial Aid		\$209,036,672

Personal Services:

County Tax Board members (67) ..	(\$661,100)
Services Other Than Personal	(25)

State Aid:

Payments to municipalities for ser- vices to State owned property ...	(13,000,000)
Payments to municipalities to re- place property tax on business personalty	(158,703,825)
Payments to municipalities pursuant to Municipal Purposes Tax As- sistance Program (C54:1-46 et seq.)	(30,500,000)
Tuition payments for local asses- sors and staff	(50,000)
State contribution to consolidated police and firemen's pension fund.	(6,121,722)

Notwithstanding the provisions of C54:10A-33 et seq., there are appropriated so much of the proceeds derived from the taxes collected from banking corporations pursuant to the Corporation Business Tax Act and the Business Personal Property Tax Act as may be required for payment to the local taxing districts; provided, how-

ever, that the sum apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of C54:10B-2 et seq., there are appropriated so much of the proceeds derived from the imposition of the financial business tax as may be required for payment to the local taxing districts; provided, however, that the sum apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of C54:30A-24.1 and C54:30A-61.1, the amount to be deposited in the Municipal Purposes Tax Assistance Fund shall not exceed \$30,500,000; provided, however, that any amounts in excess of that sum which are paid by taxpayers shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of C.54:30A-24.1 and C.54:30A-61.1, public utilities franchise and gross receipts tax payments to those municipalities apportioned pursuant to those sections in an amount in 1982 greater than that received in 1981, shall be limited to an amount equal to that which each such municipality received in 1981 plus an amount equal to 67.811935 percent* of the difference between the amount each received in 1981 and the amount each is apportioned in 1982 pursuant to those sections; provided, however, that the amount not distributed shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of C.54:30A-24.1 and C.54:30A-61.1, the payments to municipalities from the public utilities franchise and gross receipts taxes in June, 1983 shall be limited in the aggregate to \$125 million* in the manner outlined above and any amount collected in excess of this sum shall be anticipated as revenue for general State purposes.

There are appropriated so much of the proceeds, received or receivable, from taxes collected from certain insurance companies, pursuant to the Insurance Tax Act, as may be required for payment to the local taxing districts (C54:18A-2 et seq.).

The unexpended balance as of June 30, 1982 from the taxes collected pursuant to PL 1940, c. 4 (C54:30A-16 et seq.) and PL 1940, c. 5 (C54:30A-49 et seq.) shall lapse.

There are appropriated so much of the proceeds of taxes on fire insurance premiums, received or receivable, as may be required for payment to the New Jersey Firemen's Home and the New Jersey Firemen's Association (RS 54:17-4).

Total Appropriation, Department of the Treasury	\$209,036,672
Total Appropriation, State Aid	<u>\$1,960,670,074*</u>

Whenever any county, municipality, or school district entitled to receive State aid from appropriations made herein, withholds funds from State agencies entitled to payment for services, the Director of the Division of Budget and Accounting is authorized to withhold State aid payments to such county, municipality, or school district and transfer same as payment for funds so withheld.

Notwithstanding any other statute which establishes a payment date for a State aid appropriation, the Treasurer, in his discretion, may delay such payment date in order to coordinate the disbursement with available cash balances in the General Fund.

Whenever the sum provided hereinabove for a State aid payment pursuant to a formula is insufficient to meet the full requirement of such formula, all recipients of such State aid shall have their allocation proportionately reduced.

Any qualifying State aid appropriation, or part thereof, made from the General Fund may be transferred and recorded as an appropriation from the Property Tax Relief Fund, as deemed necessary by the State Treasurer, and with the approval of the Subcommittee on Transfers of the Joint Appropriations Committee, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unrestricted fund balance in the Property Tax Relief Fund, as determined by the State Treasurer, is sufficient to support such expenditure.

CAPITAL CONSTRUCTION

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

19 Central Planning, Direction and Management

Capital Projects:

Additional space, correctional facilities	(\$13,325,000)	
Total Appropriation, Department of Corrections		\$13,325,000

DEPARTMENT OF DEFENSE

Public Safety and Criminal Justice

14 Military Services

Capital Projects:

Woodbury armory addition, planning and design	(\$20,000)	
Mercer airport armory, planning, design and construction	(187,000)	
Major maintenance and handicapped access projects	(400,000)	
Total Appropriation, Department of Defense		\$607,000

DEPARTMENT OF EDUCATION

*Educational, Cultural and Intellectual Development**32 Operation and Support of Educational Institutions**5011 Marie H. Katzenbach School for the Deaf*

Capital Projects:

Repairs and Renovations (\$357,400)

Cottage Renovations for

severely emotionally disturbed

deaf students (681,658)

Total Appropriation, Department of

Education \$1,039,058

DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Community Development and Environmental Management**42 Natural Resource Management*

Proceeds derived from the sale or exchange of State-owned Delaware and Raritan Canal land, and/or buildings, heretofore acquired under R. S. 13:13-1 et seq., are 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.

45 Recreational Resource Management

Capital Project:

Multiple use historic sites (\$650,000)

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.

*45 Recreational Resource Management**4876 Palisades Interstate Park Commission*

Capital Project:

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, 1982 are appropriated for capital projects and plans.

Funds hereinabove shall be provided as the State share for Federal aid highway projects.

Total Appropriation, Department of Environmental Protection	\$750,000
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DEPARTMENT OF TRANSPORTATION

*Transportation Services**61 State Highway Facilities*

10-6200 Federal Aid Interstate Highway Projects	\$7,000,000
60-6200 Non-Federal Aid Highway Projects	5,000,000

Total Appropriation, State Highway Facilities	\$12,000,000
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Federal Aid Interstate Highway
Projects (\$7,000,000)

Betterments — Construction, reconstruction, improvement or rebuilding of State highways, including resurfacing and major bridge repairs or rehabilitation ... (5,000,000)

From the amount hereinabove for Construction there may be allocated such amounts as the Commissioner of Transportation may determine, with the approval of the Director of the Division of Budget and Accounting, for personal services by

contract or, in lieu thereof, by State employees for planning, engineering, design, research, construction, right-of-way acquisition or other costs related to the construction program.

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.

Funds hereinabove shall be available for construction of local highway facilities or 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.

Receipts representing the State share from the rental or lease of property, and the unexpended balances as of June 30, 1982 of such receipts, are appropriated for maintenance or improvement of transportation property, equipment and facilities.

In addition to the amount hereinabove for State Highway Facilities, such other sums as the Director of the Division of Budget and Accounting shall determine, provided in interdepartmental accounts for employee benefits be considered as appropriated on behalf of State Highway Construction and Transportation Construction Engineering and be available for matching Federal funds.

The Department shall be permitted to transfer funds in an amount as approved by the Director of the Division of Budget and Accounting from the Capital Construction betterments accounts to Direct State Services for highway maintenance.

Of the amount hereinabove appropriated, \$70,000* shall be made available for construction of a vehicular bridge across Overpeck Canal in the vicinity of Cedar Lane and Sheffield Avenue, Englewood, with access road to Route 4.

Total Appropriation, Department of Transportation	\$12,000,000
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MISCELLANEOUS EXECUTIVE COMMISSIONS

Community Development and Environmental Management

43 Environmental Quality

9140 Delaware River Basin Commission

Capital Project:

Amortization of multipurpose dams (\$2,000)

Total Appropriation, Miscellaneous Executive Commissions	\$2,000
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Total Appropriation, Capital Construction ..	\$27,723,058*
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Funds derived from the sale of any lands and buildings in excess of the amount anticipated or proceeds from the sale of all fill material held by a department are appropriated for demolition, acquisition of land, rehabilitation or improvement of existing facilities and construction of new facilities for use by that department, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1982 in all capital accounts are appropriated.

The amount provided hereinabove for capital construction is exempt from the provisions of PL 1976, c. 67 (C52:9H-5 et seq.).

DEBT SERVICE

DEPARTMENT OF COMMUNITY AFFAIRS

*Government Direction, Management and Control**76 Management and Administration*

99-8070	Interest on Bonds	\$1,995,790
99-8070	Redemption of Bonds	1,350,000
Total Appropriation, Department of Community Affairs		<u>\$3,345,790</u>

Interest on Bonds:

Interest on State Housing Assistance Bonds (PL 1968, c. 127) . . . (	\$398,300)
Interest on State Mortgage Assistance Bonds (PL 1976, c. 94) (	1,597,490)

Redemption of Bonds:

Redemption of State Housing Assistance Bonds (PL 1968, c. 127) . (	600,000)
Redemption of State Mortgage Assistance Bonds (PL 1976, c. 94) . . (	750,000)

DEPARTMENT OF CORRECTIONS

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

99-7000	Interest on Bonds	\$7,775,049
99-7000	Redemption of Bonds	5,084,000
Total Appropriation, Department of Corrections		<u>\$12,859,049</u>

Interest on Bonds:

Interest on Public Buildings Construction Bonds (PL 1968, c. 128) (	\$726,390)
Interest on Institutional Construction Bonds (PL 1978, c. 79) (	2,528,520)
Interest on State Institution Construction Bonds (PL 1960, c. 156) (	100,013)

Interest on New Jersey Institutions Construction Bonds (PL 1964, c. 144)	(212,160)
Interest on Institutions Construc- tion Bonds (PL 1976, c. 93)	(2,892,470)
Interest on Public Purpose Con- struction Bonds (PL 1980, c. 119)(	1,315,496)
Redemption of Bonds:	
Redemption of Public Buildings Construction Bonds (PL 1968, c. 128)	(833,000)
Redemption of State Institution Construction Bonds (PL 1960, c. 156)	(675,000)
Redemption of New Jersey Institu- tions Construction Bonds (PL 1964, c. 144)	(900,000)
Redemption of Institutions Con- struction Bonds (PL 1976, c. 93) .	(1,686,000)
Redemption of Institutional Con- struction Bonds (PL 1978, c. 79) .	(990,000)

DEPARTMENT OF EDUCATION

*Educational, Cultural and Intellectual Development**35 Education Administration and Management*

99-5095 Interest on Bonds	\$2,543,620
99-5095 Redemption of Bonds	3,994,500
Total Appropriation, Department of Educa- tion	\$6,538,120

Interest on Bonds:

Interest on Public Building Con- struction Bonds (PL 1968, c. 128)(	\$941,274)
Interest on State Facilities for Handicapped Bonds (PL 1973, c. 149)	(1,054,500)
Interest on Institutional Construc- tion Bonds (PL 1978, c. 79)	(547,846)

Redemption of Bonds:

Redemption of Public Buildings Construction Bonds (PL 1968, c. 128)	(1,080,000)
Redemption of State Facilities for Handicapped Bonds (PL 1973, c. 149)	(2,700,000)
Redemption of Institutional Con- struction Bonds (PL 1978, c. 79) .	(214,500)

DEPARTMENT OF ENERGY

*Educational, Cultural and Intellectual Development**37 Cultural and Intellectual Development Services*

99-4050 Interest on Bonds	\$256,690
99-4050 Redemption of Bonds	294,000
Total Appropriation, Cultural and Intellectual Development Services	\$550,690

Interest on Bonds:

Interest on Public Buildings Con- struction Bonds (PL 1968, c. 128) .	(\$256,690)
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Redemption of Bonds:

Redemption of Public Buildings Construction Bonds (PL 1968, c. 128)	(294,000)
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*Community Development and Environmental Management**42 Natural Resource Management*

99-4030 Interest on Bonds	\$922,250
99-4030 Redemption of Bonds	1,000,000
Total Appropriation, Natural Resource Management	\$1,922,250

Interest on Bonds:

Interest on Energy Conservation Bonds (PL 1980, c. 68)	(\$922,250)
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Redemption of Bonds:

Redemption of Energy Conservation Bonds (PL 1980, c. 68)	(1,000,000)
Total Appropriation, Department of Energy	\$2,472,940

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Community Development and Environmental Management
 46 *Environmental Planning and Administration*

99-4800	Interest on Bonds	\$43,482,594
99-4800	Redemption of Bonds	32,945,000
Total Appropriation, Department of Environmental Protection		\$76,427,594

Interest on Bonds:

Interest on State Recreation and Conservation Land Acquisition Bonds (PL 1961, c. 46)	(\$444,400)
Interest on Water Conservation Bonds (PL 1969, c. 127)	(8,388,694)
Interest on State Recreation and Conservation Land Acquisition Bonds (PL 1971, c. 165)	(3,273,740)
Interest on State Recreation and Conservation Land Acquisition and Development Bonds (PL 1974, c. 102)	(12,667,580)
Interest on Water Development Bonds (PL 1958, c. 35)	(289,500)
Interest on Clean Waters Bonds (PL 1976, c. 92)	(6,454,580)
Interest on Beaches and Harbors Bonds (PL 1977, c. 208)	(801,525)
Interest on Emergency Flood Control Bonds (PL 1978, c. 78)	(533,400)
Interest on State Land Acquisition and Development Bonds (PL 1978, c. 118)	(8,436,275)
Interest on Natural Resources Bonds (PL 1980, c. 70)	(1,845,500)
Interest on Water Supply Bonds (PL 1981, c. 261)	(347,400)

Redemption of Bonds:

Redemption of State Recreation and Conservation Land Acquisition Bonds (PL 1961, c. 46)	(2,600,000)
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Redemption of Water Conservation Bonds (PL 1969, c. 127)	(10,355,000)
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)	(6,680,000)
Redemption of Water Development Bonds (PL 1958, c. 35)	(2,500,000)
Redemption of Clean Waters Bonds (PL 1976, c. 92)	(4,230,000)
Redemption of Beaches and Harbors Bonds (PL 1977, c. 208)	(200,000)
Redemption of Emergency Flood Control Bonds (PL 1978, c. 78)	(400,000)
Redemption of State Land Acquisition and Development Bonds (PL 1978, c. 118)	(2,150,000)
Redemption of Natural Resources Bonds (PL 1980, c. 70)	(1,000,000)

DEPARTMENT OF HEALTH

*Physical and Mental Health**25 Health Administration*

99-4210 Interest on Bonds	\$44,361
99-4210 Redemption of Bonds	51,000
Total Appropriation, Department of Health	\$95,361

Interest on Bonds:

Interest on Public Buildings Construction Bonds (PL 1968, c. 128) (\$44,361)

Redemption of Bonds:

Redemption of Public Buildings Construction Bonds (PL 1968, c. 128) (51,000)

DEPARTMENT OF HIGHER EDUCATION

*Educational, Cultural and Intellectual Development**36 Higher Educational Services*

99-5400	Interest on Bonds	\$19,453,270
99-5400	Redemption of Bonds	21,250,000
Total Appropriation, Department of Higher Education		<u>\$40,703,270</u>

Interest on Bonds:

Interest on Public Buildings Construction Bonds (PL 1968, c. 128) (\$6,931,320)

Interest on State Higher Education Construction Bonds (PL 1964, c. 142) (544,400)

Interest on Higher Education Building Construction Bonds (PL 1971, c. 164) (6,260,450)

Interest on Medical Education Facilities Bonds (PL 1977, c. 235) (5,717,100)

Redemption of Bonds:

Redemption of Public Building Construction Bonds (PL 1968, c. 128) (7,950,000)

Redemption of State Higher Education Construction Bonds (PL 1964, c. 142) (2,800,000)

Redemption of Higher Education Building Construction Bonds (PL 1971, c. 164) (6,500,000)

Redemption of Medical Education Facilities Bonds (PL 1977, c. 235) (4,000,000)

DEPARTMENT OF HUMAN SERVICES

*Government Direction, Management and Control**76 Management and Administration*

99-7500	Interest on Bonds	\$12,776,402
99-7500	Redemption of Bonds	9,778,000
Total Appropriation, Department of Human Services		<u>\$22,554,402</u>

Interest on Bonds:

Interest on Public Buildings Construction Bonds (PL 1968, c. 128)	(\$2,652,165)
Interest on Institutional Construction Bonds (PL 1978, c. 79)	(4,972,756)
Interest on State Institution Construction Bonds (PL 1960, c. 156)	(166,687)
Interest on New Jersey Institutions Construction Bonds (PL 1964, c. 144)	(495,040)
Interest on Institutions Construction Bonds (PL 1976, c. 93)	(2,683,375)
Interest on Public Purpose Construction Bonds (PL 1980, c. 119)	(1,806,379)

Redemption of Bonds:

Redemption of Public Buildings Construction Bonds (PL 1968, c. 128)	(3,042,000)
Redemption of State Institution Construction Bonds (PL 1960, c. 156)	(1,125,000)
Redemption of New Jersey Institutions Construction Bonds (PL 1964, c. 144)	(2,100,000)
Redemption of Institution Construction Bonds (PL 1976, c. 93)	(1,564,000)
Redemption of Institutional Construction Bonds (PL 1978, c. 79)	(1,947,000)

DEPARTMENT OF LAW AND PUBLIC SAFETY

*Public Safety and Criminal Justice**12 Law Enforcement*

99-1050 Interest on Bonds	\$379,278
99-1050 Redemption of Bonds	148,500
Total Appropriation, Department of Law and Public Safety	\$527,778

Interest on Bonds:

Interest on Institutional Construc-
tion Bonds (PL 1978, c. 79) (\$379,278)

Redemption of Bonds:

Redemption of Institutional Con-
struction Bonds (PL 1978, c. 79)(148,500)

DEPARTMENT OF TRANSPORTATION

*Transportation Services**64 Planning and General Management Support*

99-6000	Interest on Bonds	\$41,703,567
99-6000	Redemption of Bonds	31,695,000
	Total Appropriation, Department of Transportation	<u>\$73,398,567</u>

Interest on Bonds:

Interest on Highway Improvement
and Grade Crossing Elimination
Bonds (PL 1930, c. 228) (\$50,924)
Interest on State Transportation
Bonds (PL 1968, c. 126) (24,223,768)
Interest on Transportation Reha-
bilitation and Improvement Bonds
(PL 1979, c. 165) (17,428,875)

Redemption of Bonds:

	Redemption of Highway Improve- ment and Grade Crossing Elimi- nation Bonds (PL 1930, c. 228) . . (435,000)	
	Redemption of State Transportation Bonds (PL 1968, c. 126) (27,010,000)	
	Redemption of Transportation Re- habilitation and Improvement Bonds (PL 1979, c. 165) (4,250,000)	
	Total Appropriation, Debt Service	<u>\$238,922,871</u>

Such sums as may be necessary for payment of interest and/or principal due from the issuance of any bonds authorized under the several bond acts of the State, are appropriated and first shall be charged to the earnings from the investment of such bond proceeds.

FEDERAL FUNDS

DEPARTMENT OF AGRICULTURE

*Community Development and Environmental Management**42 Natural Resource Management*

02-3320	Plant Pest and Disease Control	\$375,000
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Total Appropriation, Natural Resource Management	\$375,000
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Special Purpose:

Cooperative gypsy moth suppression	(\$375,000)
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Total Appropriation, Department of Agriculture	\$375,000
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DEPARTMENT OF CIVIL SERVICE

*Government Direction, Management and Control**74 General Government Services*

04-2740	Employee Development and Personnel Services	\$350,000
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Total Appropriation, Employee Development and Personal Services	\$350,000
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Personal Services:

Salaries and wages	(\$350,000)
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Total Appropriation, Department of Civil Service	\$350,000
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DEPARTMENT OF COMMUNITY AFFAIRS

*Community Development and Environmental Management**41 Community Development Management*

02-8020	Housing Services	\$13,608,188
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Total Appropriation, Community Resource Management	\$13,608,188
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Personal Services:

Salaries and wages	(\$1,487,234)
Employee benefits	(318,832)
Materials and Supplies	(66,849)
Services Other Than Personal	(246,630)
Maintenance and Fixed Charges	(102,094)

Special Purpose:

Small cities block grant program ...	(28,000)
Moderate rehabilitation housing assistance	(37,494)
Rental assistance for low income families	(81,960)

State Aid and Grants:

Small cities block grant program ...	(11,220,000)
Additions, Improvements and Equip- ment	(19,095)

*Economic Planning, Development and Security**55 Related Social Service Programs*

05-8050 Human Resources	\$18,180,346
08-8060 Programs for the Aging	756,663

Total Appropriation, Related Social Service Programs	\$18,937,009
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Personal Services:

Salaries and wages	(\$1,211,058)
Employee benefits	(280,951)
Materials and Supplies	(45,276)
Services Other Than Personal	(106,443)
Maintenance and Fixed Charges	(24,287)

Special Purpose:

Weatherization assistance program (	4,900,000)
Weatherization assistance for low income persons	(22,978)
Community services block grant ...	(46,055)
Purchase of legal services	(1,500)
Weatherization assistance program —Other special purpose	(24,466)
Older Americans' Act—Title III ...	(63,628)

State Aid and Grants:

Weatherization Assistance Program (1,232,316)
 Community Services Block Grant .. (9,587,400)
 Purchase of Legal Services (1,379,771)

Additions, Improvements and Equip-
 ment (10,880)

Total Appropriation, Department of
 Community Affairs \$32,545,197

Of the funds received by the Department of
 Community Affairs pursuant to the Community
 Services Block Grant, an amount not to exceed
 \$512,600 may be used for administration of the
 program.

Of the funds received by the Department of
 Community Affairs pursuant to the Small Cities
 Block Grant, an amount not to exceed \$280,000
 may be used for administration.

DEPARTMENT OF CORRECTIONS

*Public Safety and Criminal Justice**16 Detention and Rehabilitation**7040 State Prison, Trenton*

10-7040 Education Program \$32,638

Total Appropriation, State Prison, Trenton . \$32,638

Personal Services:

Salaries and wages (\$32,638)

7060 State Prison, Leesburg

10-7060 Education Program \$18,620

Total Appropriation, State Prison, Leesburg \$18,620

Personal Services:

Salaries and wages (\$18,620)

7080 Correctional Institution for Women, Clinton

09-7080	Institutional Treatment Program	\$32,142
10-7080	Education Program	16,359

Total Appropriation, Correctional Institution for Women, Clinton	\$48,501
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Personal Services:

Salaries and wages (\$43,342)

Special Purpose:

Continuous assessment program ... (5,159)

7110 Youth Reception and Correction Center, Yardville

10-7110	Education Program	\$114,117
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Total Appropriation, Youth Reception and Correction Center, Yardville	\$114,117
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Personal Services:

Salaries and wages (\$114,117)

7120 Youth Correctional Institution, Bordentown

10-7120	Education Program	\$34,036
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Total Appropriation, Youth Correctional Institution, Bordentown	\$34,036
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Personal Services:

Salaries and wages (\$34,036)

7130 Youth Correctional Institution, Annandale

10-7130	Education Program	\$90,539
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Total Appropriation, Youth Correctional Institution, Annandale	\$90,539
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Personal Services:

Salaries and wages (\$90,539)

7210 Training School for Boys, Skillman

09-7210	Institutional Treatment Program	\$15,166
10-7210	Education Program	131,465

Total Appropriation, Training School for Boys, Skillman	\$146,631
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Personal Services:

Salaries and wages(\$146,631)

7220 Training School for Boys, Jamesburg

10-7220	Education Program	\$153,124
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Total Appropriation, Training School for Boys, Jamesburg	\$153,124
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Personal Services:

Salaries and wages(\$153,124)

*17 Parole and Community Programs**7010 Office of Parole and Community Programs*

04-7010	Community Programs	\$124,679
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Total Appropriation, Office of Parole and Community Programs	\$124,679
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Personal Services:

Salaries and wages(\$124,679)

19 Central Planning, Direction and Management

01-7000	Planning, Management and General Support	\$94,534
02-7000	Program Operations Support	169,924
99-7000	Management and Administrative Services	303,176

Total Appropriation, Central Planning, Direction and Management	\$567,634
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Personal Services:

Salaries and wages(\$397,710)

Special Purpose:

YUVAN Aftercare of youth, juvenile employment and assistance program (169,924)

Total Appropriation, Department of Corrections \$1,330,519

DEPARTMENT OF DEFENSE

*Public Safety and Criminal Justice**14 Military Services*

02-3600 Management of National Guard Installations \$2,586,646

Total Appropriation, Military Services \$2,586,646

Special Purpose:

Training and equipment pool sites . . (\$261,818)

Army facilities—service contract . . (931,950)

Atlantic City Air Base—service contract (602,250)

McGuire Air Force Base—service contract (790,628)

Total Appropriation, Department of Defense \$2,586,646

DEPARTMENT OF EDUCATION

*Educational, Cultural and Intellectual Development**31 Direct Educational Services and Assistance*

03-5120 Miscellaneous Grants-in-Aid \$89,000

04-5030 Adult and Continuing Education Programs 522,740

06-5030 Compensatory Education Programs 1,177,200

07-5030 Special Education Programs 1,455,500

Total Appropriation, Direct Educational Services and Assistance \$3,244,440

Personal Services:

Salaries and wages	(\$1,596,000)
Employee benefits	(303,200)
Materials and Supplies	(18,500)
Services Other Than Personal	(114,000)
Maintenance and Fixed Charges	(19,100)

Special Purpose:

ESEA, Title I—Adult correctional	(89,000)
Adult basic education program	(59,000)
Migrant educational program	(23,600)
ESEA, Title I (Adult and Continuing Education Programs)	(50,000)
ESEA, Title I (Special Education Programs)	(2,500)
ESEA, Title VI	(650,000)

State Aid and Grants:

Indochinese refugee purchase plan	(319,540)
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32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf	\$123,666
13-5010 Newark Skills Center	537,432
14-5010 New Jersey Job Corps	4,621,660
15-5010 Project COED	70,412

Total Appropriation, Operation and Support of Educational Institutions	<u>\$5,353,170</u>
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Personal Services:

Salaries and wages	(\$2,836,668)
Employee benefits	(35,727)
Materials and Supplies	(1,672,724)
Services Other Than Personal	(263,136)
Maintenance and Fixed Charges	(370,080)

Special Purpose:

CETA—Bookkeeping, account clerk program	(1,000)
CETA—Vocational education	(3,009)
CETA bi-lingual and cooperative industrial education—Hispanic	(800)
Vocational education—Basic grants	(1,501)

Vocational education—Program improvement and supportive service (Project COED)	(944)
ESEA, Title I	(123,666)
Vocational education—Program improvement and supportive services (Newark Skills Center)	(14,500)
Additions, Improvements and Equipment	(29,415)

33 Supplemental Education and Training Programs

20-5040 General Vocational Education Programs.	\$5,294,971
21-5040 Special Vocational Education Programs..	210,600
22-5040 Occupational Career Research	112,400
Total Appropriation, Supplemental Education and Training Programs	<u>\$5,617,971</u>

Personal Services:

Salaries and wages	(\$1,345,000)
Employee benefits	(261,200)
Materials and Supplies	(12,000)
Services Other Than Personal	(78,500)
Maintenance and Fixed Charges	(4,500)

Special Purpose:

CETA vocational education	(18,500)
Vocational education—Basic grants (General Vocational Education Programs)	(60,000)
Vocational education—Basic grants (Special Vocational Education Programs)	(10,000)
Vocational education—Basic grants (Occupational Career Research) ..	(6,800)
Vocational education—Program improvement and supportive service(	569,600)

State Aid and Grants:

CETA—Vocational education	(1,534,430)
CETA—Vocational education	(1,235,441)
CETA—Title I	(350,000)
CETA—Youth employment demonstration program	(132,000)

34 Educational Support Services

33-5110	School Approval Programs	\$2,620,000
34-5100	Equal Educational Opportunities	284,450
37-5120	School Nutrition Programs	1,011,500

Total Appropriation, Educational Support Services	\$3,915,950
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Personal Services:

Salaries and wages	(\$855,000)
Employee benefits	(170,600)
Materials and Supplies	(33,000)
Services Other Than Personal	(69,500)
Maintenance and Fixed Charges	(18,000)

Special Purpose:

Chapter II Block Grant—

Administration	(2,620,000)
Race desegregation	(106,850)
Child nutrition	(35,000)
Child nutrition program, summer ..	(8,000)

35 Education Administration and Management

42-5120	School Finance and Auditing	\$296,020
99-5095	Management and Administrative Services	265,681

Total Appropriation, Education Administration and Management	\$561,701
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Personal Services:

Salaries and wages	(\$412,100)
Employee benefits	(82,420)
Materials and Supplies	(1,500)
Services Other Than Personal	(16,800)
Maintenance and Fixed Charges	(12,000)

Special Purpose:

Child nutrition	(5,770)
ESEA, Title I (School Finance and Auditing)	(7,100)
ESEA, Title VI, 1965	(3,150)
Child nutrition	(6,460)

Basic grants (Vocational education) (	3,188)
Migrant education	(2,064)
ESEA, Title I, (Management and Administrative Services)	(7,754)
ESEA, Title IV	(1,395)

37 Cultural and Intellectual Development Services

51-5070 Library Services	\$723,485
54-5085 Support of the Arts	365,489

Total Appropriation, Cultural and Intellectual Development Services	<u>\$1,088,974</u>
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Personal Services:

Salaries and wages	(\$627,033)
Employee benefits	(133,711)
Materials and Supplies	(844)
Services Other Than Personal	(21,053)

Special Purpose:

Public library services	(50,531)
Basic block grant	(252,802)

Additions, Improvements and

Equipment	(3,000)
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Total Appropriation, Department of Education	<u>\$19,782,206</u>
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DEPARTMENT OF ENERGY

Community Development and Environmental Management

42 Natural Resource Management

05-4030 Energy Resource Management	<u>\$1,765,892</u>
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Total Appropriation, Natural Resource Management	<u>\$1,765,892</u>
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Personal Services:

Salaries and wages	(\$973,103)
Employee benefits	(209,217)
Materials and Supplies	(12,750)
Services Other Than Personal	(122,046)
Maintenance and Fixed Charges	(11,915)

Special Purpose:

Coastal energy impact admin- istration	(3,945)
State energy conservation program	(68,940)
Other special purpose—State energy conservation program	(36,526)
National Energy Act—Public care and local government buildings .	(22,895)
Energy extension service	(5,054)
Other special purpose—Energy extension service	(14,703)
Supplemental State energy conservation plan	(23,227)
Other special purpose—Supple- mental State energy conservation plan	(19,241)

State Aid and Grants:

Coastal energy impact admin- istration	(21,580)
Coastal energy impact program grants—Round V	(200,000)
Energy extension service	(20,000)

Additions, Improvements and

Equipment	(750)
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Total Appropriation, Department of Energy	<u>\$1,765,892</u>
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Community Development and Environmental Management**42 Natural Resource Management*

05-4840	Water Supply and Flood Plain Management	\$549,100
13-4880	Hunters' and Anglers' License Fund	850,000
15-4890	Marine Lands Management	700,000
Total Appropriation, Natural Resource Management		<u>\$2,099,100</u>

Special Purpose:

Water supply—Safe drinking water(	\$549,100)
Hunters' and Anglers' license fund(	600,000)
Hunter safety training	250,000)
Outer continental shelf oil develop- ment and impact study	700,000)

43 Environmental Quality

02-4825	Air Pollution Control	\$3,100,000
07-4850	Water Monitoring and Planning	747,829
08-4855	Water Enforcement	1,361,500
09-4860	Public Wastewater Facilities	3,000,000
22-4861	Water Quality Management	2,000,000

Total Appropriation, Environmental Quality	\$10,209,329
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Special Purpose:

Air pollution maintenance program	(\$3,100,000)
Allentown Lake restoration	(206,655)
Area-wide waste treatment management	(220,000)
N. Hudson park lake restoration ...	(321,174)
Water pollution control program ..	(1,361,500)
Construction grants program	(3,000,000)
Statewide pre-treatment program ..	(2,000,000)

44 Hazardous and Toxic Pollution Control

04-4835	Pesticide Control	\$967,743
18-4810	Environmental Cancer and Toxic Substances	352,808
23-4910	Hazardous Waste	1,230,000

Total Appropriation, Hazardous and Toxic Pollution Control	\$2,550,551
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Special Purpose:

Pesticide Laboratory	(\$967,743)
State toxic substance control	(352,808)
Resource conservation recovery act —hazardous waste	(1,230,000)

46 Environmental Planning and Administration

99-4800	Management and Administrative Services	\$2,000,000
Total Appropriation, Environmental Planning and Administration		<u>\$2,000,000</u>
Special Purpose:		
	Heritage conservation and recreation services	(\$2,000,000)
Total Appropriation, Department of Environmental Protection		<u>\$16,858,980</u>

DEPARTMENT OF HEALTH

*Physical and Mental Health**21 Health Services*

02-4220	Community Health Services	\$35,674,992
03-4230	Communicable Disease Control	1,188,251
04-4240	Narcotics and Drug Abuse Control	6,073,000
05-4250	Alcoholism Control	4,112,986
08-4280	Diagnostic Services	319,000
Total Appropriation, Health Services ...		<u>\$47,368,229</u>

Personal Services:

Salaries and wages

(\$47,028,229)

Special Purpose:

Emergency medical services—

Infant restraint project

(340,000)

22 Health Planning and Evaluation

06-4260	Health Facilities Evaluation	\$675,359
Total Appropriation, Health Planning and Evaluation		<u>\$675,359</u>

Personal Services:

Salaries and wages

(\$514,820)

Employee benefits

(116,126)

Materials and Supplies

(4,224)

Services Other Than Personal

(40,189)

25 Health Administration

01-4215	Vital Statistics	\$25,784
10-4225	Local and Regional Health Operations ..	72,251

Total Appropriation, Health Administration	<u>\$98,035</u>
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Personal Services:

Salaries and wages	(\$76,258)	
Employee benefits	(16,777)	
Materials and Supplies	(5,000)	
Total Appropriation, Department of Health		<u>\$48,141,623</u>

DEPARTMENT OF HIGHER EDUCATION

*Educational, Cultural and Intellectual Development**36 Higher Educational Services**5400 Office of the Chancellor*

05-5400	Student Financial Assistance	
	Administration	\$3,681,451
99-5400	Management and Administrative Services	1,247,300

Total Appropriation, Office of the Chancellor	<u>\$4,928,751</u>
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Special Purpose:

Student loan administrative cost	
deduction and allowance	(\$3,681,451)

State Aid and Grants:

Vocational education	(1,247,300)
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5500 Glassboro State College

16-5500	Student Services	\$1,683,000
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Total Appropriation, Glassboro State	
College	<u>\$1,683,000</u>

Personal Services:

Salaries and wages	(\$350,000)
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State Aid and Grants:

Basic educational opportunity grant	(1,027,000)
National direct student loan	
program	(89,000)
Educational opportunity grant	
program	(217,000)

5510 Jersey City State College

11-5510	Instruction	\$500,000
16-5510	Student Services	1,740,000

Total Appropriation, Jersey City State College	\$2,240,000
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Special Purpose:

Strengthening developing institutions programs	(\$500,000)
Basic educational opportunity grant	(1,186,000)
National direct student loan program	(40,000)
College work-study program	(450,000)
Educational opportunity grant program	(64,000)

5520 Kean College of New Jersey

16-5520	Student Services	\$1,903,000
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Total Appropriation, Kean College of New Jersey	\$1,903,000
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Special Purpose:

Basic educational opportunity grant	(\$1,600,000)
National direct student loan program	(110,000)
College work-study program	(143,000)
Educational opportunity grant program	(50,000)

5530 The William Paterson College of New Jersey

16-5530	Student Services	\$1,065,000
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Total Appropriation, The William Paterson College of New Jersey	\$1,065,000
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Special Purpose:

Supplemental education opportu- nity grant—Initial year	(\$70,000)
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Supplemental education opportunity grant—Renewal year	(65,000)
Basic educational opportunity grant	(781,000)
National direct student loan program	(30,000)
College work-study program	(119,000)

5540 Montclair State College

16-5540 Student Services	\$1,432,264
Total Appropriation, Montclair State College	\$1,432,264

Special Purpose:

Supplemental education opportunity grant—initial	(\$100,264)
Basic educational opportunity grant	(1,157,000)
College work-study program	(145,000)
Educational opportunity grant program	(30,000)

5550 Trenton State College

12-5550 Sponsored Programs and Research	\$308,856
16-5550 Student Services	854,585
Total Appropriation, Trenton State College	\$1,163,441

Special Purpose:

Comprehensive improvement	(\$308,856)
Basic educational opportunity grant	(720,000)
College work-study program	(79,000)
Educational opportunity grant program	(55,585)

5560 Ramapo College of New Jersey

16-5560 Student Services	\$645,000
Total Appropriation, Ramapo College of New Jersey	\$645,000

Special Purpose:

National direct student loan program	(\$39,000)
College work-study program	(100,000)

State Aid and Grants:

Basic educational opportunity grant	(463,000)
Educational opportunity grant program	(43,000)

5570 Richard Stockton State College

16-5570 Student Services	\$657,000
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Total Appropriation, Richard Stockton State College	\$657,000
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Special Purpose:

Basic educational opportunity grant	(\$579,000)
College work-study program	(60,000)
Educational opportunity grant program	(18,000)

Total Appropriation, Department of Higher Education	\$15,717,456
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DEPARTMENT OF HUMAN SERVICES

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

08-7700 Community Services	\$12,848,761
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Total Appropriation, Division of Mental Health and Hospitals	\$12,848,761
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Personal Services:

Salaries and wages	(\$2,958,761)
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State Aid and Grants:

Block grant mental health services ..	(9,890,000)
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7710 Greystone Park Psychiatric Hospital

10-7710 Inpatient Care and Health Services	\$19,726
Total Appropriation, Greystone Park Psychiatric Hospital	\$19,726
Materials and Supplies (\$19,726)	

7720 Trenton Psychiatric Hospital

10-7720 Inpatient Care and Health Services	\$105,525
Total Appropriation, Trenton Psychiatric Hospital	\$105,525

Personal Services:

Salaries and wages (\$105,525)

7730 Marlboro Psychiatric Hospital

10-7730 Inpatient Care and Health Services	\$21,361
Total Appropriation, Marlboro Psychiatric Hospital	\$21,361

Personal Services:

Salaries and wages (\$21,361)

7740 Ancora Psychiatric Hospital

10-7740 Inpatient Care and Health Services	\$16,572
Total Appropriation, Ancora Psychiatric Hospital	\$16,572

Personal Services:

Salaries and wages (\$16,572)

7750 Arthur Brisbane Child Treatment Center

10-7750 Inpatient Care and Health Services	\$98,496
Total Appropriation, Arthur Brisbane Child Treatment Center	\$98,496

Personal Services:

Salaries and wages (\$98,496)

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

21-7540	Health Administration Services	\$15,863,000
22-7540	General Medical Services	417,078,344
99-7540	Management and Administrative Services	11,122,114
Total Appropriation, Division of Medical Assistance and Health Services		\$444,063,458

Personal Services:

Salaries and wages	(\$8,335,236)
Employee benefits	(1,765,563)
Materials and Supplies	(69,296)
Services Other Than Personal	(1,918,696)
Maintenance and Fixed Charges	(742,308)

Special Purpose:

Administration of U.S. Department of Health and Human Services Programs (Health Administration Services)	(11,213,255)
Intermediate care facilities—Mental retardation (Health Administration Services)	(6,685)
Medical Assistance	(417,078,344)
Administration of U.S. Department of Health and Human Services Programs (Management and Administrative Services)	(2,884,754)
Compensation awards	(24,610)
Intermediate care facilities—Mental retardation (Management and Administrative Services)	(4,090)
Additions, Improvements and Equipment	(20,621)

*Educational, Cultural and Intellectual Development**32 Operation and Support of Educational Institutions**7600 Division of Mental Retardation*

01-7600	Purchased Residential Care	\$11,858,508
02-7600	Social Supervision and Consultation	4,936,904
03-7600	Adult Activities	8,468,484
04-7600	Education and Day Training	286,954
99-7600	Management and Administrative Services	3,970,453

Total Appropriation, Division of Mental Retardation	<u>\$29,521,303</u>
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Personal Services:

Salaries and wages	(\$7,988,285)
Employee benefits	(254,000)
Materials and Supplies	(238,700)
Services Other Than Personal	(125,750)
Maintenance and Fixed Charges	(798,259)

Special Purpose:

Intermediate care facilities—Mental retardation (Purchased Residential Care)	(370,000)
ESEA, Title I (Purchased Residential Care)	(5,000)
Intermediate care facilities—Mental retardation (Social Supervision and Consultation)	(700,000)
Adult activities services—Social Services Block Grant	(65,000)
Intermediate care facilities—Mental retardation (Adult Activities) ..	(200,000)
ESEA, Title I (Education and Day Training)	(2,000)
Intermediate care facilities—Mental retardation (Management Administrative Services)	(183,686)

State Aid and Grants:

Intermediate care facilities—Mental retardation (Purchased Residential Services)	(10,938,707)
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Expansion of social services	(45,000)
Intermediate care facilities—Mental retardation (Social Supervision and Consultation)	(1,753,707)
Adult activities services—Social Services Block Grant	(1,599,500)
Intermediate care facilities—Mental retardation (Adult Activities) ..	(2,440,151)
Developmental disabilities	(853,308)
Day care services	(908,750)
Additions, Improvements and Equipment	(51,500)

7610 Green Brook Regional Center

05-7610 Residential Care and Habilitation	\$1,479,275
06-7610 Health Services	537,918
98-7610 Physical Plant and Support Services ...	268,959
99-7610 Management and Administrative Services	403,439

Total Appropriation, Green Brook Regional Center	\$2,689,591
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Personal Services:

Salaries and wages (\$2,689,591)

7620 Vineland State School

05-7620 Residential Care and Habilitation	\$5,157,571
06-7620 Health Services	2,600,303
07-7620 Education and Training	68,977
99-7620 Management and Administrative Services	2,238,887

Total Appropriation, Vineland State School	\$10,065,738
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Personal Services:

Salaries and wages (\$10,065,738)

7630 North Jersey Training School at Totowa

05-7630	Residential Care and Habilitation	\$2,037,974
06-7630	Health Services	1,345,311
07-7630	Education and Training	59,641
99-7630	Management and Administrative Services	1,816,117

Total Appropriation, North Jersey Training School at Totowa	<u>\$5,259,043</u>
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Personal Services:

Salaries and wages	(\$5,259,043)
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7640 Woodbine State School

05-7640	Residential Care and Habilitation	\$4,443,253
06-7640	Health Services	748,890
07-7640	Education and Training	78,915
99-7640	Management and Administrative Services	2,095,054

Total Appropriation, Woodbine State School	<u>\$7,366,112</u>
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Personal Services:

Salaries and wages	(\$7,366,112)
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7650 New Lisbon State School

05-7650	Residential Care and Habilitation	\$5,304,834
06-7650	Health Services	1,707,899
07-7650	Education and Training	235,668
99-7650	Management and Administration	2,700,232

Total Appropriation, New Lisbon State School	<u>\$9,948,633</u>
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Personal Services:

Salaries and wages	(\$9,948,243)
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Materials and Supplies	(390)
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7660 Woodbridge State School

05-7660	Residential Care	\$6,323,254
06-7660	Health Services	716,926
07-7660	Education and Training	246,853
99-7660	Management and Administrative Services	1,353,302

Total Appropriation, Woodbridge State School	<u>\$8,640,335</u>
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Personal Services:

Salaries and wages	(\$8,580,749)
Employee benefits	(29,761)
Services Other Than Personal	(788)

Special Purpose:

Other special purpose—Deaf-Blind Training grant	(9,432)
Additions, Improvements and Equipment	(19,605)

7670 Hunterdon State School

05-7670 Residential Care and Habilitation	\$3,208,650
06-7670 Health Services	882,499
07-7670 Education and Training	185,339
99-7670 Management and Administrative Services	2,169,708
Total Appropriation, Hunterdon State School	\$6,446,196

Personal Services:

Salaries and wages	(\$6,432,576)
Materials and Supplies	(4,500)
Additions, Improvements and Equip- ment	(9,120)

7680 Edward R. Johnstone Training and Research Center

05-7680 Residential Care and Habilitation	\$19,500
07-7680 Education and Training	81,680
Total Appropriation, Edward R. Johnstone Training and Research Center	\$101,180

Personal Services:

Salaries and wages	(\$101,180)
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7690 New Jersey Neuropsychiatric Institute

05-7690	Residential Care and Habilitation	\$2,062,768
06-7690	Health Services	246,987
07-7690	Education and Training	50,166
99-7690	Management and Administrative Services	1,411,887

Total Appropriation, New Jersey Neuropsychiatric Institute	\$3,771,808
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Personal Services:

Salaries and wages (\$3,771,808)

*33 Supplemental Education and Training Programs**7560 Commission for the Blind and Visually Impaired*

11-7560	Habilitation and Rehabilitation	\$3,453,514
12-7560	Instruction and Community Programs ..	332,976
99-7560	Management and Administrative Services	774,748

Total Appropriation, Commission for the Blind and Visually Impaired	\$4,561,238
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Personal Services:

Salaries and wages (\$2,456,905)

Employee benefits (486,427)

Materials and Supplies (55,374)

Services Other Than Personal (146,039)

Maintenance and Fixed Charges (348,320)

Special Purpose:

Vocational rehabilitation purchased services (944,546)

Vocational rehabilitation direct service (59,091)

Migrant education program (454)

ESEA, Title I (8,168)

Rehabilitation Act Section 120 (19,827)

Compensation awards (1,448)

Deaf-Blind Title VI-C (533)

Additions, Improvements and Equipment (34,106)

*Economic Planning, Development and Security**53 Economic Assistance and Security**7550 Division of Public Welfare*

13-7550	Fiscal Control	\$4,555,059
14-7550	Quality Control	957,097
15-7550	Income Maintenance	86,955,887
99-7550	Management and Administrative Services	4,583,626

Total Appropriation, Division of Public Welfare	\$97,051,669
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Personal Services:

Salaries and wages	(\$6,751,836)
Employee benefits	(716,718)
Positions established from lump sum appropriation	(793,051)
Materials and Supplies	(335,079)
Services Other Than Personal	(7,394,044)
Maintenance and Fixed Charges	(1,552,299)

Special Purpose:

Fiscal Control	(59,150)
Quality Control	(39,980)
Work incentive program	(50,000)
Income Maintenance	(3,465)
Federal energy assistance program	(501,037)
Management and Administrative Services	(507,500)
Social service county welfare agencies	(21,682,919)

State Aid and Grants:

Food Stamp program (Division operations)	(1,244,000)
Work incentive program	(2,940,091)
Child support and paternity program (Division operations)	(1,200,000)
Federal energy assistance program	(51,200,000)
Additions, Improvements and Equipment	(80,500)

*55 Related Social Services Programs**7570 Division of Youth and Family Services*

16-7570	Community Family Services	\$51,126,514
17-7570	Residential Services	412,474
99-7570	Management and Administrative Services	12,171,963
Total Appropriation, Division of Youth and Family Services		\$63,710,951

Personal Services:

Salaries and wages	(\$18,205,252)
Employee benefits	(3,816,476)
Materials and Supplies	(860,587)
Services Other Than Personal	(3,239,937)
Maintenance and Fixed Charges	(5,061,174)

Special Purpose:

Administration of U. S. Department
of Health and Human Services

Programs	(694,390)
Compensation awards	(64,737)
Title I Cedar Grove	(17,616)
Title I Ewing	(19,027)
Title I Vineland	(21,476)
Title I Woodbridge	(17,616)

State Aid and Grants:

Community day care—Purchased

service	(16,645,217)
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Work incentive program—Social

services	(1,203,217)
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DYFS purchased social services ...	(8,144,791)
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Refugee resettlement program	(1,210,341)
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Title IV-B Child welfare services ..	(2,292,297)
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Title IV-B Foster care and adoption assistance	(1,000,000)
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Title IV-A Day care	(400,000)
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Medicaid payments for children in institutions	(300,000)
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Additions, Improvements and Equip-

ment	(496,800)
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*Government Direction, Management and Control**76 Management and Administration**7500 Division of Management and Budget*

99-7500	Management and Administrative Services	\$5,803,432
	Total Appropriation, Division of Management and Budget	<u>\$5,803,432</u>
	Personal Services:	
	Salaries and wages	(\$138,718)
	Special Purpose:	
	HHS Human service programs	(3,674,714)
	Intermediate care facilities—	
	Mental retardation	(1,990,000)
	Total Appropriation, Department of Human Services	<u><u>\$712,111,128</u></u>

DEPARTMENT OF LABOR

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

18-4570	Planning and Research	\$2,698,229
99-4565	Management and Administrative Services	4,685,223
	Total Appropriation, Economic Planning and Development	<u>\$7,383,452</u>
	Personal Services:	
	Salaries and wages	(\$5,168,707)
	Employee benefits	(1,147,453)
	Materials and Supplies	(98,595)
	Services Other Than Personal	(191,736)
	Maintenance and Fixed Charges	(770,161)
	Additions, Improvements and Equipment	(6,800)
	<i>52 Economic Regulation</i>	
12-4550	Enforcement of Workplace Standards	\$780,191
	Total Appropriation, Economic Regulation	<u>\$780,191</u>

Personal Services:

Salaries and wages	(\$490,560)
Employee benefits	(82,050)
Materials and Supplies	(91,000)
Services Other Than Personal	(48,825)
Maintenance and Fixed Charges	(37,696)

Special Purpose:

OSHA on-site consultation	(19,000)
Additions, Improvements and Equip- ment	(11,060)

53 Economic Assistance and Security

01-4510 Unemployment Insurance	\$36,713,679
02-4515 Disability Determination	21,667,744
Total Appropriation, Economic Assistance and Security	\$58,381,423

Personal Services:

Salaries and wages	(\$33,690,521)
Employee benefits	(7,265,428)
Materials and Supplies	(824,859)
Services Other Than Personal	(2,504,161)
Maintenance and Fixed Charges	(4,985,405)

Special Purpose:

Old age and survivors' insurance— Disability determination	(1,596,651)
Compensation awards	(12,000)
Other special purpose (Disability determination)	(305,587)

State Aid and Grants:

Old age and survivors' insurance— Disability determination	(7,093,980)
Additions, Improvements and Equip- ment	(102,831)

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation	\$19,964,080
09-4545 Employment Services	9,761,310
10-4545 Employment Development Services	10,868,033
Total Appropriation, Manpower and Em- ployment Services	\$40,593,423

Personal Services:

Salaries and wages	(\$17,081,361)
Employee benefits	(3,563,427)
Materials and Supplies	(171,885)
Services Other Than Personal	(1,204,466)
Maintenance and Fixed Charges	(1,575,411)

Special Purpose:

Independent living program	(200,000)
Vocational rehabilitation services—	
Federal	(9,895,248)
Vocational rehabilitation services—	
Disability insurance beneficiaries	(375,000)
CETA SETC—Staff	(78,193)
CETA Title II-B Balance of State	(789,992)
Job Corps Program	(5,880)

State Aid and Grants:

Work activity centers	(460,366)
CETA State employment training	
council—Staff	(3,357,654)
CETA Title IV-C—Special summer	
youth	(416,254)
CETA Title II-B—Balance of State	(636,053)
CETA 5% Youth discretionary	
Federal	(230,245)
CETA Title VII Private sector	
initiative program	(291,767)
CETA Title I Administration	(189,586)

Additions, Improvements and Equip-	
ment	(70,635)

Total Appropriation, Department of Labor . \$107,138,489

DEPARTMENT OF LAW AND PUBLIC SAFETY

*Public Safety and Criminal Justice**11 Vehicular Safety*

03-1110 Driver Control	<u>\$840,927</u>
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Total Appropriation, Vehicular Safety

\$840,927

State Aid and Grants:

Highway safety program—local ac-	
counts	(\$840,927)

12 Law Enforcement

06-1200	Patrol Activities and Crime Control	\$800,800
08-1020	Emergency Services	1,291,900
09-1020	Criminal Justice	1,499,000

Total Appropriation, Law Enforcement	\$3,591,700
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Special Purpose:

Additional enforcement of ABC regulations prohibiting serving of intoxicated patrons	(\$200,000)
Supplemental patrol traffic accident reduction	(600,800)
Emergency management assistance program	(1,291,900)
Medicaid fraud unit	(1,499,000)

13 Special Law Enforcement Activities

18-1430	Law Enforcement Planning	\$1,140,000
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Total Appropriation, Special Law Enforcement Activities	\$1,140,000
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State Aid and Grants:

SLEPA Juvenile justice administration and grants	(\$1,140,000)
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*Special Government Services**82 Protection of Citizens' Rights*

16-1350	Protection of Civil Rights	\$236,250
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Total Appropriation, Protection of Citizens' Rights	\$236,250
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Special Purpose:

New charge resolution project (	\$236,250)
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Total Appropriation, Department of Law and Public Safety	\$5,808,877
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DEPARTMENT OF TRANSPORTATION

*Transportation Services**61 State Highway Facilities*

07-6110	Electrical and Traffic Operations	\$635,400
10-6200	Federal Aid Interstate Highway Projects	105,000,000
71-6200	Transportation Construction Engineering	24,600,000

Total Appropriation, State Highway Facilities	\$130,235,400
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Special Purpose:

Federal payroll control	(\$635,400)
Interstate highway projects	(99,000,000)
Interstate resurfacing	(6,000,000)
Federal payroll—salaries	(24,600,000)

62 Public Transportation

04-6050	Railroad and Bus Operations	\$1,330,000
05-6070	Aeronautics	3,700,000

Total Appropriation, Public Transportation .	\$5,030,000
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Special Purpose:

Erie-Lackawanna rehabilitation ...	(\$810,000)
New York and Long Branch rehabilitation	(520,000)
Airport fund	(3,700,000)

63 Local Highway Facilities

20-6220	Federal Aid Urban System Highway Projects	\$24,000,000
30-6220	Federal Aid Rural Highway Projects	3,750,000
40-6220	Federal Aid Bridge and Highway Safety Projects	10,850,000

Total Appropriation, Local Highway Facilities	\$38,600,000
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Special Purpose:

Urban systems	(\$24,000,000)
Rural secondary highway projects ..	(3,750,000)
Hazard elimination program	(3,150,000)
Special bridge replacement program	(5,000,000)
Rail highway crossing off systems elimination of hazards	(2,700,000)

64 Planning and General Management Support

02-6030 Planning	\$4,722,862
03-6040 Research and Demonstration	1,098,450
99-6000 Management and Administrative Services	271,650
Total Appropriation, Planning and General Management Support	\$6,092,962

Personal Services:

Salaries and wages	(\$1,098,450)
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Special Purpose:

Metropolitan planning studies	(1,322,862)
Updating statistical file for records system—control	(200,000)
Highway planning and research ...	(2,400,000)
Rail service continuation grant	(250,000)
Statewide public transportation planning	(550,000)
Federal payroll control	(271,650)

Total Appropriation, Department of Trans- portation	\$179,958,362

THE JUDICIARY

*Public Safety and Criminal Justice**15 Judicial Services*

07-9740 General Support Services	\$438,000
Total Appropriation, Judicial Services	\$438,000

State Aid and Grants:

Child support and paternity program—Title IV-D	\$438,000
Total Appropriation, The Judiciary	\$438,000
Total Appropriation, Federal Funds	\$1,144,908,375

In addition to the amounts hereinabove appropriated, there are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: pass-through grants to political subdivisions of the State under which the State has no discretion in the use or distribution of the funds and for which no State matching funds are required; grants to the State colleges for research or other scholarly activity; and all other grants of \$200,000 or less.

All federal funds appropriated in this section may be accounted for in accordance with receivable accounting procedures as may be determined by the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1982 of federal funds are appropriated for the same purposes.

Total Appropriation, General Fund	\$5,679,510,347*
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PROPERTY TAX RELIEF FUND

DIRECT STATE SERVICES

DEPARTMENT OF THE TREASURY

*Government Direction, Management and Control**73 Financial Administration*

15-2080 Processing and Administration	\$16,390,127
Total Appropriation, Financial Administration	\$16,390,127

Special Purpose:

Administrative costs of the collection of the Gross Income Tax ... (\$12,262,825)
 Administrative costs of paying homestead exemptions (4,127,302)

The amount hereinabove is hereby appropriated from the Property Tax Relief Fund.

In addition to the amount hereinabove, there are appropriated additional sums as may be required for collection of the Gross Income Tax and the administration of the Homestead Rebate Act, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of the Treasury	\$16,390,127
Total Appropriation, Direct State Services .	\$16,390,127

STATE AID

DEPARTMENT OF EDUCATION

*Educational, Cultural and Intellectual Development**31 Direct Educational Services and Assistance*

01-5120	General Formula Aid	\$850,088,167
05-5120	Bilingual Education Programs	13,383,987
06-5120	Compensatory Education Programs	80,053,235
07-5120	Special Education Programs	165,771,909

Total Appropriation, Direct Educational Services and Assistance	\$1,109,297,298
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State Aid:

Current expense equalization aid.. (\$850,088,167)
 Bilingual education aid (13,383,987)
 Compensatory education aid (80,053,235)
 Special education aid (165,771,909)

Total Appropriation, Department of Education	\$1,109,297,298
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Notwithstanding any other law to the contrary, the Commissioner of Education shall establish the guaranteed valuation per pupil and the minimum aid guaranteed valuation per pupil at a level required to distribute, without proration, the amounts hereinabove appropriated for Current Expense Equalization Aid, Minimum Aid and School Building Aid, less such amounts as are reserved to fund County Special Services School Districts and adjustments due to tax appeals and other factors; provided, however, that districts shall receive aid pursuant to subsection b. of N.J.S. 18A:7A-18 and paragraph 2 of N.J.S. 18A:7A-24 only if they meet any two of the following three criteria for the prebudget year:

1. A district equalized valuation per pupil of less than \$220,276.00;
2. A net current expense budget per pupil of less than \$3,324.00;
3. A resident enrollment greater than 969 pupils.

The amount hereinabove is appropriated from the Property Tax Relief Fund.

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

75 State Subsidies and Financial Aid

32-2071	Revenue Sharing	\$50,000,000
33-2076	Homestead Rebates	271,600,000
34-2078	Reimbursement—Senior/Disabled Citizens' and Veterans' Property Tax Exemptions	37,675,000
Total Appropriation, State Subsidies and Financial Aid		\$359,275,000

State Aid:

Distribution of revenue sharing
funds to qualifying municipalities (\$50,000,000)
Payments to homeowners for home-
stead rebates (271,600,000)
State reimbursement to municipali-
ties for senior/disabled citizens'
and veterans' property tax exemp-
tions (37,675,000)

The amount hereinabove is appropriated from the
Property Tax Relief Fund.

In addition to the amount hereinabove, there are
appropriated from the Property Tax Relief Fund
such additional sums as may be required for State
reimbursement to municipalities for the senior/
disabled citizens' and veterans' property tax ex-
emptions and for additional payments to home-
owners qualifying for homestead rebates.

Notwithstanding the provisions of C54A:10-4, the
amount of revenue sharing paid by the State to
municipalities for the calendar year 1982 shall be
the same amount which was paid during calendar
year 1981.

The unexpended balance as of June 30, 1982 not to
exceed \$1,400,000 in the Homestead Exemptions
program is appropriated.

Total Appropriation, Department of the Treasury	\$359,275,000
Total Appropriation, State Aid	\$1,468,572,298
Total Appropriation, Property Tax Relief Fund	\$1,484,962,425

Any appropriation or part thereof made from the
Property Tax Relief Fund may be transferred
and recorded as an appropriation from the Gen-
eral Fund, as deemed necessary by the State
Treasurer, and with the approval of the Subcom-
mittee on Transfers of the Joint Appropriations

Committee, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

CASINO CONTROL FUND

DEPARTMENT OF LAW AND PUBLIC SAFETY

*Public Safety and Criminal Justice**13 Special Law Enforcement Activities*

30-1460 Gaming Enforcement	\$21,134,583
Total Appropriation, Special Law Enforcement Activities	<u>\$21,134,583</u>

Personal Services:

Salaries and wages	(\$10,419,484)
Cash in lieu of maintenance	(495,000)
Employee benefits	(3,151,097)
Materials and Supplies	(1,012,580)
Services Other Than Personal	(4,198,461)
Maintenance and Fixed Charges	(1,062,394)

Special Purpose:

Compensation awards	(1,000)
Indirect costs	(684,247)

Additions, Improvements and

Equipment	(110,320)
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The amount hereinabove for Gaming Enforcement is appropriated from the Casino Control Fund.

In addition to the amount hereinabove for Gaming Enforcement, there are appropriated from the Casino Control Fund, such additional sums as may be required for the operation of the Division of Gaming Enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Law and Public Safety	<u><u>\$21,134,583</u></u>
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DEPARTMENT OF THE TREASURY

*Government Direction, Management and Control**73 Financial Administration*

25-2095	Administration of Casino Gambling	\$14,339,445
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Total Appropriation, Financial Administration	\$14,339,445
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Personal Services:

Chairman	(	\$65,000)
Commission members (4 @ \$60,000) (		240,000)
Salaries and wages	(	9,003,750)
Employee benefits	(	1,862,764)
Materials and Supplies	(	329,500)
Services Other Than Personal	(	1,399,086)
Maintenance and Fixed Charges	(	907,845)

Special Purpose:

Indirect costs	(	480,000)
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Additions, Improvements and

Equipment	(	51,500)
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The amount hereinabove for Administration of Casino Gambling is appropriated from the Casino Control Fund.

In addition to the amount hereinabove for Administration of Casino Gambling, there are appropriated from the Casino Control Fund such additional sums as may be required for Administration of Casino Gambling, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of the Treasury	\$14,339,445
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Total Appropriation, Casino Control Fund	\$35,474,028
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CASINO REVENUE FUND
DIRECT STATE SERVICES
DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health

24 Special Health Services

24-7540 Pharmaceutical Assistance to the Aged and Disabled	\$19,500,000
Total Appropriation, Special Health Services	\$19,500,000

Special Purpose:

Administration of pharmaceutical
assistance to the aged and dis-
abled (\$1,500,000)

Grants:

Pharmaceutical assistance to the
aged and disabled—claims (18,000,000)

The amount hereinabove is appropriated from the
Casino Revenue Fund.

In addition to the amount hereinabove, there are
appropriated from the Casino Revenue Fund such
additional sums as may be required for claims.

53 Economic Assistance and Security

Economic Planning, Development and Security

28-7540 Lifeline Programs	\$64,293,810
Total Appropriation, Economic Assistance and Security	\$64,293,810

Personal Services:

Salaries and wages (\$1,272,667)
Positions established from a lump
sum appropriation (108,378)
Employee benefits (135,170)
Materials and Supplies (134,808)
Services Other Than Personal (1,042,516)
Maintenance and Fixed Charges (266,420)

Special Purpose:

Administration of lifeline credit
program(600,000)

Grants:

Payments for lifeline credits(42,070,000)
Payments for tenants' lifeline
assistance(18,655,000)

Additions, Improvements and Equip-

ment(8,851)

The amount hereinabove is appropriated from the
Casino Revenue Fund.

In addition to the amount hereinabove, there are
appropriated from the Casino Revenue Fund
such additional sums as may be required for pay-
ments to persons qualifying for Lifeline Programs.

Total Appropriation, Department of Human
Services \$83,793,810

Total Appropriation, Direct State Services—
Casino Revenue Fund \$83,793,810*

STATE AID

DEPARTMENT OF THE TREASURY

*Government Direction, Management and Control**75 State Subsidies and Financial Aid*

33-2076 Homestead Rebates \$17,000,000

34-2076 Reimbursement—Senior and Disabled
Citizens' Tax Exemptions \$25,825,000

Total Appropriation, State Subsidies and
Financial Aid \$42,825,000

State Aid:

Payments to senior citizens or dis-
abled homeowners for the added
rebate of \$50 permitted under the
Homestead rebate program(17,000,000)

Reimbursement to municipalities for
senior citizens' and disabled citi-
zens' property tax exemption. . . (25,825,000)

The amount hereinabove is appropriated from the
Casino Revenue Fund.

In addition to the amount hereinabove, there are
appropriated from the Casino Revenue Fund
such additional sums as may be required for pay-
ments to senior citizens or disabled homeowners,
or reimbursements to municipalities qualifying
for such payments or reimbursements.

Total Appropriation, Department of the Treasury	\$42,825,000
Total Appropriation, State Aid- Casino Revenue Fund	\$42,825,000
Total Appropriation, Casino Revenue Fund	\$126,618,810*
Grand Total Appropriation, All Funds	\$7,326,565,610*

2. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget Officer, private contributions, revolving funds and dedicated funds received or receivable for the use of the State or its agencies in excess of those anticipated, unless otherwise provided herein, and the unexpended balances as of June 30, 1982 of such funds.

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenue; sums received representing insurance to cover losses by fire and other casualties and the unexpended balance as of June 30, 1982 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; sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

4. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, sums required to satisfy receivables previously established from which non-reimbursable costs and ineligible expenditures have been incurred.

5. There is appropriated, subject to allotment by the Director of the Division of Budget and Accounting, from the Federal or other non-State share of any recoveries of retroactive claims an amount not to exceed the cost of services necessary to document and support retroactive claims.

6. The unexpended balances as of June 30, 1982 in the accounts of the several departments and agencies heretofore appropriated or established in the category of Additions, Improvements, and Equipment, where such unexpended balances exceed \$300.00, are appropriated; provided, however, that an amount not to exceed \$4 million shall be lapsed to the General Fund as shall be determined by the Director of the Division of Budget and Accounting.

7. Unless otherwise provided, balances remaining as of June 30, 1982 in accounts of appropriations enacted subsequent to April 1, 1982 are hereby appropriated.

8. 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; provided that such transfer is not between a State Aid account and either a Direct State Services 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. If the Director of the Division of Budget and Accounting shall consent thereto, he shall place the amount transferred to the credit of the item designated and notify the Legislative Budget Officer upon the effective date thereof. Cumulative transfers in excess of \$200,000 from or to 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 10 working days. Except as otherwise provided, no sum appropriated for any capital improvement shall be used for maintenance or for any temporary purpose except extraordinary snow removal and

extraordinary transportation maintenance. However, 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 a spending authority of an agency of the Legislature, 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.

9. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and he is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget Officer upon the effective date thereof. 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.

10. The Director of the Division of Budget and Accounting is empowered and it shall be his duty in the disbursement of funds for payment of expenses classified as employee benefits, debt service, rent, telephone, motor pool, 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 Budget and Accounting shall determine. Receipts in any non-State fund are appropriated for the purpose of such transfer.

New Jersey State Library

11. 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.

12. 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.

13. The Governor is empowered to direct the State Treasurer to transfer from any State department to any other State department such sums as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage, disaster, or for flood loss expenses for State owned structures to comply with Federal insurance administration requirements.

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

15. The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Microfilm Section from any appropriation made to any department for microfilming costs which had been appropriated or allocated to such department for its share of costs of the Microfilm Section within the State Library.

16. Upon request of any department receiving non-State funds, the Director of the Division of Budget and Accounting is empowered to transfer such funds from that department to other departments as may be charged with the responsibility for the expenditure thereof.

17. From appropriations to the various departments of State government, the Director of the Division of Budget and Accounting is empowered to transfer sums sufficient to pay any obligation due and owing in any other department or agency.

18. Notwithstanding the provision of any other law, the State Treasurer may transfer from any fund in his custody, deposited with him pursuant to law, sufficient sums to enable payments from any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds whose statutes provide for interest earnings to accrue to the fund, all such transfers shall be without interest. When the statute provides for interest earnings it shall be calculated at the average rate of earnings during the fiscal year from the State's general investments.

19. There is 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 Revenue, Finance and 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 Appropriations Committee.

20. If pursuant to this act, the Legislative Budget Officer should withhold his approval from any transfer, the Subcommittee on Transfers of the Joint Appropriations Committee is empowered to review such transfer, and may direct that said Legislative Budget Officer approve it.

21. The total appropriation which is subject to the provision of the "State Expenditures Limitation Act," P. L. 1976, c. 67 (C. 52:9H-5 et seq.) is authorized to exceed the limitation provided therein by an amount equal to any reduction in the federal funds received for any program.

22. 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.

23. Notwithstanding the provision of C. 52:34-6, sums appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Marine Sciences Consortium and New Jersey Education Computer Network (NJEEN) as if they were State governing agencies (C. 52:34-10(a)).

24. The Director of the Division of Budget and Accounting may settle any claim not exceeding \$100.00 due and owing to the State.

25. Notwithstanding any other provisions of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding \$500.00 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. The Legislative Budget Officer shall be notified of the amount and description of any such claim at the time such payment is made. Any claimant who has presented a claim not exceeding \$500.00, 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.

26. Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered and/or services rendered in prior fiscal years upon the written recommendations of any department head, or his designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which he deems improper.

27. Any unexpended balance as of June 30, 1982, not exceeding \$100.00, in the several federal, dedicated, other non-State, and revolving funds where there has been no activity in the account during the preceding 12 months shall be transferred to a suspense account for a period not to exceed 3 years; provided, however, that such sums as may be required for refunds are appropriated. Any unclaimed or unexpended balances remaining after 3 years shall be lapsed to the credit of the General Fund as determined by the Director of the Division of Budget and Accounting.

28. The Director of the Division of Budget and Accounting may, upon application therefor, allot from appropriations made to any official, department, commission or board, a sum to establish a petty cash fund for the payment of expenses under rules and

regulations established by said Director. Allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefor, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefor from all persons obtaining money from said fund. Such receipts shall be forwarded monthly by such custodian to the Director of the Division of Budget and Accounting for audit, and said Director shall likewise make regulations governing disbursement from petty cash funds.

29. The Director, Division of Budget and Accounting, shall provide the Legislative Budget Officer with copies of all BB-4s, Application for Non-State Funds, with the exception of research grants awarded to State colleges which do not require a State match and which will not commit or require State support after the grant's expiration, prior to the Director's approval or disapproval of the application. The Legislative Budget Officer shall review and respond within 5 working days. If the Legislative Budget Officer does not respond within 5 working days, the director shall take such action as he deems appropriate with respect to the application.

30. The appropriate Executive Agencies shall prepare and submit to the Joint Appropriations Committee reports on the intended use of block grant funds, established by the federal government, at least 120 days prior to the reports' effective dates. Such reports shall account for all funds to be expended on behalf of block grant programs, shall provide an accounting of block grant expenditure by source in the prior fiscal year, and provide such additional data as may be necessary to facilitate public comment.

31. In establishing federal receivables each agency shall indicate the amount anticipated for each federal program under its jurisdiction. On December 1, 1982, March 1, 1983 and June 1, 1983, each agency shall report to the Director, Division of Budget and Accounting, and the Legislative Budget Officer the amount of federal funds each agency received in the previous quarter by individual federal program.

32. 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 are appropriated.

33. There shall be constituted a Subcommittee on Personnel of the Joint Appropriations Committee, appointed by its Chairman, which shall consist of a Subcommittee Chairman from the majority members of the Assembly Committee on Revenue, Finance and Appropriations, and four other members, two from each political party, from the members of the Joint Appropriations Committee.

42. No federal funds received or receivable shall be expended except as specifically provided for in this act.

43. State agencies using National Guard armory space shall reimburse the Department of Defense for any additional operating and maintenance costs resulting from this use.

44. The Director of the Division of Budget and Accounting shall determine the amount of reduction in State costs in FY 1983, if any, that results from the increased use of armories by State agencies. The director shall allocate these savings to the Department of Defense for the purpose of carrying out armory improvements which may lead to additional armory use by State agencies.

45. The Subcommittee on Revenues of the Joint Appropriations Committee shall report at least quarterly to the Legislature through the Joint Appropriations Committee on the status of revenues. The Department of the Treasury and the Office of Legislative Services shall provide such timely and detailed information and such staff services as may be requested by the Subcommittee.

46. In all cases where, by the provisions of this act, a request for transfer or allotment of any funds, or any other action, requires approval of the Legislative Budget Officer, the request shall be deemed to be approved by the Legislative Budget Officer, if, within 10 working days of the physical receipt of the request, the Legislative Budget Officer does not disapprove the request and so inform the requesting officer.

48. The Legislative Budget Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is hereby directed and empowered to cause this act to be printed in bill form, including such addenda as may be attached, subject to the approval of the Chairman of the Joint Appropriations Committee, and is empowered to make such corrections before printing as are necessary to make the appropriations herein available in accordance with legislative intent.

49. This act shall take effect July 1, 1982.

Approved June 30, 1982.

STATEMENT TO SENATE BILL No. 1600

I am today reluctantly adding my signature to Senate Bill No. 1600 along with certain constitutionally permitted modifications set forth in the statement appended thereto. This 1982-83 State Budget does not meet the needs of our State and I cannot pretend it does.

This administration came into office faced with a shortfall of approximately \$750 million which soon grew to \$850 million. The Legislature then added almost \$100 million in new spending.

Initially we instituted budget cuts and personnel reductions of almost \$530 million. Nevertheless, I presented a budget which addressed our crumbling transportation network, provided funds to meet our prison crisis, computerized antiquated departments in State government and created a new emphasis on jobs and economic development. The Senate has seen fit to ignore these priorities. They will not go away. They must simply be faced at a future date when they will be more severe and their resolution more expensive.

In addition, I must question the removal of funds to pay our legal obligations, our telephone bills, and our Social Security payments. This budget jeopardizes our very ability to deliver essential services to the public.

I seriously considered vetoing the entire budget, but resolved that this course would not be prudent and that the resulting fiscal crisis would severely damage the State.

Instead I have employed my line item veto authority to bring the budget into balance and create an adequate surplus. I invite the Legislature to pass a supplemental appropriation which provides for the State's needs. To do this the Legislature must face decisions which they have so far been unwilling to face.

But we must not give up. I stand ready to move ahead. New Jersey deserves no less.

Revenue Certification

In accordance with the provision of the State Constitution, I hereby certify that the following resources are available to support appropriations made therefrom of \$4,534,601,972 from the General Fund for the fiscal year ending June 30, 1983 in lieu of those resources listed in Senate Bill No. 1600.

General Fund

Estimated undesignated fund balance July 1, 1982 . .	\$66,097,822
Major Taxes:	
Sales	\$1,423,000,000
Cigarette Tax Increase	36,000,000
Alcoholic Beverage Wholesale Sales	84,000,000
Motor Fuels	284,000,000
Motor Vehicle Fees	265,411,000
Cigarette	175,000,000
Transfer Inheritance	134,000,000
Insurance Premiums	98,000,000
All Other Major Taxes Same as Senate Bill No. 1600	1,156,000,000
Total Major Taxes	<u>\$3,655,411,000</u>
Miscellaneous Taxes, Fees, Revenues:	
Public Utility Taxes—1982 Local Retention	\$35,603,594
Public Utility Taxes—1983 Local Retention	44,400,000
All other Miscellaneous Taxes, Fees, etc.	
Same as Senate Bill No. 1600	443,696,778
Total Miscellaneous Taxes, Fees, Revenues	<u>\$523,700,372</u>
Interfund Transfers:	
Same as Senate Bill No. 1600	\$334,799,901
Total General Fund Revenues	<u>\$4,513,911,273</u>
Plus: Repayment from Gubernatorial Elections Fund	1,700,000
Total General Fund Resources	<u><u>\$4,581,691,095</u></u>

I further certify that the following resources are available to support appropriations of \$1,484,962,425 from the Property Tax Relief Fund for the fiscal year ending June 30, 1983 in lieu of those resources listed in Senate Bill No. 1600.

Property Tax Relief Fund

Estimated undesignated fund balance July 1, 1982 .	\$47,950,825
Gross Income Tax	
Same as Senate Bill No. 1600	1,446,000,000
Total Property Tax Relief Fund Resources	<u><u>\$1,493,950,825</u></u>

I further certify that the resources listed in Senate Bill No. 1600 for the Casino Control Fund and the Casino Revenue Fund will be available to support appropriations from those funds.

Federal Funds

Due to uncertainty over the amount of federal aid which may be available to the State in FY 1983, I am unable to make a like certification in the case of federal funds. Accordingly, the disposition of federal monies specified in the appropriation bill cannot be regarded as immediately effective. Pursuant to section 17 of P. L. 1944, c. 112 (C. 52:27B-26), I direct that expenditures be permitted under these appropriations only upon determination by the Director of the Division of Budget and Accounting that federal monies to support any expenditure are receivable or have been received by the State. In addition, I have deleted that language concerning expenditure of federal monies on page 5D—line 167A through page 5E—line 218. It is largely redundant in light of the allocations contained in the federal funds section of the bill. Moreover, inasmuch as it stands before the enacting clause of the bill, it is technically inoperative. The language deleted on pages 5D and 5E is as follows:

On Page 5D:

Lines 167A-178, "Of the funds received by the Department of Education pursuant to Title I of the Elementary and Secondary Education Act, the Department of Corrections shall receive \$685,354, the Department of Human Services shall receive \$2,534,632 and the Department of Labor shall receive \$310,000 to support education programs.

"Of the funds received by the Department of Education for Adult Basic Education programs, the Department of Corrections shall receive \$48,720 to support adult basic education activities.

"Of the funds received by the Department of Education for Vocational Education—Basic Grants, the Department of Higher Education shall receive \$1,247,300 to support vocational education programs."

The quoted language is deleted in its entirety.

On Page 5E:

Lines 179-218, "Of the funds received by the Department of Health pursuant to the Alcohol, Drug Abuse and Mental Health Block Grant, the Department of Human Services shall receive \$9,890,000 to support community mental health programs.

“Of the funds received by the Department of Human Services for Refugee Resettlement activities, an amount not to exceed \$357,540 shall be made available to the Department of Education for Indo-chinese Refugee Purchase Plan activities.

“Of the funds received by the Department of Human Services pursuant to the Social Services Block Grant, the Department of Community Affairs shall receive \$1,420,346 for the purchase of legal services, the Department of Corrections shall receive \$266,521 for juvenile services, the Department of Health shall receive \$2,690,818 for alcohol abuse and family planning activities, and the Department of Labor shall receive \$460,360 for work activity centers.

“Of the funds received by the Department of Human Services pursuant to the Low Income Energy Assistance Block Grant, the Department of Community Affairs shall receive \$4,900,000 for energy crisis intervention and weatherization programs and the Department of Health shall receive \$680,000 to support maternal and child health activities.

“Of the funds received by the Department of Human Services pursuant to Title IV-D of the Social Security Act, an amount not to exceed \$438,000 shall be made available to the Judiciary for child support and paternity program activities.

“Of the funds received by the Department of Human Services pursuant to Title IV-C of the Social Security Act, an amount not to exceed \$350,000 shall be made available to the Department of Civil Service to support WIN Training activities.

“Of the funds received by the Department of Labor pursuant to the Comprehensive Employment and Training Act, an amount not to exceed \$169,924 shall be made available to the Department of Corrections for juvenile employment assistance activities and \$4,064,142 shall be made available to the Department of Education for employment related projects.

“Of the funds received by the Department of Law and Public Safety for Federal Highway Safety, an amount not to exceed \$340,000 shall be made available to the Department of Health for Emergency Medical Services—Infant Restraint Project.”

The quoted language is deleted in its entirety.

Pursuant to Article V, Section 1, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 1600 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”**“Legislative Commissions”*

On Page 10:

Lines 1-2, “09-0039 County and Municipal Government Study Commission \$150,000”

This item is deleted in its entirety.

On Page 10:

Lines 3-4, “Total Appropriation, County and Municipal Government Study Commission 150,000”

This item is deleted in its entirety.

On Page 10:

Line 6, “Expenses of Commission (150,000)”

This item is deleted in its entirety.

On Page 10:

Lines 7-8, “The unexpended balance as of June 30, 1982 in this account is appropriated.”

The quoted language is deleted in its entirety.

On Page 10:

Lines 9-10, “Commission on Economy, Efficiency and Productivity in Government 250,000”

This item is deleted in its entirety.

On Page 10:

Lines 11-12, “Study Commission on Proposed Sale of State Land 35,000”

This item is deleted in its entirety.

On Page 10:

Lines 1-2, “Total Appropriation, Legislative Commissions 2,311,797”

This item is reduced to \$1,876,797.

On Page 10:

Line 3, “Total Appropriation, Legislative Branch 20,080,464”

This item is reduced to \$19,645,464.

*“Executive Branch”**“Department of Agriculture”*

On Page 11A:

Line 3, “03-3330 Resource Development Services 935,861”
This item is reduced to \$770,861.

On Page 11A:

Lines 4-5, “Total Appropriation, Natural
Resource Management 2,950,409”
This item is reduced to \$2,785,409.

On Page 11A:

Line 7, “Salaries and wages (2,122,398)”
This item is reduced to \$2,031,398.

On Page 11A:

Line 7A, “New positions (21,000)”
This item is deleted in its entirety.

On Page 11A:

Line 15, “Soil survey program (44,000)”
This item is deleted in its entirety.

On Page 11A:

Line 16, “Grants to soil conservation districts . . . (140,440)”
This item is reduced to \$131,440.

On Page 13:

Lines 15-16, “Total Appropriation, Department of
Agriculture 5,818,495”
This item is reduced to \$5,653,495.

“Department of Community Affairs”

On Page 19:

Line 1, “05-8050 Human Resources 770,174”
This item is reduced to \$760,174.

On Page 19:

Lines 3-4, “Total Appropriation, Related Social
Services Programs 2,158,505”
This item is reduced to \$2,148,505.

On Page 19:

Line 18A, “Youth and government program (10,000)”
This item is deleted in its entirety.

On Page 19A:

Lines 16-17, "Total Appropriation, Department of
Community Affairs 12,281,483"
This item is reduced to \$12,271,483.

"Department of Corrections"

On Page 26:

Line 2, "04-7010 Community Programs 2,996,099"
This item is reduced to \$2,796,099.

On Page 26:

Lines 3-4, "Total Appropriation, Office of Parole
and Community Programs 8,458,557"
This item is reduced to \$8,258,557.

On Page 27:

Line 32, "Camden Juvenile Resource Center (200,000)"
This item is deleted in its entirety.

On Page 28:

Line 1, "01-7000 Planning Management and
General Support 1,797,651"
This item is reduced to \$1,747,651.

On Page 28:

Line 3, "02-7000 Program Operations Support ... 18,510,926"
This item is reduced to \$18,340,980.

On Page 28:

Lines 6-7, "Total Appropriation, Central
Planning, Direction and Management 25,099,850"
This item is reduced to \$24,879,904.

On Page 29:

Lines 37A-37B, "Hispanic Social Services (Title
XX) (151,380)"
This item is reduced to \$78,434.

On Page 29:

Lines 43-44, "Transportation assistance for
inmates' families' visitations (195,000)"
This item is reduced to \$145,000.

On Page 29:

Line 45A, "Theatre without bars (97,000)"
This item is deleted in its entirety.

On Page 29:

Lines 60-61, "Total Appropriation, Department
of Corrections 160,806,020"

This item is reduced to \$160,386,074.

"Department of Education"

On Page 31:

Line 2, "12-5011 Marie H. Katzenbach School for
the Deaf 6,946,953"

This item is reduced to \$6,846,953.

On Page 31:

Lines 5-6, "Total Appropriation, Operation and
and Support of Educational Institutions 9,222,511"

This item is reduced to \$9,122,511.

On Page 32:

Lines 8A-8B, "Positions established in lieu of
appropriated revenue (518,758)"

This item is reduced to \$418,758.

On Page 34:

Line 1, "40-5050 Research, Planning and
Evaluation 1,931,983"

This item is reduced to \$1,642,983.

On Page 34:

Lines 5-6, "Total Appropriation, Education
Administration and Management 4,512,475"

This item is reduced to \$4,223,475.

On Page 34:

Lines 15A-15B, "Statewide academic skills
assessment (289,000)"

This item is deleted in its entirety.

On Page 34A:

Line 4, "54-5085 Support of the Arts 3,738,558"

This item is reduced to \$3,709,558.

On Page 34A:

Lines 5-6, "Total Appropriation, Cultural and
Intellectual Development Services 9,292,680"

This item is reduced to \$9,263,680.

On Page 35:

Line 21, "New Jersey School of the Arts (89,000)"

This item is reduced to \$60,000.

On Page 35:

Lines 30-31, "Total Appropriation, Department of
Education 33,342,428"

This item is reduced to \$32,924,428.

"Department of Energy"

On Page 36:

Line 1, "05-4030 Energy Resource Management . . . 1,811,652"

This item is reduced to \$1,661,652.

On Page 36:

Lines 3-4, "Total Appropriation, Natural
Resource Management 2,218,681"

This item is reduced to \$2,068,681.

On Page 37:

Lines 15A-15B, "Alternate Energy Demonstration
Projects (150,000)"

This item is deleted in its entirety.

On Page 37:

Line 25, "Total Appropriation, Department of
Energy 13,990,431"

This item is reduced to \$13,840,431.

"Department of Environmental Protection"

On Page 43:

Line 2, "12-4875 Parks Management 13,221,485"

This item is reduced to \$13,205,185.

On Page 43:

Lines 4-5, "Total Appropriation, Recreational
Resource Management 14,278,710"

This item is reduced to \$14,262,410.

On Page 44:

Lines 12-13, "Maintenance Old Barracks,
Trenton (State share) (141,300)"

This item is reduced to \$125,000.

On Page 46:

Lines 28-29, "Total Appropriation, Department of
Environmental Protection 47,424,942"

This item is reduced to \$47,408,642.

"Department of Health"

On Page 46:

Line 1, "02-4220 Community Health Services 5,612,483"
This item is reduced to \$5,312,483.

On Page 46:

Line 4, "05-4250 Alcoholism Control 1,871,340"
This item is reduced to \$1,744,340.

On Page 46:

Line 7, "Total Appropriation, Health Services . . . 21,272,941"
This item is reduced to \$20,845,941.

On Page 46:

Line 34A, "Family Planning Title X (34,000)"
This item is deleted in its entirety.

On Page 46:

Line 34B, "Family Planning MCH Block Grant . . (33,000)"
This item is deleted in its entirety.

On Page 46:

Line 34C-34D, "Family Planning Social Services
Block Grant (33,000)"
This item is deleted in its entirety.

On Page 46:

Line 34E, "Level 3 Perinatal Centers (200,000)"
This item is deleted in its entirety.

On Page 46:

Line 34G, "Somerset County Council on
Alcoholism (127,000)"
This item is deleted in its entirety.

On Page 47A:

Lines 2-3, "07-4270 Health Planning and Resource
Development 2,506,788"
This item is reduced to \$2,431,788.

On Page 47A:

Lines 4-5, "Total Appropriation, Health
Planning and Evaluation 3,824,243"
This item is reduced to \$3,749,243.

On Page 48:

Line 16A, "Health service migrant workers (75,000)"
This item is deleted in its entirety.

On Page 48:

Line 3, "99-4210 Management and Administrative
Services 3,807,500"

This item is reduced to \$3,757,500.

On Page 48:

Line 4, "Total Appropriation, Health
Administration 5,098,886"

This item is reduced to \$5,048,886.

On Page 48A:

Line 19C, "Regional Health Center, Bellmawr ... (50,000)"

This item is deleted in its entirety.

On Page 48A:

Line 29, "Total Appropriation, Department of
Health 30,196,070"

This item is reduced to \$29,644,070.

"Department of Higher Education"

On Page 49:

Line 1, "02-5400 Support to Independent
Institutions 18,558,000"

This item is reduced to \$18,492,000.

On Page 49:

Lines 2-3, "03-5400 New Jersey Educational
Opportunity Fund 14,974,221"

This item is reduced to \$14,009,000.

On Page 49:

Line 8, "Total Appropriation, Office of the
Chancellor 80,169,168"

This item is reduced to \$79,137,947.

On Page 50:

Line 31, "Veterinary medicine education (1,131,000)"

This item is reduced to \$1,065,000.

On Page 50:

Line 46, "Opportunity program grants (9,907,138)"

This item is reduced to \$8,941,917.

On Page 60:

Line 1, "12-5620 Sponsored Programs and
Research 6,957,566"

This item is reduced to \$6,557,566.

On Page 60:

Line 3, "Sub-Total, General Operations 10,808,662"
This item is reduced to \$10,408,662.

On Page 60:

Line 6, "Total, All Operations 20,583,662"
This item is reduced to \$20,183,662.

On Page 60:

Line 12, "Sub-Total Appropriation 10,808,662"
This item is reduced to \$10,408,662.

On Page 60:

Line 14, "Salaries and wages (9,638,862)"
This item is reduced to \$9,238,862.

On Page 61:

Lines 28-29, "Total Appropriation, Rutgers, The
State University 135,862,827"
This item is reduced to \$135,462,827.

On Page 67:

Lines 59-60, "Total Appropriation, Department
of Higher Education 489,891,463"
This item is reduced to \$488,460,242.

"Department of Human Services"

On Page 74:

Line 1, "01-7600 Purchased Residential Care 18,988,094"
This item is reduced to \$18,863,094.

On Page 74:

Line 5, "99-7600 Management and Administrative
Services 2,900,023"
This item is reduced to \$2,852,022.

On Page 74:

Lines 6-7, "Total Appropriation, Division of
Mental Retardation 34,774,658"
This item is reduced to \$34,601,657.

On Page 74:

Lines 22-24, "Dental program for non-institution-
alized mentally retarded and handicapped
children (151,000)"
This item is reduced to \$102,999.

On Page 74:

Line 33A, "Somerset Co. Retarded Citizens
Association (125,000)"

This item is deleted in its entirety.

On Page 82:

Line 1, "16-7570 Community Family Services 28,959,949"

This item is reduced to \$28,919,949.

On Page 82:

Lines 3-4, "99-7570 Management and Administra-
tive Services 9,062,242"

This item is reduced to \$8,910,329.

On Page 82:

Lines 5-6, "Total Appropriation, Division of
Youth and Family Services 43,698,488"

This item is reduced to \$43,506,575.

On Page 82:

Lines 17A-18, "Bilingual Bicultural Teacher
Training Project (151,913)"

This item is deleted in its entirety.

On Page 82:

Line 35A, "Salem Co. Cerebral Palsy Center (40,000)"

This item is deleted in its entirety.

On Page 83:

Line 1, "99-7500 Management and Administrative
Services 6,586,505"

This item is reduced to \$6,456,505.

On Page 83:

Lines 2-3, "Total Appropriation, Division of
Management and Budget 6,586,505"

This item is reduced to \$6,456,505.

On Page 84:

Line 23A, "Commission on Children's Services . . (190,000)"

This item is reduced to \$60,000.

On Page 84:

Line 1, "19-7520 Management and Field Services . 1,024,756"

This item is reduced to \$849,756.

On Page 84:

Lines 2-3, "Total Appropriation, Division of
Veterans' Services 1,024,756"
This item is reduced to \$849,756.

On Page 84:

Line 8B, "Agent Orange Commission (200,000)"
This item is reduced to \$25,000.

On Page 86:

Lines 18-19, "Total Appropriation, Department
of Human Services 449,892,114"
This item is reduced to \$449,222,200.

"Department of Labor"

On Page 91:

Line 1, "07-4535 Vocational Rehabilitation
Services 9,164,747"
This item is reduced to \$8,759,747.

On Page 91:

Line 5, "23-4538 Services for the Deaf 465,998"
This item is reduced to \$241,378.

On Page 91:

Lines 6-7, "Total Appropriation, Manpower and
Employment Services 12,498,835"
This item is reduced to \$11,869,215.

On Page 91:

Line 10, "Salaries and wages (3,376,814)"
This item is reduced to \$3,152,194.

On Page 91A:

Line 15, "Service to clients (State share) (3,191,000)"
This item is reduced to \$2,891,000.

On Page 91A:

Line 17, "Work activity training center (261,000)"
This item is reduced to \$156,000.

On Page 92:

Lines 56-61, "None of the sums hereinabove appro-
priated or reserved for employment and train-
ing programs for the working poor shall be
expended for salaries until such time as a

spending plan has been approved by the Subcommittee on Personnel of the Joint Appropriations Committee."

The quoted language is deleted in its entirety.

On Page 92:

Line 74, "Total Appropriation, Department of Labor 31,942,242"

This item is reduced to \$31,312,622.

"Department of Law and Public Safety"

On Page 94:

Line 1, "06-1200 Patrol Activities and Crime Control 54,841,177"

This item is reduced to \$54,241,177.

On Page 94:

Line 4, "09-1020 Criminal Justice 8,577,778"

This item is reduced to \$8,368,778.

On Page 94:

Line 10, "Total Appropriation, Law Enforcement 86,547,311"

This item is reduced to \$85,738,311.

On Page 95:

Line 22A, "Highway Patrol Merger (600,000)"

This item is deleted in its entirety.

On Page 95:

Line 31, "Essex County Criminal Appeals (209,000)"

This item is deleted in its entirety.

On Page 100:

Lines 76-77, "Total Appropriation, Department of Law and Public Safety 153,823,943"

This item is reduced to \$153,014,943.

"Department of the Public Advocate"

On Page 101:

Lines 5-6, "04-8410 Trial Services to Indigents and Special Programs 16,404,978"

This item is reduced to \$16,214,978.

On Page 101:

Lines 9-10, "Total Appropriation, Protection of Citizens' Rights 22,655,541"

This item is reduced to \$22,465,541.

On Page 102:

Lines 24-25, "Child abuse representation (190,000)"
This item is deleted in its entirety.

On Page 102:

Lines 40-41, "Total Appropriation, Department
of the Public Advocate 24,043,903"
This item is reduced to \$23,853,903.

"Department of Treasury"

On Page 108:

Line 1, "13-2070 Special Procedures and
Investigations 7,970,046"
This item is reduced to \$7,860,046.

On Page 108:

Lines 5-6, "Total Appropriation, Financial
Administration 31,673,759"
This item is reduced to \$31,563,759.

On Page 108:

Line 8A, "New positions (200,000)"
This item is reduced to \$100,000.

On Page 108:

Line 9, "Materials and Supplies (806,100)"
This item is reduced to \$796,100.

On Page 113:

Lines 33-34, "Total Appropriation, Department
of the Treasury 71,796,621"
This item is reduced to \$71,686,621.

"The Judiciary"

On Page 123:

Line 5, "07-9740 General Support Services 4,746,414"
This item is reduced to \$4,696,414.

On Page 123:

Line 9, "Total Appropriation, Judicial Services 41,844,446"
This item is reduced to \$41,794,446.

On Page 124:

Lines 27-28, "Implementation of Child Placement
Review Act (50,000)"
This item is deleted in its entirety.

On Page 124:

Line 34, "Total Appropriation, Judiciary 41,844,446"
This item is reduced to \$41,794,446.

On Page 124:

Line 41, "Total Appropriation, Direct State
Services 2,313,341,970"
This item is reduced to \$2,307,285,969.

"State Aid"

"Department of Community Affairs"

On Page 125:

Line 2, "03-8040 State and Regional Planning 3,710,000"
This item is reduced to \$2,655,000.

On Page 125:

Line 3, "04-8030 Local Government Services 86,171,784"
This item is reduced to \$77,891,482.

On Page 125:

Lines 6-7, "Total Appropriation, Community
Development Management 92,921,384"
This item is reduced to \$83,586,082.

On Page 125:

Line 13, "County Welfare Aid (21,711,951)"
This item is reduced to \$15,000,000.

On Page 125A:

Line 15, "Municipal Aid Payment to: Englewood (45,000)"
This item is deleted in its entirety.

On Page 125A:

Line 16, "Municipal Aid Payment to: Glassboro . (71,280)"
This item is deleted in its entirety.

On Page 125A:

Line 17, "Municipal Aid Payment to:
West Orange (53,290)"
This item is deleted in its entirety.

On Page 125A:

Line 20, "Safe and Clean Neighborhoods Aid
Payment to: Glassboro (54,571)"
This item is deleted in its entirety.

On Page 125A:

Line 21, "Safe and Clean Neighborhoods Aid

Payment to: West Orange (44,210)"

This item is deleted in its entirety.

On Page 125A:

Lines 25-26, "Special assistance to Essex County . (1,250,000)"

This item is deleted in its entirety.

On Page 125A:

Lines 29-30, "Handicapped access to Trenton

War Memorial (50,000)"

This item is deleted in its entirety.

On Page 126:

Hackensack Meadowlands Development Commis-

sion: "Commission operations (2,200,000)"

This item is reduced to \$1,900,000.

On Page 126:

"Special capital projects (450,000)"

This item is reduced to \$120,000.

On Page 126:

"Kingsland Lagoon project (200,000)"

This item is deleted in its entirety.

On Page 126:

"Food distribution center feasibility study (400,000)"

This item is reduced to \$200,000.

On Page 126:

"Municipal committee (40,000)"

This item is reduced to \$15,000.

On Page 128:

"Notwithstanding any other statutory provision
to the contrary, Englewood shall be eligible to
receive Municipal Aid in the amount herein-
above."

The quoted language is deleted in its entirety.

On Page 128:

"05-8050 Human Resources 3,760,000"

This item is reduced to \$1,175,000.

On Page 128:

“Total Appropriation, Related Social Services
Programs 5,390,000”

This item is reduced to \$2,805,000.

On Page 128:

“State Legal Services (1,000,000)”

This item is reduced to \$250,000.

On Page 128:

“Youth in community services (1,000,000)”

This item is deleted in its entirety.

On Page 128:

“Community development (395,000)”

This item is deleted in its entirety.

On Page 128A:

“Cultural development for ethnic groups (120,000)”

This item is deleted in its entirety.

On Page 128A:

“Program development (320,000)”

This item is deleted in its entirety.

On Page 128A:

“The amount hereinabove for Youth in Community Services shall be expended to provide community jobs for youths pursuant to C. 9:24-1 et seq., and to provide wage subsidies for private-sector jobs for low-income youths; provided that up to 10% of the total amount may be used for administrative costs of the program and up to 4% for adult counselors of such youths. No less than 25% of the total amount appropriated shall be expended for school term youth employment.”

The quoted language is deleted in its entirety.

On Page 128A:

“Total Appropriation, Department of
Community Affairs 98,311,384”

This item is reduced to \$86,391,082.

“Department of Education”

On Page 128A:

Line 1, “01-5120 General Formula Aid 164,522,198”
This item is reduced to \$133,522,198.

On Page 128A:

Line 2, “02-5120 Non-Public School Aid 18,400,000”
This item is reduced to \$18,100,000.

On Page 128A:

Line 4, “04-5030 Adult and Continuing Education 4,028,946”
This item is reduced to \$3,033,946.

On Page 128A:

Line 5, “07-5120 Special Education 1,900,000”
This item is reduced to \$900,000.

On Page 128A:

Lines 6-7, “Total Appropriation, Direct
Educational Services and Assistance 191,551,144”
This item is reduced to \$158,256,144.

On Page 129:

Line 10, “Current expense equalization aid (101,775,798)”
This item is reduced to \$70,775,798.

On Page 129:

Line 11, “Aid to non-public education (3,950,000)”
This item is reduced to \$3,650,000.

On Page 129:

Line 21, “High school equivalency (1,838,478)”
This item is reduced to \$1,213,478.

On Page 129:

Line 22, “Adult education (1,008,458)”
This item is reduced to \$638,458.

On Page 129:

Lines 24-25, “Pilot project for pre-school
education for the handicapped (1,800,000)”
This item is reduced to \$900,000.

On Page 129:

Line 25A, “Programs for the gifted and talented (100,000)”
This item is deleted in its entirety.

On Page 132:

Line 1, "51-5070 Library Services 8,790,000"
This item is reduced to \$7,790,000.

On Page 132:

Line 1A, "52-5075 Development of Historical
Resources 96,830"
This item is deleted in its entirety.

On Page 132:

Lines 3-4, "Total Appropriation, Cultural and
Intellectual Development Services 9,798,856"
This item is reduced to \$8,702,026.

On Page 132:

Line 6, "Per capita library aid (5,770,964)"
This item is reduced to \$5,040,000.

On Page 132:

Line 7, "Area library aid (1,820,602)"
This item is reduced to \$1,590,000.

On Page 132:

Line 8, "Research library aid (303,434)"
This item is reduced to \$265,000.

On Page 132:

Lines 11B-11C, "Senator James F. Murray, Jr.
Student Historians' Fund 96,830"
This item is deleted in its entirety.

On Page 132:

Lines 13-14, "Total Appropriation, Department of
Education 882,626,959"
This item is reduced to \$848,235,129.

"Department of Environmental Protection"

On Page 134:

Line 1, "99-4800 Management and
Administrative Services 3,143,190"
This item is reduced to \$2,793,190.

On Page 134:

Lines 2-3, "Total Appropriation, Environmental
Planning and Administration 3,143,190"
This item is reduced to \$2,793,190.

On Page 134:

Lines 8A-8B, "Grants for historic restoration in
the capital city (100,000)"
This item is deleted in its entirety.

On Page 134:

Line 13A, "County Environmental Health (250,000)"
This item is deleted in its entirety.

On Page 135:

Lines 39-40, "Total Appropriation, Department
of Environmental Protection 4,948,190"
This item is reduced to \$4,598,190.

"Department of Health"

On Page 135:

Line 1, "10-4225 Local Health and Regional
Operations 6,725,824"
This item is reduced to \$6,475,824.

On Page 135:

Line 2, "Total Appropriation, Health
Administration 6,725,824"
This item is reduced to \$6,475,824.

On Page 135:

Lines 4A-4B, "Assistance to Public General
Hospitals (4,300,000)"
This item is reduced to \$4,050,000.

On Page 135:

Line 8, "Total Appropriation, Department of
Health 6,725,824"
This item is reduced to \$6,475,824.

"Department of Human Services"

On Page 138:

Line 1, "15-7550 Income Maintenance 248,343,077"
This item is reduced to \$247,943,077.

On Page 138:

Lines 2-3, "Total Appropriation, Division of
Public Welfare 248,343,077"
This item is reduced to \$247,943,077.

On Page 138:

Lines 13-14, "Payments for supplemental security
income (State share) (21,818,000)"

This item is reduced to \$21,418,000.

On Page 140:

Lines 42-43, "Total Appropriation, Department
of Human Services 736,510,077"

This item is reduced to \$736,110,077.

"Department of the Treasury"

On Page 143:

Lines 56-65, "Notwithstanding the provisions of
C.54:30A-24.1 and C.54:30A-61.1, public util-
ities franchise and gross receipts tax payments
to those municipalities apportioned pursuant to
those sections in an amount in 1982 greater than
that received in 1981, shall be limited to an
amount equal to that which each such munici-
pality received in 1981 plus an amount equal to
[92.221235] percent of the difference between
the amount each received in 1981 and the
amount each is apportioned in 1982 pursuant to
those sections; provided, however, that the
amount not distributed shall be anticipated as
revenue for general State purposes."

The number within the brackets is reduced to
67.811935.

On Page 143:

Lines 65A-65F, "Notwithstanding the provisions
of C.54:30A-24.1 and C.54:30A-61.1, the pay-
ments to municipalities from the public utilities
franchise and gross receipts taxes in June,
1983 shall be limited in the aggregate to [\$140]
million in the manner outlined above and any
amount collected in excess of this sum shall be
anticipated as revenue for general State
purposes."

The amount in brackets is reduced to \$125.

On Page 143:

Line 84, "Total Appropriation, State Aid 2,007,982,206"

This item is reduced to \$1,960,670,074.

“Capital Construction”
“Department of Corrections”

On Page 145:

Lines 9-13, “The Department of Corrections is prohibited from placing a new correctional facility in a county with a population exceeding 85,000 but less than 100,000 in which another State correctional facility is located.”

The quoted language is deleted in its entirety.

“Department of Energy”

On Page 146:

Lines 2-3, “Purchase and replacement of equipment (750,000)”

This item is deleted in its entirety.

On Page 146:

Line 4, “Total Appropriation, Department of Energy 750,000”

This item is deleted in its entirety.

“Department of Transportation”

On Page 149A:

Lines 70-72, “Of the amount hereinabove appropriated, \$1,000,000 in funds shall be made available for the reconstruction of Laurelton Circle, Ocean County.”

The quoted language is deleted in its entirety.

On Page 149A:

Lines 73-77, “Of the amount hereinabove appropriated, **[\$700,000]** shall be made available for construction of a vehicular bridge across Overpeck Canal in the vicinity of Cedar Lane and Sheffield Avenue, Englewood, with access road to Route 4.”

The amount in brackets is reduced to \$70,000.

On Page 149A:

Lines 78-81, “Funds hereinabove shall be available as matching funds for federal monies derived from the dedesignation of I-895 and such funds shall be used to purchase the right-of-way of Route 541.”

The quoted language is deleted in its entirety.

"Miscellaneous Executive Commissions"

On Page 151:

Line 5, "Total Appropriation, Capital

Construction 28,473,058"

This item is reduced to \$27,723,058.

On Page 158Z.3:

Line 24, "Total Appropriation, General Fund ... 5,733,628,480"

This item is reduced to \$5,679,510,347.

*"Casino Revenue Fund"**"Direct State Services"**"Department of Community Affairs"*

On Page 165:

Line 1, "08-8060 Programs for the Aging 200,000"

This item is deleted in its entirety.

On Page 165:

Lines 2-3, "Total Appropriation, Economic

Planning, Development and Security 200,000"

This item is deleted in its entirety.

On Page 165:

Lines 5-6, "Senior Citizen Rental Surcharge

Assistance (200,000)"

This item is deleted in its entirety.

On Page 165:

Lines 7-16, "The amount above for Senior Citizen Rental Surcharge Assistance shall be provided to the Housing Finance Agency to subsidize and reschedule the amount of surcharges residents of HFA senior citizens' housing developments are required to pay due to bond reserve fund requirements. These surcharges shall be rescheduled to permit affected senior citizens to pay one-half of the required surcharge in fiscal year 1983 and three-fourths of the required surcharge in fiscal year 1984."

The quoted language is deleted in its entirety.

On Page 165:

Lines 17-18, "Total Appropriation, Department of Community Affairs

200,000"

This item is deleted in its entirety.

On Page 165:

Lines 19-20, "Total Appropriation, Direct State
Services—Casino Revenue Fund 83,993,810"
This item is reduced to \$83,793,810.

On Page 166:

Line 37, "Total Appropriation, Casino Revenue
Fund 126,818,810"
This item is reduced to \$126,618,810.

On Page 166:

Line 38, "Grand Total Appropriation, All Funds . 7,380,883,743"
This item is reduced to \$7,326,565,610.

"General Language"

On Page 173:

Section 34, "No sums shall be transferred into salaries and wages
from State aid, special purpose, or grant accounts without the
prior approval of the Subcommittee on Personnel of the Joint
Appropriations Committee."

The quoted language is deleted in its entirety.

On Page 173:

Section 35, "The Director of the Division of Budget and Account-
ing is hereby authorized to review the total complement of
positions now maintained among the various Executive Depart-
ments and abolish 2,500 vacant budgeted positions exclusive of
those positions that are vital to the safety and health of the
residents in our State institutions, the State Police, or other
critically important functions of the government."

The quoted language is deleted in its entirety.

On Page 173:

Section 36, "As of July 1, 1982, all full-time salaried vacant au-
thorized, special services and temporary positions supported
by the funds hereinabove appropriated, exclusive of federal
funds appropriated by language, and exclusive of those posi-
tions in the Legislature, the Office of the Chief Executive, and
the Judiciary, are abolished."

The quoted language is deleted in its entirety.

On Page 174:

Section 37, "Any new full-time salaried authorized, special
services or temporary positions in the various departments of
State government, exclusive of Rutgers, The State University,

the University of Medicine and Dentistry, the New Jersey Institute of Technology, the Legislature, the Office of the Chief Executive, and the Judiciary, from the sums hereinabove appropriated, exclusive of federal funds appropriated by language, shall not be created without the prior approval of the Subcommittee on Personnel of the Joint Appropriations Committee."

The quoted language is deleted in its entirety.

On Page 174:

Section 38, "The Legislative Budget Officer, or his designated representative, shall provide administrative assistance to the Subcommittee on Personnel of the Joint Appropriations Committee. No action shall be taken by the Subcommittee on Personnel except upon a submission by the Division of Budget and Accounting. If the Subcommittee on Personnel fails to act on any matter requiring its approval within 10 days of such a submission, then through the Legislative Budget Officer, the Legislative Budget Officer shall approve the matter. The Chairman of the Subcommittee on Personnel is authorized to certify actions taken by the Subcommittee on Personnel."

The quoted language is deleted in its entirety.

On Page 174:

Section 39, "No employee shall be paid a cash salary rate in excess of \$59,000 per year unless the Subcommittee on Personnel of the Joint Appropriations Committee has approved such rate. The aforesaid salary limitations shall be applicable to all State employees including employees of the University of Medicine and Dentistry, Rutgers, The State University and the New Jersey Institute of Technology, but shall exclude employees of the Legislature, the Chief Executive's Office, and the Judiciary."

The quoted language is deleted in its entirety.

On Page 174:

Section 40, "No salary adjustment except those made in accordance with rules and regulations governing salary range and rates of pay shall be paid in any State department, agency, commission or higher education institution without the approval of the Subcommittee on Personnel of the Joint Appropriations Committee. Nothing herein shall be construed as applicable to the personnel of the Legislature, the Judiciary, or the Office of the Chief Executive."

The quoted language is deleted in its entirety.

On Page 174:

Section 41, "The Subcommittee on Personnel of the Joint Appropriations Committee is hereby authorized to direct the Director of the Division of Budget and Accounting and the President of the Civil Service Commission to adopt such rules and regulations concerning salary limitation and salary adjustments as the Director and President deem necessary related to the submission of matters for approval by the Subcommittee on Personnel of the Joint Appropriations Committee."

The quoted language is deleted in its entirety.

On Page 175:

Section 47, "If, as a result of an insufficiency of appropriations in any program account, it is required or determined that there will be a reduction in the number of State offices, positions or employees in that program account, the head of the department which administers the program shall effect that reduction in personnel from among all offices, positions or employment at salaries which exceed \$15,000.00 in the unclassified service of the civil service before effecting any reduction in personnel from the classified service."

The quoted language is deleted in its entirety.

SUMMARY

This Appropriations Bill, with my recommendations, does provide a spending plan for Fiscal Year 1983. The total appropriation for all State funds is \$6,181.9 million, an increase of \$438.5 million, or 7.6% over the Fiscal Year 1982 appropriation.

This bill provides for an increase in Direct State Services spending of approximately \$243.8 million, and a \$155.6 million increase in State Aid. Total State Aid spending will approximate \$3,472.3 million in Fiscal Year 1983 and represents in excess of 56% of all State spending. The largest single State Aid appropriation in the Budget is aid for education. For Fiscal Year 1983 such aid will amount to \$1,957.5 million and is \$148.5 million more than is currently being funded.

In addition to various specific dollar appropriations in the budget, the Legislature has inserted certain language and provisions into Senate Bill No. 1600 to direct the manner in which the Chief Executive is to execute some of his responsibilities. Some of these legislatively imposed provisos and conditions are integrally and

permissibly tied to specific items of appropriation. Other provisions, however, place broad restrictions on the way in which the Executive Branch administers particular areas of the State government on a day-to-day basis and, in some cases, authorize a Legislative Subcommittee to share responsibility with the Executive in matters traditionally and inherently assigned to the Executive Branch.

Based on an Attorney General's opinion I have obtained with reference to many of the conditions and modifying language inserted into Senate Bill No. 1600 and on my own evaluations of some of those language modifications, I have deleted certain language provisions contained in Senate Bill No. 1600 which are constitutionally offensive or specifically violative of one or more of the provisions of the State Constitution.

My veto recommendations are predicated on two issues. First, a budget totaling \$6.2 billion must have an adequate surplus. Second, I feel it inappropriate for the Legislature to increase the spending levels I initially recommended, and to fund new programs, in a budget that doesn't provide adequately for essential State services.

Therefore, my veto recommendations total \$54.1 million and will enable the General Fund to have a surplus on June 30, 1983 of approximately \$46.8 million. The surplus in the Property Tax Relief Fund will be \$9.0 million, and in the Casino Revenue Fund, approximately \$.9 million. I am making these reductions for the following reasons:

I have vetoed the following items because they exceeded the amounts I originally recommended for the specific programs in the Fiscal Year 1983 Budget. Sufficient funds remain in the Fiscal Year 1983 Budget for the continuation of these programs.

- \$165,000 for soil conservation districts within the Department of Agriculture—For expansion of programs including a program scheduled for completion in FY 1982;
- 50,000 a reduction for transportation assistance for inmate family visitations within the Department of Corrections;
- 100,000 for operating expenses of the Marie H. Katzenbach School for the Deaf—Unexpended balances from current fiscal year will be available to offset reduction;

- 289,000 in the Department of Education for the statewide academic skills assessment program—Unexpended balances from current fiscal year will be available to fund this program;
- 29,000 for the New Jersey School of the Arts—These funds are in excess of the annualized cost of the program;
- 16,300 in the Department of Environmental Protection for the maintenance of the Old Barracks (Trenton)—Appropriation is 16% more than amount expended in FY 1981 and is adequate for this purpose;
- 75,000 in the Department of Health for health services for migrant workers in counties with insufficient migrant population to receive direct Federal aid;
- 965,221 for the Educational Opportunity Program within the Department of Higher Education—\$14 million remains in this program and is available for essential services;
- 66,000 for the Veterinary Medical Education Program;
- 400,000 for the Agricultural Experiment Station, Rutgers University;
- 48,001 in the Department of Human Services for an expanded dental program for non-institutionalized mentally retarded and handicapped children;
- 300,000 Vocational Rehabilitation—Eliminates match in excess of that required to draw down all Federal funds;
- 105,000 in the Department of Labor for work activity training centers;
- 190,000 in the Department of the Public Advocate for Child Abuse Representation—Original recommendation provides \$190,000 for this program, no justification for additional funds;
- 110,000 in the Department of the Treasury for additional tax agents—Additional personnel can be reassigned to this program if necessary.

STATE AID

- \$6,711,951 in the Department of Community Affairs for County Welfare Aid. This amount was not anticipated by the eligible counties in their current budgets;
- 45,000 Municipal aid payment to Englewood,
71,280 to Glassboro, and
53,290 to West Orange—These communities are not eligible for such aid under current law;
- 54,571 Safe and Clean Neighborhoods Aid to Glassboro, and
44,210 to West Orange—These communities are not eligible for such aid under current law;
- 300,000 for the operating expenses of the Hackensack Meadowlands Development Commission—Sufficient funds remain for this purpose;
- 330,000 in funding special capital projects of the Hackensack Meadowlands Development Commission;
- 750,000 in the Department of Community Affairs for State legal services—Funding from the Social Services Block Grant in the amount of \$1.4 million is available for this purpose;
- 995,000 in funding for adult and continuing education programs—Funding will continue at the current year's level;
- 900,000 in grants for pilot projects for the pre-school education of the handicapped—Recently enacted State legislation will provide additional funding for this program in FY'84;
- 300,000 for aid to non-public education—Increase of \$2 million already provided for non-public education;
- 1,000,000 in aid to local libraries—Funding will continue at the current year's level;
- 96,830 in funding for the Senator James F. Murray, Jr. Student Historians' Fund;
- 400,000 in the Department of Human Services from the SSI program to provide a small increase in grants to a selected group of recipients.

CAPITAL

- \$750,000 for replacement equipment for the Public Broadcasting Authority.

I have vetoed the following items because they represent new programs added to the Appropriations Bill by the Legislature, programs that no longer warrant continuation in a budget where essential services are not being provided, grants for specific programs that circumvent a department's normal grant making process, and the State assumption of low priority Federal programs.

- \$250,000 for a legislative commission on efficiency and productivity in government—This duplicates functions of Office of Management Services;
- 35,000 for a legislative commission on the sale of State land—This duplicates services provided by several State agencies;
- 150,000 for the Legislative County and Municipal Study Commission;
- 10,000 in the Department of Community Affairs for a youth in government program;
- 200,000 for the Camden Juvenile Resource Center within the Department of Corrections—Not requested by the Department as a necessary facility;
- Several small special purpose accounts in the Department of Corrections, including:
 - 72,946 for Hispanic Social Services—Adequate funds are available from the Social Services Block Grant;
 - 97,000 for the Theatre without bars program;
 - 34,000 for Family Planning (Title X),
 - 33,000 for Family Planning (MCH Block Grant), and
 - 33,000 for Family Planning (Social Services Block Grant) within the Department of Health—Adequate Federal funds are available for family planning;
- 150,000 for the Alternate Energy Demonstration Project within the Department of Energy;

- 200,000 in the Department of Health for additional support of existing intensive care services at Level 3 perinatal centers;
- 127,000 in the Department of Health for the Somerset County Council on Alcoholism;
- 50,000 for the Regional Health Center at Bellmawr;
- 125,000 in the Department of Human Services for the Somerset County Retarded Citizens Association;
- 151,913 in the Department of Human Services for a bilingual, bicultural day care teacher training project;
- 40,000 for the Salem County Cerebral Palsy Center;
- 130,000 for a Commission on Children's Services—Reduces to current level of appropriation;
- 175,000 for an Agent Orange Commission within the Department of Human Services—\$25,000 is recommended; increased funding dependent upon issuance of Commission's report and recommendations;
- 224,620 in the Department of Labor for the State assumption of Federal programs—State funding in excess of \$240,000 remains for continuation of essential services;
- 600,000 in the Department of Law and Public Safety for the highway patrol merger—Merger should not be implemented until a formal request for this merger is submitted to and acted upon by the Department of Civil Service;
- 209,000 for the expenses of Essex County Criminal Appeals—The County has paid for this in the past and should continue to do so;
- 50,000 in the Judiciary for staff support to the Child Placement Advisory Council—Services can be provided by current staff.

STATE AID

- \$1,250,000 in special assistance to Essex County;
- 50,000 to provide handicapped access to the Trenton War Memorial Building—Should be a local responsibility;

- 200,000 for the Kingsland Lagoon Project,
200,000 for a Food Distribution Center feasibility study, leaving \$200,000, and
25,000 for the Municipal Committee within the budget of the Hackensack Meadowlands Development Commission, leaving \$15,000, the same as the prior year;
- 1,000,000 for the Youth in Community Service program within the Department of Community Affairs—Federal funds of approximately \$21.7 million will be available for this program;
- 395,000 in the Department of Community Affairs to reinstate the Community Development Program which provided technical assistance to municipalities to secure Federal grants;
- 120,000 for a Cultural Development for Ethnic Groups program within the Department of Community Affairs;
- 320,000 in the Department of Community Affairs for program development grants to local groups;
- 100,000 in instruction and model curriculum programs for gifted and talented children—Funds are inadequate to provide for a satisfactory program;
- 100,000 in the Department of Environmental Protection for historic restoration in the capital city—Program should be carried out by the local municipality;
- 250,000 for a county environmental health program within the Department of Environmental Protection—County governments could not provide the required matching funds;
- 250,000 for public general hospitals within the Department of Health to reflect participation of the Jersey City Medical Center in DRG rate setting—Entry into the DRG system will eliminate the need for future funding for this program;
- 31,000,000 I have vetoed \$31,000,000 from the Equalization Aid Appropriation—Such a reduction will bring these districts to the level which I recommended in my Budget Message and will enable districts to meet their

budget needs in accordance with the notification I transmitted to them. The Legislature reduced the aid to minimum aid districts by \$18 million, and by law, I am not permitted to restore the funds;

—27,000,000 I have vetoed \$27,000,000 in the distribution of Gross Receipts and Franchise Taxes to bring it into conformance with my original budget recommendations.

CASINO REVENUE FUND

— \$200,000 in the Department of Community Affairs for Senior Citizen Rental Surcharge Assistance.

I have also deleted sections 34 through 41, inclusive, and section 47 and language on page 92, regarding the working poor training program. The purpose of sections 34 through 41 is to involve members of the Legislature, in particular the Subcommittee on Personnel of the Joint Appropriations Committee, in decisions concerning the employment and compensation of individual State employees. Section 47 would impose an unworkable rule in prohibiting reductions in the number of classified employees in any program as long as any unclassified employee in the program remains at a salary in excess of \$15,000. These sections severely impair needed administrative flexibility and infringe upon the prerogatives of the Executive Branch, in violation of the principle of separation of powers expressed in Article III of the State Constitution, to make the specific management decisions entailed in the execution of the laws. A serious constitutional infirmity is also presented by the attempt to delegate asserted legislative authority to a subcommittee without concurrence of the full legislative body.

I stand ready at all times to work with the Legislature to address the needs of our Great State.

Respectfully,

[SEAL]

Attest:

/s/ W. CAREY EDWARDS,
Chief Counsel.

/s/ THOMAS H. KEAN,
Governor.

CHAPTER 50

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, other than indebtedness which is a result of a bona fide financing of motor vehicle inventory held for sale to customers which financing is provided by a taxpayer customarily and routinely providing for this type of financing. Notwithstanding the foregoing, net worth shall not include any deduction for the amount of the excess depreciation described in paragraph (2) (F) of subsection (k) of this section. 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" and in the case

of banking corporations which are affiliates of bank holding companies, as defined in 12 U. S. C. § 1841, and which are funded through debt from such bank holding companies, the debt to those bank holding companies from its banking corporation affiliates 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 include 50% of the total included in computing such taxable income for federal income tax purposes. Entire net income shall exclude for the periods set forth in paragraph (2) (F) (i) of this subsection, any amount, except with respect to property described in section

168 (f) (8) (D) (iii) of the Internal Revenue Code, which is included in a taxpayer's federal taxable income solely as a result of an election made pursuant to the provisions of paragraph (8) of that section;

(2) Entire net income shall be determined without the exclusion, deduction or credit of:

(A) The amount of any specific exemption or credit allowed in any law of the United States imposing any tax on or measured by the income of corporations;

(B) Any part of any income from dividends or interest on any kind of stock, securities or indebtedness, except as provided in 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;

(iv) In full to the extent that it relates to financing of motor vehicle inventory held for sale to customers providing said indebtedness is owed to a taxpayer customarily and routinely providing this type of financing;

(v) In full to the extent it relates to debt of a banking corporation to a bank holding company, as defined in 12 U. S. C. § 1841, of which the banking corporation is a subsidiary.

(F) (i) The amount by which depreciation reported to the United States Treasury Department for property placed in service on and after January 1, 1981, for purposes of computing federal taxable income in accordance with section 168 of the Internal Revenue Code in effect after December 31, 1980, exceeds the amount of depreciation determined in accordance with the Internal Revenue Code provisions in effect prior to January 1, 1981, but only with respect to a taxpayer's accounting period ending after December 31, 1981; provided, however, that where a taxpayer's accounting period begins in 1981 and ends in 1982, no modification shall be required with respect to this paragraph (F) for the report filed for such period with respect to property placed in service during that part of the accounting period which occurs in 1981.

(ii) For the periods set forth in subparagraph (F) (i) of this subsection, any amount, except with respect to property described in section 168 (f) (8) (D) (iii) of the Internal Revenue Code, which the taxpayer claimed as a deduction in computing federal income tax pursuant to a qualified lease agreement under paragraph (8) of that section.

The director shall promulgate rules and regulations necessary to carry out the provisions of this section, which rules shall provide, among others, the manner in which the remaining life of property shall be reported.

(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 market-

able 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. Section 6 of P. L. 1945, c. 162 (C. 54:10A-6) is amended to read as follows:

C. 54:10A-6 Allocation factor.

6. In the case of a taxpayer which maintains a regular place of business outside this State other than a statutory office, the portion of its entire net worth to be used as a measure of the tax imposed by section 5 (a) of this act, and the portion of its entire net income to be used as a measure of the tax imposed by section 5(c) of this act, shall be determined by multiplying such entire net worth and entire net income, respectively, by an allocation factor which shall be the average of the fractions computed in (A), (B) and (C) below, or of so many of them as may be applicable, that is:

(A) The average value of the taxpayer's real and tangible personal property within the State during the period covered by its report divided by the average value of all the taxpayer's real and tangible personal property wherever situated during such period; provided, however, that for the purpose of determining average

value, the provisions with respect to depreciation as set forth in paragraph 2 (F) of subsection (k) of section 4 of P. L. 1945, c. 162 (C. 54:10A-4) shall be taken into account for arriving at such value.

(B) The receipts of the taxpayer, computed on the cash or accrual basis according to the method of accounting used in the computation of its net income for federal tax purposes, arising during such period from

(1) sales of its tangible personal property located within this State at the time of the receipt of or appropriation to the orders where shipments are made to points within this State,

(2) sales of tangible personal property located without the State at the time of the receipt of or appropriation to the orders where shipment is made to points within the State,

(3) (Deleted by amendment.)

(4) services performed within the State,

(5) rentals from property situated, and royalties from the use of patents or copyrights, within this State,

(6) all other business receipts (excluding dividends excluded from entire net income by subsection (k) (1) of section 4 hereof) earned within the State, divided by the total amount of the taxpayer's receipts, similarly computed, arising during such period from all sales of its tangible personal property, services, rentals, royalties and all other business receipts, whether within or without the State.

For the purposes of this section, receipts shall not include any sum or sums of money received in payment for gas or electric energy sold to a public utility subject to taxation pursuant to P. L. 1940, c. 5 (C. 54:30A-49 et seq.) for resale to ratepayers of the public utility.

(C) The total wages, salaries and other personal service compensation, similarly computed, during such period of officers and employees within the State divided by the total wages, salaries and other personal service compensation, similarly computed, during such period of all the taxpayer's officers and employees within and without the State.

In the case of a taxpayer which does not maintain a regular place of business outside this State other than a statutory office, the allocation factor shall be 100%.

3. This act shall take effect immediately.

Approved June 30, 1982.

CHAPTER 51

AN ACT authorizing the sale of certain parcels of surplus real property owned by the State.

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

1. The following parcels of State-owned real property are hereby declared surplus and shall be disposed in accordance with the provisions of this act:

DEPARTMENT OF HUMAN SERVICES

Vacant House, 407 Middlesex Avenue, Metuchen	0.41 Acres
Block 117, Lot 114	
Wooded parcel, Menlo Park Soldiers' Home	50± Acres
Edison Twp., Block 676, Lot 5	
Block 679, Lots 1-30	
Woodbridge Twp., Block 356, Lot 3	
Wooded parcel, Greystone Psychiatric Hospital	246.69 Acres
Morris Twp., Block 246, P/O Lot 52	
Morris Plains, Block 39, Lot 34	
Denville Twp., Block 10001, Lot 6	
Block 10003, Lot 1	
Parsippany-Troy Hills Twp., Block 8, Lot 10	
Block 13, P/O Lot 1	
Block 14, P/O Lot 12	
Block 15, P/O Lot 45	
Vacant Land, Glen Gardner Geriatrics Center	7.00 Acres
Glen Gardner, Block 21, Lot 24	
Vacant Land, Vineland State School	3.42 Acres
Vineland City, Block 477, Lot 1	
Block 478, Lot 3	
Vacant Land, Johnstone Training Center	28.39 Acres
Bordentown Twp., Block 123, Lot 1	
Block 123, Lot 1A	
Block 123, Lot 4A	
Fieldsboro Boro, Block 14, Lot 1	5.05 Acres
Vacant Parcel, North Jersey Training School	18.00 Acres
Totowa Boro, Block 156, P/O Lot 1	

DEPARTMENT OF DEFENSE

Vacant Land, Deptford Twp.	
Gloucester County, Block 400, Lot 8	9.47 Acres
Vacant Land, Woodbridge Twp.	
Block 897B, Lot 1	95 Acres
Wooded Parcel, Raritan Twp.	
Hunterdon County, Block 42, P/O Lot 14	4± Acres
Wooded Parcel, Portion of Morristown Armory	
Block 330, P/O Lot 1	10+ Acres

DEPARTMENT OF CORRECTIONS

Wooded Parcel, Highfields	
Hopewell Twp., Mercer County, Block 2, Lot 10 ..	182.00 Acres

DEPARTMENT OF LAW AND PUBLIC SAFETY

Vacant State Police Barracks, Edgewater Park	
Burlington County, Block 501A, Lot 1	3.76 Acres
Wooded Parcel, Raritan Township	
Hunterdon County, Block 42, Lot 14.1	3.95 Acres
Vacant Land, Randolph Township	
Morris County, Block 29, Lot 2A	20.00 Acres

DEPARTMENT OF LAW AND PUBLIC SAFETY

Isolated Parcel, Lebanon State Forest	11.20 Acres
Southampton Township, Block 2101, Lot 5	
Block 3003, Lot 49	
Isolated Parcel, Bass River State Forest	5.52 Acres
Little Egg Harbor Township	
Ocean County, Block 287, Lot 4	

2. The Bureau of Real Property Management in the Division of Purchase and Property shall circulate notice of these surplus properties through the State Real Property Review System to determine interest on the part of other agencies. If no interest exists, the Bureau of Real Property Management shall have the properties appraised to determine fair market value and dispose of these properties in accordance with the terms and conditions authorized by the State House Commission. If interest exists on the part of another State agency to use surplus real property for new construction, the property will be transferred to that agency at no cost.

3. Notwithstanding the provisions of N. J. S. 38A:12-7 or any other law to the contrary, the proceeds from the sale of property under this act shall be deposited in the General Fund of the State.

4. This act shall take effect immediately.

Approved June 30, 1982.

CHAPTER 52

AN ACT concerning certain commercial filing fees and amending sections 12A:9-404, 12A:9-405, 12A:9-406, 12A:9-407, 14A:15-2, 14A:15-3 and 22A:4-1 of the New Jersey Statutes, and P. L. 1966, c. 263 and P. L. 1971, c. 171.

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

1. N. J. S. 12A:9-404 is amended to read as follows:

Termination statement.

12A:9-404. (1) If a financing statement covering consumer goods is filed on or after the effective date of this act, then within 1 month or within 10 days following written demand by the debtor after there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must file with each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file number. In other cases whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must on written demand by the debtor send the debtor, for each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by the filing officer's file number. A termination statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of 12A:9-405, including payment of the required fee. If the affected secured party fails to file such a termination statement as required by this subsection, or to send such a termination statement within 10 days after proper demand therefor he shall be liable to the debtor for \$100.00, and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement he must note it in the index and attach it to the original financing statement.

If he has received the termination statement in duplicate, he shall return one copy of the termination statement to the secured party stamped to show the time of receipt thereof. If the filing officer has a microfilm or other photographic record of the financing statement, and of any related continuation statement, statement of assignment and statement of release, he may remove the originals from the files at any time after receipt of the termination statement, or if he has no such record, he may remove them from the files at any time after 1 year after receipt of the termination statement.

(3) The uniform fee for filing, attaching and indexing a termination statement including sending or delivering the financing statement shall be \$10.00.

2. N. J. S. 12A:9-405 is amended to read as follows:

Financing statement, assignment.

12A:9-405. (1) A financing statement may disclose an assignment of a security interest in the collateral described in the financing statement by indication in the financing statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. On presentation to the filing officer of such a financing statement the filing officer shall mark the same as provided in 12A:9-403(4). The uniform fee for filing, indexing and furnishing filing data for a financing statement so indicating an assignment shall be \$10.00.

(2) A secured party may assign of record all or a part of his rights under a financing statement by the filing in the place where the original financing statement was filed of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of filing. He shall note the assignment on the index of the financing statement, or in the case of a fixture filing, or a filing covering timber to be cut, or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of 12A:9-103, he shall index the assignment under the name of the assignor as grantor and, to the extent that the law

of this State provides for indexing the assignment of a mortgage under the name of the assignee, he shall index the assignment of the financing statement under the name of the assignee. The uniform fee for filing, indexing and furnishing filing data about such a separate statement of assignment shall be \$10.00. Notwithstanding the provisions of this subsection, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing (subsection (6) of 12A:9-402) may be made only by an assignment of the mortgage in the manner provided by the law of this State other than this act.

(3) After the disclosure or filing of an assignment under this section, the assignee is the secured party of record.

3. N. J. S. 12A:9-406 is amended to read as follows:

Statement of release.

12A:9-406. A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. A statement of release signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of 12A:9-405, including payment of the required fee. Upon presentation of such a statement of release to the filing officer he shall mark the statement with the hour and date of filing and shall note the same upon the index of the filing of the financing statement. The uniform fee for filing and noting such a statement of release shall be \$10.00.

4. N. J. S. 12A:9-407 is amended to read as follows:

Information from filing officer.

12A:9-407. Information from filing officer.

(1) If the person filing any financing statement, amendment, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the Secretary of State may issue his certificate showing whether there is on file on the date and hour

stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each statement and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be \$15.00. Upon request the filing officer shall furnish a copy of any filed financing statement, continuation statement, termination statement, statement of assignment, or statement of release for a fee of \$1.00 per page.

5. N. J. S. 14A:15-2 is amended to read as follows:

Filing fees of the Secretary of State.

14A:15-2. Filing fees of the Secretary of State.

On filing any certificate or other papers relative to corporations in the office of the Secretary of State, there shall be paid to the Secretary of State for the use of the State, filing fees as follows, in addition to any applicable license fee:

- (1) Certificate of incorporation and amendments thereto:
 - (a) for filing the original certificate of incorporation \$50.00
 - (b) for filing a certificate of amendment of the certificate of incorporation, including any number of amendments \$50.00
 - (c) for filing a certificate of abandonment of one or more amendments of the certificate of incorporation \$50.00
 - (d) for filing a certificate of merger or a certificate of consolidation \$50.00
 - (e) for filing a certificate of abandonment of a merger or consolidation \$50.00
- (2) Restated certificate of incorporation:

For filing a restated certificate of incorporation, including any amendments of the certificate of incorporation concurrently adopted \$50.00
- (3) Dissolution of corporation:
 - (a) for filing a certificate of dissolution \$35.00
 - (b) for filing an affidavit of the publication and of the mailing of a notice to creditors \$10.00
 - (c) for filing a certificate of revocation of dissolution proceedings \$35.00

(4) Admission and withdrawal of foreign corporation:	
CO. 157 (a) for filing an application for a certificate of authority to transact business in this State and issuing a certificate of authority	\$175.00
CO. 157 (b) for filing an application for an amended certificate of authority to transact business in this State and issuing an amended certificate of authority	\$50.00
CO. 157 (c) for filing an application for withdrawal from this State and issuing a certificate of withdrawal	\$50.00
CO. 157 (d) for filing a certificate of change of post-office address to which process may be mailed by the Secretary of State	\$25.00
CO. 157 (e) for filing a certificate, order or decree with respect to the dissolution of a foreign corporation, the termination of its existence, or the cancellation of its authority, and issuing a certificate of withdrawal	\$50.00
(5) Registered office and registered agent:	
CO. 157 (a) for filing a certificate of change of address of registered office, or change of registered agent, or both	\$10.00
CO. 157 (b) for filing a certificate of change of address of registered agent, where such certificate effects a change in the address of the registered office of one or more corporations, for each corporation named in the certificate	\$10.00
CO. 157 (c) for filing an affidavit of resignation of a registered agent	\$10.00
(6) Annual report:	
CO. 157 For each such report required to be filed	\$15.00
(7) Tax clearance certificate from the Director of the Division of Taxation:	
CO. 157 For each such certificate required to be filed	\$15.00

6. N. J. S. 14A:15-3 is amended to read as follows:

Additional fees.

14A:15-3. The Secretary of State shall also charge and collect for:

(1) filing an application to reserve a specified corporate name and issuing a certificate of reservation	\$25.00
if application is for the first name available for corporate use among not more than three specified names	\$25.00
(2) filing a notice of transfer of a reserved corporate name	\$25.00
(3) filing an application by a foreign corporation to register its corporate name	\$50.00
(4) filing an application by a foreign corporation to renew the registration of its corporate name	\$50.00
(5) filing a statement of cancellation of shares	\$50.00
(6) filing a statement of reduction of stated capital	\$50.00
(7) filing a certificate as to the acquisition of the shares or a class of shares of a domestic corporation	\$50.00
(8) issuing a certificate of standing, including registered agent and registered office	\$15.00
(9) issuing a certificate of standing, same as above, but including incorporators, officers and directors, and authorized shares	\$25.00
(10) issuing a certificate of standing, listing charter documents	\$25.00
(11) issuing a certificate of availability of corporate name (one to three names)	\$10.00
(12) filing a certificate of registration of fictitious name	\$30.00
(13) filing a certificate of renewal of registration of fictitious name	\$30.00
(14) filing a certificate of correction, in addition to any applicable license fee	\$10.00
(15) all other certificates issued or papers filed, but not otherwise provided for	\$15.00
(16) corporate status reports—per name	\$2.00

7. N. J. S. 22A:4-1 is amended to read as follows:

Fees for enumerated services.

22A:4-1. For services herein enumerated the Secretary of State shall receive the following fees:

For recording all deeds, mortgages, bills of sale, and all other documents in the office of the Secretary of State: When written in whole, when written and printed or typewritten in whole or in part, per page \$1.00.

For official copies and abstracts of instruments and documents in the office of the Secretary of State or from the records and files thereof, per page \$1.00.

For the seal to commissions of sheriffs, surrogates and clerks of any court (commissions issued by the Governor), no charge.

For the seal to every certificate, exemplification or other paper, \$5.00.

For every order, warrant or certificate under the Governor's hand and seal, countersigned by the Secretary of State, \$5.00.

For a commission for a sheriff, surrogate or clerk of any court, no charge.

For every other commission, no charge.

For drawing a certificate to pass under the great seal, or any other seal, and engrossing the same, for each sheet, \$5.00.

For every commission granted to a notary public for a 5-year term or a foreign commissioner of deeds for a 3-year term a fee of \$25.00.

For filing the seal of a foreign commissioner of deeds the Secretary of State shall receive a fee of \$5.00.

For issuing every railroad police commission, \$10.00.

For issuing every pilot license (R. S. 12:8-6), \$10.00.

For filing and recording all certificates and amended certificates of associations and corporations not for profit and of societies, clubs, churches, religious societies and congregations, required to be filed in the office of the Secretary of State, \$5.00.

No fee shall be charged by the Secretary of State for filing and recording the certificate of incorporation of an association formed for the purpose of acquiring, caring for and maintaining historic lands, sites and buildings in this State, as and for a State Park.

For accepting service of process in actions against corporations, to be taxed as part of the taxable costs if the plaintiff prevails, \$10.00.

For recording conditional sales contracts or agreements affecting equipment, rolling stock, motor vehicles and other vehicles of railroads, street railroads and transportation companies, \$5.00 for first page of document, plus recording fee of \$1.00 per page.

For entering a satisfaction of an above-mentioned contract or agreement, \$5.00 for first page of document, plus recording fee of \$1.00 per page.

For filing a certified copy of an order of change of name, \$20.00.

For filing any paper or document for which no other fee is fixed, \$5.00.

Except as otherwise provided by law, all fees for the services of the Governor for licenses, and seals to exemplifications, commissions, certificates or other papers shall be collected by the Secretary of State and he shall account therefor to the Director of the Division of Budget and Accounting and pay over the same to the treasurer in the same manner as he accounts for and pays over other fees collected by him for the use of the State, plus recording fees.

8. Section 3 of P. L. 1966, c. 263 (C. 56:3-13.3) is amended to read as follows:

C. 56:3-13.3 Application for registration.

3. Application for registration.

Subject to the limitations set forth in this act, any person who adopts and uses a mark in this State may file in the office of the Secretary of State, on a form to be furnished by the Secretary of State, an application for registration of that mark setting forth, but not limited to, the following information:

(a) the name and business address of the person applying for such registration; and, if a corporation the state of incorporation;

(b) the goods or services in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods or services and the class in which such goods or services fall;

(c) the date when the mark was first used anywhere and the date when it was first used in this State by the applicant or his predecessor in business; and

(d) a statement that the applicant is the owner of the mark and that no other person has the right to use such mark in this State either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

The application shall be signed and verified by the applicant or by a member of the firm or an officer of the corporation or association applying.

The application shall be accompanied by a specimen or facsimile of such mark in triplicate.

The application for registration shall be accompanied by a filing fee of \$25.00 payable to the Secretary of State.

9. Section 5 of P. L. 1966, c. 263 (C. 56:3—13.5) is amended to read as follows:

C. 56:3-13.5 Duration and renewal.

5. Duration and renewal.

Registration of a mark hereunder shall be effective for a term of 10 years from the date of registration and, upon application filed within 6 months prior to the expiration of such term, on a form to be furnished by the Secretary of State, which includes a statement that the mark is still in use in this State, the registration may be renewed for a like term. A renewal fee of \$25.00, payable to the Secretary of State, shall accompany the application for renewal of the registration.

A mark registration may be renewed for successive periods of 10 years in like manner.

The Secretary of State shall notify registrants of marks hereunder of the necessity of renewal within the year next preceding the expiration of the 10 years from the date of registration, by writing to the last known address of the registrants.

Any registration in force on the date on which this act shall become effective shall expire 10 years from the date of the registration or of the last renewal thereof or 1 year after the effective date of this act, whichever is later, and may be renewed by filing an application with the Secretary of State on a form furnished by him and paying the aforementioned renewal fee therefor within 6 months prior to the expiration of the registration.

The Secretary of State shall within 6 months after the effective date of this act notify all registrants of marks under previous acts of the date of expiration of such registrations unless renewed in accordance with the provisions of this act, by writing to the last known address of the registrants.

10. Section 6 of P. L. 1966, c. 263 (C. 56:3—13.6) is amended to read as follows:

C. 56:3-13.6 Assignment.

6. Assignment.

Any mark and its registration hereunder shall be assignable with

the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Assignment shall be by instruments in writing duly executed and may be recorded with the Secretary of State upon the payment of a fee of \$15.00, payable to the Secretary of State who, upon recording of the assignment, shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof. An assignment of any registration under this act shall be void as against any subsequent purchaser for valuable consideration without notice, unless it is recorded with the Secretary of State within 3 months after the date thereof or prior to such subsequent purchase.

11. Section 5 of P. L. 1971, c. 171 (C. 56:3-13.7a) is amended to read as follows:

C. 56:3-13.7a Certificate of availability.

5. Upon request of any person, the Secretary of State shall issue upon the payment of a fee of \$15.00 a certificate of availability of a mark (one to three marks).

12. This act shall take effect 45 days after the date of enactment.

Approved June 30, 1982.

CHAPTER 53

AN ACT concerning fees administered by the Division of Motor Vehicles and revising parts of the statutory law.

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

1. Section 23 of P. L. 1975, c. 180 (C. 39:3-10a) is amended to read as follows:

C. 39:3-10a Fee for restoration of license.

23. The Director of Motor Vehicles may charge a fee of \$30.00 for the restoration of any license which has been suspended or revoked by reason of the licensee's violation of any of the provisions of Title 39 or any regulation adopted pursuant thereto. The director may promulgate such regulations hereunder as he may deem necessary.

2. R. S. 39:4-50 is amended to read as follows:

Operation of motor vehicle while under influence of intoxicating liquor or drug.

39:4-50. (a) A person who operates a motor vehicle while under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug, or permits another person who is under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug to operate a motor vehicle owned by him or in his custody or control, shall be subject, for the first offense, to a fine of not less than \$250.00 nor more than \$400.00 or imprisonment for a term of not more than 30 days or both, in the discretion of the court, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of not less than 6 months nor more than 1 year. Except as hereinafter provided, for a second violation, he shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00, and shall be ordered by the court to perform community service for a period of 30 days, which shall be of such form and on such terms as the court shall deem appropriate under the circumstances or may be sentenced to imprisonment for a term of not more than 90 days, and shall forfeit his right to operate a motor vehicle over the highways of this State for a period of 2 years upon conviction, and, after the expiration of said period, he may make application to the Director of the Division of Motor Vehicles for a license to operate a motor vehicle, which application may be granted at the discretion of the director, consistent with subsection (b) of this section. Except as hereinafter provided, for a third or subsequent violation, he shall be subject to a fine of \$1,000.00, and shall be sentenced to imprisonment for a term of not less than 180 days, except that the court may lower such term for each day, not exceeding 90 days, served performing community service in such form and on such terms as the court shall deem appropriate under the circumstances and shall thereafter forfeit his right to operate a motor vehicle over the highways of this State for 10 years. If the driving privilege of any person is under revocation or suspension for a violation of any provision of this Title at the time of any conviction for a violation of this section, the revocation or suspension period imposed shall commence as of the date of termination of the existing revocation or suspension period. A court that imposes a term of imprisonment under this section may sentence the person so convicted to the county jail, to the workhouse of the county wherein the offense was committed, or to an inpatient rehabilitation program approved by the Director of the Division of Motor Vehicles.

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

(b) In addition to any other requirements provided by law, a person convicted under this section must satisfy the requirements of a program of alcohol education or rehabilitation approved by the Director of the Division of Motor Vehicles. Failure to satisfy such requirements shall result in a driver license revocation or suspension or continuation of revocation or suspension until such requirements are satisfied, unless stayed by court order in accordance with Rule 7:8-2 of the N. J. Court Rules, 1969, or R. S. 39:5-22. A fee, not to exceed \$40.00, shall be payable to the director from every person required to satisfy the requirements of a program of alcohol education or rehabilitation under the provisions of this section.

(c) Upon conviction of a violation of this section, the court shall collect forthwith the New Jersey driver's license or licenses of the person so convicted and forward such license or licenses to the Director of the Division of Motor Vehicles. In the event that a person convicted under this section is the holder of any out-of-state driver's license, the court shall not collect the license but shall notify forthwith the director who shall, in turn, notify appropriate officials in the licensing jurisdiction. The court shall, however, revoke the nonresident's driving privilege to operate a motor vehicle in this State in accordance with this section.

(d) The Director of the Division of Motor Vehicles shall promulgate administrative rules and regulations in order to effectuate the purposes of this act.

3. R. S. 39:7-3 is amended to read as follows:

Service of process.

39:7-3. Service of process upon the director shall be made by leaving the original and a copy of the summons and two copies of the complaint, with a fee of \$10.00, in the hands of the director, or someone designated by him in his office, or, in the following actions, by serving the same, as follows: (a) if the action is com-

menced in any county other than Mercer county, then the sheriff or other authorized person, or (b) if the action is commenced in the county district court of any county other than Mercer county, then the clerk of the court may serve the director by mailing such papers to him by registered mail, with the said fee. Such service shall be sufficient service upon the nonresident chauffeur, operator or owner, if

a. Notice of such service and a copy of the summons with a copy of the complaint are forthwith sent by registered mail to the defendant by the director, or someone designated by him in his office; and

b. Defendant's return receipt and the affidavit of the director, or such person in his office acting for him, of the compliance herewith, including a statement of the date of such mailing and of the receipt of the return card, are appended to the original of the summons and the other copy of the complaint and filed in the office of the clerk of the court wherein the action may be pending; or

c. Notice of such service with a copy thereof and the original and a copy of the summons and two copies of the complaint are forthwith sent by registered mail by the director, or the person in his office acting for him, to the sheriff or other process server in the jurisdiction in which the defendant resides, with directions that such sheriff or process server, or someone acting for such sheriff or process server, shall serve the same upon the defendant in the same manner that service is legally effected in that jurisdiction, and the return of such sheriff or process server, or the person acting for such sheriff or process server in such jurisdiction, shall be appended to or endorsed upon the original summons and a copy of the complaint and returned to the director, and thereafter filed in the office of the clerk of the court wherein the action may be pending in this State; or

d. Notice of such service and a copy of the summons and complaint may be served on the defendant personally by any official or private individual, wherever such service may be made, and, upon service being so made, an affidavit shall be made by the person effecting such service, showing the person served and the time and place of such service, which affidavit shall be appended to the original summons and one copy of the complaint and returned to the director, and be thereafter filed in the office of the clerk of the court wherein the action may be pending in this State; or

e. Notice of such service and a copy of the summons and complaint may be served on the defendant in any other manner that

the court in which the cause is pending shall deem sufficient and expedient.

If, by direction of plaintiff, notice of service is given as provided by paragraph c. of this section, plaintiff shall, in addition to the fee of \$10.00 required by the first paragraph of this section, deposit with the director sufficient money to effectuate the same.

Upon giving notice to the defendant of the service of process as required by this chapter, where service of process is made upon the director, he shall file with the clerk of the court his certificate of the notice given.

If notice of service is given as provided by paragraph d. of this section, plaintiff shall pay the cost thereof.

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

C. 39:8-16 Reinspection center license.

8. An application or renewal for a reinspection center license shall be in such form and shall contain such information as the director may prescribe, and shall be accompanied annually by a nonrefundable \$15.00 fee, which shall be remitted to the General Treasury. The director shall require a licensee to have in effect at all times liability insurance or such other proof of financial responsibility as he may prescribe, and may require such other qualifications of a licensee and his premises as are necessary.

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

C. 39:8-17 Approval stickers.

9. The director shall provide each licensee as many numbered reinspection approval stickers as may be required, and may charge the licensee \$1.00 for each sticker. If a sticker expires prior to its use, the \$1.00 fee already paid shall be applied toward the future purchase of stickers, and shall not be refunded. Every licensee shall keep such records of reinspections and approval stickers issued as the director may prescribe, shall make such records available to the director upon demand, shall institute such safeguards to secure said stickers from theft, loss or fraudulent use as the director may prescribe, and shall upon request account to the director for all said stickers.

6. R. S. 39:10-11 is amended to read as follows:

Certificate of ownership.

39:10-11. A. The purchaser of a motor vehicle in this State, other than a dealer licensed pursuant to the provisions of R. S. 39:10-19, shall, within 10 working days after its purchase, submit to the director evidence of the purchase. Upon presentation to the director of the certificate of origin, or certificate of ownership, or bill of sale issued prior to October 1, 1946, with proper assignment and certification of the seller, a record of the transaction shall be made and filed. A certificate of ownership shall be issued by the director and delivered to the buyer, in case of a sale not subject to a security interest, and the director shall collect a fee of \$5.00 for the issuance and filing thereof.

B. In the case of a sale subject to a security interest, a certificate of ownership, with the name and address of the holder of the encumbrance or secured party or his assignee recorded thereon, shall be delivered to the holder of the encumbrance or secured party or his assignee and a copy thereof shall be delivered to the buyer. The director shall collect a fee of \$7.00 for his services in issuing a certificate and copy thereof, and for making a record of and filing the record of the transaction, pursuant to this subsection.

C. Except as hereinafter in this section otherwise expressly provided, whenever a security interest is created in a motor vehicle, other than a security interest which is required to be noted on the certificate of origin or the certificate of ownership, as provided in R. S. 39:10-8 and R. S. 39:10-9, there shall be filed with the director the certificate of ownership of the motor vehicle, together with a financing statement on a form prescribed by the director. The director shall make and file a record of the transaction and shall issue a certificate of ownership, recording the name and address of the secured party or his assignee thereon, and shall deliver it to the secured party or his assignee. A copy of the certificate of ownership so issued shall be delivered to the buyer. The director shall collect a fee of \$4.00 for his services in issuing a certificate and copy thereof and for making a record of and filing the record of the transaction, pursuant to this subsection.

D. The financing statement required to be filed pursuant to subsection C. hereof shall be signed only by the buyer, shall not be required to be acknowledged or proved, and shall show, in addition to such matters as the director may require for the proper identification of the motor vehicle affected, the date of the security agreement, and the names and addresses of the parties thereto.

Nothing in this section 39:10-11 contained shall be construed as requiring that the security agreement or a copy thereof, or any proof of execution thereof other than that contained in the financing statement, shall be presented to the director. When the buyer is a corporation, it shall be sufficient if the financing statement is signed by any officer thereof, or by any agent designated by the corporation for that purpose, and it shall not be necessary that the financing statement recite the authorization of the agent. When there is more than one buyer, it shall be sufficient if the financing statement is signed by any one of them.

E. Nothing in subsections C. and D. of this section shall apply to security interests in motor vehicles which constitute inventory held for sale, but such interests shall be subject to chapter 9 of Title 12A of the New Jersey Statutes, nor shall anything in the said subsections apply to interests in personal property subject to chapter 28 of Title 46 of the Revised Statutes.

F. In addition to the fees elsewhere in this section provided for, there shall be paid to the director a fee of \$2.00 for notice of satisfaction of the lien or encumbrance of the record or abstract, or of the termination of the security interest, where the motor vehicle is subject to a lien or encumbrance or a security interest as provided in R. S. 39:10-14.

G. Notwithstanding any other provision of this chapter, when any dealer licensed under the provisions of R. S. 39:10-19 is the purchaser of a motor vehicle in this State, he may, within 10 working days after its purchase, submit to the director the evidence of purchase. Upon presentation of the certificate of ownership with proper assignment and certification of the seller to the director, a record of the transaction shall be made and filed. A certificate of ownership shall be issued by the director and delivered to such purchaser, and the director shall collect a fee of \$2.00 for the issuing and filing thereof.

If a dealer does not submit the evidence of purchase, upon resale of the motor vehicle he shall execute and attach to the certificate of ownership a dealer reassignment certificate. The director shall issue dealer reassignment certificates in lots upon payment of a fee of \$2.00 for each certificate.

H. Any purchaser of a motor vehicle who fails to comply with the provisions of this section shall pay to the director a penalty of \$15.00 plus the issuing and filing fee.

I. The failure of any person to comply with the requirements of this section shall not constitute a misdemeanor within the provisions of R. S. 39:10-24, nor shall such failure affect the validity of any instrument creating or reserving a security interest in a motor vehicle, as between the parties to such instrument.

J. The notation of the name and business or residence address of a secured party or his assignee, on the certificate of origin or on the certificate of ownership, as provided in R. S. 39:10-8 and R. S. 39:10-9, and the presentation to the director, in accordance with R. S. 39:10-11, of the certificate of origin or certificate of ownership so noted, and the compliance with the requirements of subsections C. and D. of R. S. 39:10-11 shall be in lieu of all filing requirements imposed by chapter 9 of Title 12A of the New Jersey Statutes and shall constitute the perfection of a security interest in the motor vehicle, and the rights and remedies of the debtors and the secured parties in respect to such security interest shall, except as otherwise expressly provided in this chapter, be subject to and governed by chapter 9 of Title 12A of the New Jersey Statutes.

7. R. S. 39:10-14 is amended to read as follows:

Security interest in motor vehicle.

39:10-14. A. The director shall, on the record or abstract of every motor vehicle registered with him, which is subject to a security interest of which notice is required to be filed with him, make a notation of the existence of such security interest and shall index the same under the name of the owner of record of the vehicle, so long as the security interest remains untermiated of record.

B. Upon request from any person, the director shall issue a certificate showing names and addresses of the parties to any contract of conditional sale or chattel mortgage or other instrument, or to any financing statement, the name and address of the holder of the lien or liens under such contract, chattel mortgage or other instrument or of the secured party, the date thereof or of the financing statement, the date of filing, the make, model, identification number or numbers of the motor vehicle, and, if the condition in the contract of conditional sale or chattel mortgage has been performed or the security interest has been terminated, a statement to that effect, for which he shall be entitled to a fee of \$5.00.

C. For a full certified copy of any instrument showing a lien on or a security interest in a motor vehicle the director shall be

entitled to a fee of \$10.00 for the certificate plus \$0.50 for each copy of any paper certified.

D. When evidence of satisfaction of any contract of conditional sale or chattel mortgage or other instrument, or evidence of the termination of a security interest, as aforesaid, shall be presented to the director, he shall make a notation thereof on the record of the sale of such motor vehicle, showing that the condition in the contract of conditional sale or chattel mortgage has been performed or the security interest has been terminated; provided, however, that the evidence of satisfaction of a chattel mortgage on a motor vehicle executed after September 1, 1951 shall be submitted by the county recording officer on a form prescribed by the director, unless the chattel mortgage is one that is not required, under the provisions of this section R. S. 39:10-11, to be presented to and recorded by the director.

E. The director, his agents, and employees of the Division of Motor Vehicles shall not incur any personal liability in carrying out the provisions of this section or in furnishing any information provided herein from the records of the Division of Motor Vehicles.

8. R. S. 39:10-16 is amended to read as follows:

Correction of defects; receipt of title papers or certificate of ownership.

39:10-16. If the title papers or certificate of ownership are defective or improper, or if the motor vehicle was purchased and its sale consummated in another state or country, in accordance with the laws of such state or country regulating the sale of motor vehicles, and not made for the purpose of evading the provisions of this chapter, the bona fide owner of the motor vehicle may apply to the director to correct the defects, or permit the title papers to be received.

The director shall, upon such proof as he requires showing that it is just and equitable that the defects be corrected or that the title papers or certificate of ownership be received, with or without hearing, determine the truth and merits of the application and whether the holder appears to be the bona fide owner of the motor vehicle, and may issue his certificate correcting the defects or permitting the title papers or certificate of ownership to be so recorded and filed. The person submitting the papers shall pay to the director a fee of \$10.00 for the issuing and filing of the certificate.

Before issuing the certificate the director may, in his discretion, require the person to advertise in a newspaper having a general circulation in the county where he resides, for the space of 2 weeks, at least once a week, making three insertions in all, a notice briefly stating that the person has applied to the director to correct defects in the motor vehicle title papers or to receive the title papers out of time, or, as the case may be, giving a description of the motor vehicle as provided in R. S. 39:10-8, and that if anyone desires to be heard in opposition thereto, he may do so by appearing before the director on a date and at a place named, or communicating with him prior thereto. He shall also serve like notice on local police, State Police and any other person or agency, as prescribed by the director, personally or by registered mail. Proofs of the publication and service shall be submitted to the director. The director, his agent or inspector may have the notice advertised or served at the cost and expense of that person.

9. Section 1 of P. L. 1972, c. 38 (C. 39:5-30.4) is amended to read as follows:

C. 39:5-30.4 Driver Improvement Program fee.

1. Persons attending a Division of Motor Vehicles Driver Improvement Program shall pay such fee therefor not to exceed \$40.00, as prescribed in regulations promulgated by the director. The driver's license of any person failing to pay the prescribed fee shall be subject to suspension or revocation.

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

Approved June 30, 1982.

CHAPTER 54

AN ACT concerning certain fees collected by the Department of Labor and amending sections 34:7-3, 34:7-14, 34:7-15, 34:7-16, and 34:7-25 of the Revised Statutes.

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

1. R. S. 34:7-3 is amended to read as follows:

Examination application fees.

34:7-3. Each application for examination for any license issued by the bureau shall be accompanied by fees as set forth in this section. Such fees shall be made payable to the Commissioner of Labor. There shall be no other charge for the initial examination or for one re-examination taken within 6 months of the original examination. Failure to appear for examination or to obtain a passing grade shall not entitle the applicant to a refund of any fee.

Original application	\$15.00
Raise of grade or additional classification application ..	\$10.00
Additional examination, in excess of 2, on any application	\$7.50
Annual license renewal if requested no later than expiration date	\$5.00
License renewal for 3 years if requested no later than expiration date	\$10.00
Application for renewal, if made not more than 3 years after expiration and if all penalties lawfully imposed upon the applicant by the Mechanical Inspection Bureau have been paid	1 year \$7.50 3 years \$15.00

Upon failure to so renew a license for a period of 3 years and 1 day after expiration date all records pertaining to such license may be destroyed pursuant to the "Destruction of Public Records Law of 1953" and any application for renewal of the license will be treated as an original application for examination. All fees collected under this article shall be paid by the commissioner into the State Treasury and shall become a part of the State General Fund.

Any license may be revoked or suspended by the commissioner upon receiving evidence of incompetence, negligence, intoxication while on duty or other reason establishing that the licensee is unfit to hold a license, after notice is given to the licensee and a hearing afforded him before one or more members of the examining board. In case revocation or suspension is recommended by the member or members conducting the hearing, it shall not be acted upon by the commissioner until at least 15 days' notice of the recommendation shall be given to the licensee and an opportunity afforded him within that time period to ask for a rehearing before the commissioner. After rehearing, if requested, the commissioner may affirm, modify or dismiss such recommendation. Pending a hearing or rehearing

as provided in this paragraph, the commissioner may authorize the suspension of a license in the interest of health and safety.

2. R.S. 34:7-14 is amended to read as follows:

Inspection of boilers.

34:7-14. a. All steam or hot water boilers or similar equipment potentially capable of generating steam, except steam boilers having adequate relief devices set to discharge at a pressure not greater than 15 pounds per square inch, gage, or hot water boilers having adequate relief devices set to discharge at a pressure not greater than 160 pounds per square inch, gage, and which hot water boilers are reliably limited to temperatures not exceeding 250 degrees Fahrenheit, when such steam or hot water boilers serve dwellings of less than six-family units or other dwellings with accommodations for less than 25 persons, shall be inspected and be subject to a hydrostatic test, if necessary, at least once in each year, at 12-month intervals, by an inspector of the Mechanical Inspection Bureau, excepting, however, such as may be insured after having been regularly inspected in accordance with the terms of this article by insurance companies, whose inspectors shall have satisfactorily passed an examination or received certificates of competency approved by the commissioner. Such inspection shall be as completely internal and external as construction permits. The inspection of any equipment described in this chapter by a certified inspector of an insurance company shall be acceptable in lieu of State inspection. This article shall not apply to any boiler having less than 10 square feet of heating surface or a heat input of less than 10 kilowatts or 40,000 British Thermal Units per hour or to equipment under the jurisdiction and control of the United States Government, the inspection of which is actively regulated by a federal agency, or to equipment used solely for the propulsion of motor vehicles regulated by the Motor Vehicle Act, Title 39, of the Revised Statutes.

b. All other pressure vessels may be inspected and be subject to test after installation and periodically at such intervals as the commissioner may by rule establish. Inspection and test shall be performed by an inspector of the Mechanical Inspection Bureau, excepting, however, such as may be insured after having been regularly inspected in accordance with the terms of this article, by insurance companies, whose inspectors shall have satisfactorily passed an examination or received certificates of competency approved by the commissioner, or such as may be regularly inspected by a certified user-inspector of a registered inspection agency ap-

proved by the commissioner. Such user-inspector shall have passed an examination or received a certificate of competency from the commissioner, and the inspection shall be conducted in such manner as the commissioner may by rule provide. The inspection of any equipment described in this subsection by a certified inspector of an insurance company or a certified user-inspector of a registered inspection agency shall be acceptable in lieu of State inspection where such inspections are recorded with the Mechanical Inspection Bureau accompanied by fees in accordance with the following schedule: one to 25 vessels, \$5.00 each; 26 to 100 vessels, \$2.50 each; 101 to 500 vessels, \$2.00 each; and over 500 vessels, \$1.50 each. These fees are to be collected from the owner or user but payable by the inspection agency to the Department of Labor. This subsection shall not apply to any pressure vessel:

(1) Subject to internal or external pressure not exceeding 15 psig; or

(2) Having inside diameter not exceeding 6 inches; or

(3) Used for water storage purposes serving dwellings of less than six-family units or other dwellings with accommodations for less than 25 persons, when none of the following limitations is exceeded:

(a) 200 degrees Fahrenheit

(b) 120 gallons water containing capacity

(c) 160 psig; or

(4) Under the jurisdiction and control of the United States Government, the inspection of which is actively regulated by a Federal agency; or to equipment used solely for the propulsion of motor vehicles regulated by the Motor Vehicle Act, Title 39, of the Revised Statutes.

3. R. S. 34:7-15 is amended to read as follows:

Fees for inspection of vessels.

34:7-15. a. For each annual internal and external inspection of vessels specified in section 34:7-14a. of this Title, which shall include hydrostatic test if found necessary, the owner, lessee or operator of the vessel shall pay to the Department of Labor a fee of \$15.00 for vessels having 10 and not over 60 square feet of heating surface, \$20.00 for vessels over 60 and not over 1,000 square feet of heating surface and \$35.00 for vessels over 1,000 square feet of heating surface; plus the actual travel expense of the inspector.

b. For each inspection of vessels specified in section 34:7-14b. of this Title, the owner, lessee or operator of the vessel shall pay to the Department of Labor the actual travel expense of the inspector and a fee of \$5.00 for vessels not over 30 square feet size, \$10.00 for vessels over 30 but not over 60 square feet size, \$15.00 for vessels over 60 but not over 100 square feet size, \$20.00 for vessels over 100 square feet size. In determining size rating, the extreme diameter multiplied by the vessel length, or equivalent dimensions, shall be used.

c. The Mechanical Inspection Bureau shall maintain an inspection service for the purpose of providing shop inspection of those vessels regulated by chapter 7 of Title 34, which are under construction or new, or which are to be used for a purpose other than that for which originally approved, or which have never been subject to a previous inspection in New Jersey. This service shall be provided for New Jersey builders, owners or users of such vessels upon their request only. The fees for this service, exclusive of the actual travel expenses of the inspector, which also shall be paid, shall be set by the commissioner and shall be: (1) Not more than \$25.00 for each vessel inspected, provided that he may establish a charge for each visit, for the purpose of inspection, of not less than \$50.00 nor more than \$150.00; (2) For construction review of vessel not designed in accordance with standards set by the Board of Boiler, Pressure Vessel and Refrigeration Rules, not less than \$200.00, nor more than \$500.00.

4. R. S. 34:7-16 is amended to read as follows:

External inspection after 6 months.

34:7-16. In addition to the annual internal and external inspection, there may be an external inspection if found necessary of each vessel specified in section 34:7-14 a. of this Title, which shall be made as nearly as may be at the expiration of 6 months from each annual inspection and for which the owner, lessee or operator shall pay to the inspector a fee of \$15.00, in addition to the actual cost of travel incurred by the inspector in going to and returning from the place of inspection. Each vessel insured by an insurance company may also be given an external inspection by a certified inspector.

5. R. S. 34:7-25 is amended to read as follows:

Inspection of refrigeration systems.

34:7-25. All refrigeration systems using flammable or toxic refrigerants of over three tons of refrigerating capacity or requir-

ing over six driving horsepower, and all refrigeration systems using nonflammable and nontoxic refrigerants of over 18 tons of refrigerating capacity or requiring over 36 driving horsepower, having relief devices set over 15 pounds per square inch gage and used in a plant of any size or storage capacity, shall be inspected annually by an inspector of the Mechanical Inspection Bureau or of an insurance company, as provided in section 34:7-14 a. of this Title; and the owner, lessee or operator shall comply with the recommendations of the inspector in conformity with the rules and regulations adopted by the Board of Boiler, Pressure Vessel and Refrigeration Rules of the Mechanical Inspection Bureau and approved by the commissioner.

The fees for such inspection by an inspector of the Mechanical Inspection Bureau shall be as follows:

- a. Refrigeration systems of 25 tons and over, but less than 300 tons of refrigerating capacity, the sum of \$35.00 for each inspection, plus the actual travel expense of the inspector;
- b. Refrigeration systems under 25 tons and over 3 tons of refrigerating capacity, the sum of \$20.00 for each inspection, plus the actual travel expense of the inspector;
- c. Refrigeration systems of 300 tons or over of refrigerating capacity, the sum of \$45.00 for each inspection, plus the actual travel expenses of the inspector.

The fees and travel expenses shall be paid to the inspector, at the time of inspection, by the owner, lessee or operator of the refrigeration system.

The annual inspection and inspection reports of refrigeration systems by insurance companies licensed to do business within this State and otherwise complying with this chapter shall be accepted in lieu of other inspections. Each insurance company shall file with the commissioner a report of each inspection and shall pay to him a fee of \$7.50 for each annual refrigeration system inspection, to be collected by the insurer from the owner or lessee of the plant inspected. After the owner, lessee or operator has complied with the rules and regulations, a certificate shall be issued by the Mechanical Inspection Bureau, which certificate shall be valid for 1 year and be the authority for the operation of the refrigeration system during such time. Upon expiration, the certificate shall be renewed by the Mechanical Inspection Bureau if the refrigeration system is found to be in proper condition for operation within the

prescribed rules of the Mechanical Inspection Bureau. All fees collected under this act shall be paid by the commissioner or his duly authorized representative into the State Treasury and shall become a part of the State General Fund.

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

Approved June 30, 1982.

CHAPTER 55

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, and (4) surplus reserves which can reasonably be expected to accrue to holders or owners of equitable shares, not including reasonable valuation reserves, such as reserves for depreciation or obsolescence or depletion. Notwithstanding the foregoing, net worth shall not include any deduction for the amount of the excess depreciation described in paragraph (2)

(F) of subsection (k) of this section. The foregoing aggregate of values shall be reduced by 50% of the amount disclosed by the books of the corporation for investment in the capital stock of one or more subsidiaries, which investment is defined as ownership (1) of at least 80% of the total combined voting power of all classes of stock of the subsidiary entitled to vote and (2) of at least 80% of the total number of shares of all other classes of stock except nonvoting stock which is limited and preferred as to dividends. In the case of investment in an entity organized under the laws of a foreign country, the foregoing requisite degree of ownership shall effect a like reduction of such investment from 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. Entire net income shall exclude for the periods set forth in paragraph (2) (F) (i) of this subsection, any amount, except with respect to property described in section 168 (f) (8) (D) (iii) of the Internal Revenue Code, which is included in a taxpayer's federal taxable income solely as a result

of an election made pursuant to the provisions of paragraph (8) of that section;

(2) Entire net income shall be determined without the exclusion, deduction or credit of:

(A) The amount of any specific exemption or credit allowed in any law of the United States imposing any tax on or measured by the income of corporations;

(B) Any part of any income from dividends or interest on any kind of stock, securities or indebtedness, except as provided in 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;

(iv) In full to the extent that it relates to financing of motor vehicle inventory held for sale to customers providing said indebtedness is owed to a taxpayer customarily and routinely providing this type of financing;

(v) In full to the extent it relates to debt of a banking corporation to a bank holding company, as defined in 12 U. S. C. § 1841, of which the banking corporation is a subsidiary.

(F) (i) The amount by which depreciation reported to the United States Treasury Department for property placed in service

on and after January 1, 1981, for purposes of computing federal taxable income in accordance with section 168 of the Internal Revenue Code in effect after December 31, 1980, exceeds the amount of depreciation determined in accordance with the Internal Revenue Code provisions in effect prior to January 1, 1981, but only with respect to a taxpayer's accounting period ending after December 31, 1981; provided, however, that where a taxpayer's accounting period begins in 1981 and ends in 1982, no modification shall be required with respect to this paragraph (F) for the report filed for such period with respect to property placed in service during that part of the accounting period which occurs in 1981.

(ii) For the periods set forth in subparagraph (F) (i) of this subsection, any amount, except with respect to property described in section 168 (f) (8) (D) (iii) of the Internal Revenue Code, which the taxpayer claimed as a deduction in computing federal income tax pursuant to a qualified lease agreement under paragraph (8) of that section.

The director shall promulgate rules and regulations necessary to carry out the provisions of this section, which rules shall provide, among others, the manner in which the remaining life of property shall be reported.

(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.

(1) "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 de-

bentures 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. Section 5 of P. L. 1945, c. 162 (C. 54:10A-5) is amended to read as follows:

C. 54:10A-5 Franchise tax.

5. The franchise tax to be annually assessed to and paid by each taxpayer shall be the sum of the amount computed under subsection (a) hereof, or, in the alternative to the amount computed under subsection (a) hereof, the amount computed under subsection (f) hereof, and the amount computed under subsection (c) hereof:

(a) That portion of its entire net worth as may be allocable to this State as provided in section 6 multiplied by the following rates: 2 mills per dollar on the first \$100,000,000.00 of allocated net worth; $\frac{1}{10}$ of a mill per dollar on the second \$100,000,000.00; $\frac{3}{10}$ of a mill per dollar on the third \$100,000,000.00; and $\frac{2}{10}$ of a mill per dollar on all amounts of allocated net worth in excess of \$300,000,000.00; provided, however, that with respect to reports covering accounting or privilege periods set forth below, the rate shall be that percentage of the rate set forth in this subsection for the appropriate year:

Accounting or Privilege Periods Beginning on or After:	The Percentage of the Rate to be Imposed Shall Be:
April 1, 1983	75%
July 1, 1984	50%
July 1, 1985	25%
July 1, 1986	0

(b) (Deleted by amendment, P. L. 1968, c. 250, s. 2.)

(c) $3\frac{1}{4}\%$ of its entire net income or such portion thereof as may be allocable to this State as provided in section 6; provided, however, that with respect to reports covering accounting or privilege periods or parts thereof ending after December 31, 1967, the rate shall be $4\frac{1}{4}\%$; and, that with respect to reports covering accounting or privilege periods or parts thereof ending after December 31, 1971, the rate shall be $5\frac{1}{2}\%$; and, that with respect to reports covering accounting or privilege periods or parts thereof ending after December 31, 1974, the rate shall be $7\frac{1}{2}\%$; and, that with respect to reports covering accounting or privilege periods or parts thereof ending after December 31, 1979, the rate shall be 9%.

(d) Provided, however, that the franchise tax to be annually assessed to and paid by any investment company or regulated investment company or real estate investment trust which has elected to report as such and has filed its return in the form and within the time provided in this act and the rules and regulations promulgated in connection therewith, shall, in the case of an investment company, be measured by 25% of its entire net income and 25% of its entire net worth, and, in the case of a regulated investment company or a real estate investment trust, by 4% of its entire net income and 15% of its entire net worth, at the rates hereinbefore set forth for the computation of tax on net income and net worth, respectively, but in no case less than \$250.00.

(e) The tax assessed to any taxpayer pursuant to this section shall not be less than \$25.00 in the case of a domestic corporation, \$50.00 in the case of a foreign corporation, or \$250.00 in the case of an investment company or regulated investment company.

(f) In lieu of the portion of the tax based on net worth and to be computed under subsection (a) of this section, any taxpayer, the value of whose total assets everywhere, less reasonable reserves for depreciation, as of the close of the period covered by its report, amounts to less than \$150,000.00, may elect to pay the tax shown in a table which shall be promulgated by the director.

3. This act shall take effect immediately; provided, however, that the amendment contained in section 1 with respect to subsection (d) of section 4 of P. L. 1945, c. 162 (C. 54:10A-4) relating to indebtedness shall become effective with respect to accounting or privilege periods beginning on or after July 1, 1984 and the amendments contained in section 2 with respect to subsection (e) of section 5 of P. L. 1945, c. 162 (C. 54:10A-5) relating to alternative minimum taxes shall be effective with respect to accounting periods beginning on and after April 1, 1983.

Approved June 30, 1982.

CHAPTER 56

AN ACT authorizing counties and municipalities to appropriate funds annually to private, nonprofit organizations for services to runaway or homeless youths and their families.

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

C. 40:5-2.10b Services to runaway or homeless youths.

1. The governing body of a county or municipality annually may appropriate funds to a private, nonprofit organization for the purpose of providing services to runaway or homeless youths and their families. The services may include temporary shelter, food, clothing, medical care, transportation, individual and family counseling, and any other service necessary to provide adequate temporary, protective care for runaway or homeless youths, or to aid in reuniting the youths with their parents or guardians. For the purposes of this section, "runaway or homeless youth" means a person under the age of 18, who is absent from his legal residence without the consent of his parents or legal guardian, or who is without a place of shelter where supervision and care are available.

2. This act shall take effect immediately.

Approved July 6, 1982.

CHAPTER 57

AN ACT concerning slot machines and amending P. L. 1977, c. 110.

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

1. Section 12 of P. L. 1977, c. 110 (C. 5:12-12) is amended to read as follows:

C. 5:12-12 Casino service industry.

12. "Casino Service Industry"—Any form of enterprise which provides casinos with goods or services on a regular or continuing basis, including, without limitation, security businesses, gaming schools, manufacturers, distributors and servicers of gaming devices or equipment, garbage haulers, maintenance companies, food purveyors, or any other enterprise which does business with licensed casinos on a regular or continuing basis. Notwithstanding the foregoing, any form of enterprise engaged in the manufacture, sale, distribution or repair of slot machines within New Jersey, other than antique slot machines as defined in N. J. S. 2C:37-7, shall be considered a casino service industry for the purposes of this act regardless of the nature of its business relationship, if any, with licensed casinos in this State.

2. Section 92 of P. L. 1977, c. 110 (C. 5:12-92) is amended to read as follows:

C. 5:12-92 Licensing and registration of casino service industries.

92. Licensing and Registration of Casino Service Industries.

a. (1) All casino service industries offering goods or services which directly relate to casino or gaming activity, including gaming equipment manufacturers, suppliers and repairers, schools teaching gaming and either playing or dealing techniques, and casino security services, shall be licensed in accordance with the provisions of this act prior to conducting any business whatsoever with a casino licensee, its employees or agents, and in the case of a school, prior to enrollment of any students or offering of any courses to the public whether for compensation or not; provided, however, that upon a showing of good cause by a casino licensee for each business transaction, the commission may permit an applicant for a casino service industry license to conduct business transactions with such casino licensee prior to the licensure of that applicant under this subsection.

(2) In addition to the requirements of paragraph (1) of this subsection, any casino service industry intending to manufacture, sell, distribute or repair slot machines within New Jersey, other than antique slot machines as defined in N. J. S. 2C:37-7, shall be licensed in accordance with the provisions of this act prior to engaging in any such activities; provided, however, that upon a showing of good cause by a casino licensee for each business transaction, the commission may permit an applicant for a casino service industry license to conduct business transactions with the casino licensee prior to the licensure of that applicant under this subsection; and provided further, however, that upon a showing of good cause by an applicant required to be licensed as a casino service industry pursuant to this paragraph, the commission may permit the applicant to initiate the manufacture of slot machines or engage in the sale, distribution or repair of slot machines with any person other than a casino licensee, its employees or agents, prior to the licensure of that applicant under this subsection.

b. Each casino service industry in subsection a. of this section, as well as its owners, management and supervisory personnel and other principal employees must qualify under the standards, except residency, established for qualification of a casino key employee under this act. In addition, if the business or enterprise is a school teaching gaming and either playing or dealing techniques, each resident director, instructor, principal employee, and sales representative employed thereby shall be licensed under the standards established for qualification of a casino employee under this act; provided, however, that nothing in this subsection shall be deemed to require, in the case of a public school district or a public institution of higher education, the licensure or qualification of any individuals except those instructors and other principal employees responsible for the teaching of playing or dealing techniques. The commission, in its discretion, may issue a temporary license to an applicant for an instructor's license upon a finding that the applicant meets the educational and experiential requirements for such license, that the issuance of a permanent license will be restricted by necessary investigations, and that temporary licensing is necessary for the operation of the gaming school. Unless otherwise terminated pursuant to this act, a temporary license issued pursuant to this subsection shall expire 6 months from the date of its issuance and be renewable, at the discretion of the commission, for one additional 6-month period.

c. All casino service industries not included in subsection a. of this section shall be licensed in accordance with rules of the commission prior to commencement or continuation of any business with a casino licensee or its agents. Such casino service industries, whether or not directly related to gaming operations, shall include suppliers of alcoholic beverages, food and nonalcoholic beverages; garbage handlers; vending machine providers; linen suppliers; maintenance companies; shopkeepers located within the approved hotels; and limousine services contracting with casino licensees. The commission may exempt any person or field of commerce from the licensing requirements of this subsection if the person or field of commerce demonstrates (1) that it is regulated by a public agency or that it will provide goods or services in insubstantial or insignificant amounts or quantities, and (2) that licensing is not deemed necessary in order to protect the public interest or to accomplish the policies established by this act. Upon granting an exemption or at any time thereafter, the commission may limit or place such restrictions thereupon as it may deem necessary in the public interest, and shall require the exempted person to cooperate with the commission and the division and, upon request, to provide information in the same manner as required of a casino service industry licensed pursuant to this subsection; provided, however, that no exemption shall be granted unless the casino service industry complies with the requirements of sections 134 and 135 of this act.

d. Licensure pursuant to subsection c. of this section of any casino service industry may be denied to any applicant disqualified in accordance with the criteria contained in section 86 of this act.

3. This act shall take effect immediately.

Approved July 6, 1982.

CHAPTER 58

AN ACT concerning the offense of operating a motor vehicle while under the influence of intoxicating liquor or drugs, and amending R. S. 39:4-50.

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

1. R. S. 39:4-50 is amended to read as follows:

Operation of motor vehicle while under influence of intoxicating liquor or drug.

39:4-50. (a) A person who operates a motor vehicle while under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug, or permits another person who is under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug to operate a motor vehicle owned by him or in his custody or control, shall be subject, for the first offense, to a fine of not less than \$250.00 nor more than \$400.00 or imprisonment for a term of not more than 30 days or both, in the discretion of the court, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of not less than six months nor more than one year. Except as hereinafter provided, for a second violation, he shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00, and shall be ordered by the court to perform community service for a period of 30 days, which shall be of such form and on such terms as the court shall deem appropriate under the circumstances or may be sentenced to imprisonment for a term of not more than 90 days, and shall forfeit his right to operate a motor vehicle over the highways of this State for a period of two years upon conviction, and, after the expiration of said period, he may make application to the Director of the Division of Motor Vehicles for a license to operate a motor vehicle, which application may be granted at the discretion of the director, consistent with subsection (b) of this section. Except as hereinafter provided, for a third or subsequent violation, he shall be subject to a fine of \$1,000.00, and shall be sentenced to imprisonment for a term of not less than 180 days, except that the court may lower such term for each day, not exceeding 90 days, served performing community service in such form and on such terms as the court shall deem appropriate under the circumstances and shall thereafter forfeit his right to operate a motor vehicle over the highways of this State for 10 years. If the driving privilege of any person is under revocation or suspension for a violation of any provision of this Title at the time of any conviction for a violation of this section, the revocation or suspension period imposed shall commence as of the date of termination of the existing revocation or suspension period. A court that imposes a term of imprisonment under this section may sentence the person so convicted to the county jail, to the workhouse of the county wherein the offense was committed, or to an inpatient rehabilitation program approved by the Director of the Division of Motor Vehicles.

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

(b) In addition to any other requirements provided by law, a person convicted under this section must satisfy the requirements of a program of alcohol education or rehabilitation approved by the Director of the Division of Motor Vehicles. Failure to satisfy such requirements shall result in a driver license revocation or suspension or continuation of revocation or suspension until such requirements are satisfied, unless stayed by court order in accordance with Rule 7:8-2 of the N. J. Court Rules, 1969, or R. S. 39:5-22. A fee, not to exceed \$40.00, shall be payable to the director from every person required to satisfy the requirements of a program of alcohol education or rehabilitation under the provisions of this section.

(c) Upon conviction of a violation of this section, the court shall collect forthwith the New Jersey driver's license or licenses of the person so convicted and forward such license or licenses to the Director of the Division of Motor Vehicles. In the event that a person convicted under this section is the holder of any out-of-state driver's license, the court shall not collect the license but shall notify forthwith the director who shall, in turn, notify appropriate officials in the licensing jurisdiction. The court shall, however, revoke the nonresident's driving privilege to operate a motor vehicle in this State in accordance with this section.

(d) The Director of the Division of Motor Vehicles shall promulgate administrative rules and regulations in order to effectuate the purposes of this act.

(e) Any person accused of a violation of this section who is liable to punishment imposed by this section as a second or subsequent offender shall be entitled to the same rights of discovery as allowed defendants pursuant to the Rules Governing Criminal Practice as set forth in the Rules Governing the Courts of the State of New Jersey.

2. This act shall take effect immediately.

Approved July 6, 1982.

CHAPTER 59

AN ACT authorizing the township of Bedminster in the county of Somerset to grant and pay retirement benefits to R. Earl Smith.

WHEREAS, R. Earl Smith, a resident of the township of Bedminster, has served the township as tax assessor for over 22 years; and

WHEREAS, He has rendered excellent, efficient and faithful service to the township in the performance of his duties; and

WHEREAS, R. Earl Smith is not eligible for any retirement benefits by reason of his service; now, therefore,

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

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the township of Bedminster in the county of Somerset is authorized to grant and pay, in monthly installments, an annual retirement benefit in the amount of \$6,950.00 to R. Earl Smith for the remainder of his life. The township shall provide for the amount of the benefit in its annual budget, but may pay the benefit from any funds available therefor from the effective date of this act until the adoption of its next annual budget.

2. This act shall take effect upon the due adoption of an ordinance of the township of Bedminster for the purpose of adopting same.

Approved July 8, 1982.

CHAPTER 60

AN ACT concerning games on certain mechanical and electronic amusement devices and amending N. J. S. 2C:37-1.

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

1. 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. This definition, however, does not include any form of promise involving extension of a privilege of playing at a game without charge on a mechanical or electronic amusement device, other than a slot machine as an award for the attainment of a certain score on that device.

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.

2. This act shall take effect immediately.

Approved July 8, 1982.

CHAPTER 61

AN ACT concerning alcoholic beverages and amending R. S. 33:1-77.

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

1. R. S. 33:1-77 is amended to read as follows:

Defenses to sale of alcoholic beverages to underage persons.

33:1-77. Anyone who sells any alcoholic beverage to a person under the legal age for purchasing alcoholic beverages is a disorderly person; provided, however, that the establishment of all of the following facts by a person making any such sale shall constitute a defense to any prosecution therefor: (a) that the purchaser falsely represented in writing or by producing a driver's license bearing a photograph of the licensee that he or she was of legal age to make the purchase, (b) that the appearance of the purchaser was such that an ordinary prudent person would believe him or her to be of legal age to make the purchase, and (c) that the sale was made in good faith relying upon such written representation or production of a driver's license bearing a photograph of the licensee and appearance and in the reasonable belief that the purchaser was actually of legal age to make the purchase.

2. This act shall take effect immediately.

Approved July 9, 1982.

CHAPTER 62

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 Acquisition of licenses by municipalities.

2. No such contract shall authorize payment to the licensee for transfer of the license to the municipality of a sum in excess of \$30,000.00 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. Section 5 of P. L. 1968, c. 277 (C. 40:48-2.44) is amended to read as follows:

C. 40:48-2.44 January 1, 1986, deadline.

5. No contract for acquisition of a license, authorized by an ordinance adopted pursuant to this act, may be entered into after January 1, 1986.

3. This act shall take effect immediately and shall be retroactive to January 1, 1982.

Approved July 9, 1982.

CHAPTER 63

AN ACT to amend the title of "An act appropriating funds from the Clean Waters Fund for a loan for the planning and construction of water supply facilities," approved July 27, 1981 (P. L. 1981, c. 234), so that the same shall read "An act appropriating funds from the Clean Waters Fund for loans for the planning and construction of water supply facilities," 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. 1981, c. 234 is amended to read as follows:

AN ACT appropriating funds from the Clean Waters Fund for loans for the planning and construction of water supply facilities.

2. Section 1 of P. L. 1981, c. 234 is amended to read as follows:

1. There is appropriated to the Department of Environmental Protection, from the Clean Waters Fund created pursuant to the "Clean Waters Bond Act of 1976," P. L. 1976, c. 92, and from the

remaining amounts received or to be received as repayment of a loan made from the "Clean Waters Fund" pursuant to the provisions of P. L. 1979, c. 232, the sum of \$60,000.00 for the purpose of making loans to the township of Egg Harbor, the cities of Absecon and Pleasantville, and the borough of Buena for the planning and construction of water supply facilities, including house connections, to serve those residential dwellings of the township of Egg Harbor, the cities of Absecon and Pleasantville, and the borough of Buena with existing contaminated private wells utilized for water supply.

3. Section 2 of P. L. 1981, c. 234 is amended to read as follows:

2. The residential dwellings eligible for water supply service by the township of Egg Harbor, the cities of Absecon and Pleasantville, and the borough of Buena shall be determined by the governing bodies thereof in consultation with the Department of Environmental Protection.

4. Section 3 of P. L. 1981, c. 234 is amended to read as follows:

3. These loans shall be subject to such terms and conditions as shall be prescribed by the Commissioner of the Department of Environmental Protection to carry out the purpose of this act, provided that all loans shall be repaid within 20 years from the date of the making thereof. These loans shall be repaid at a rate of 5% simple interest per annum thereon. The provisions of any law to the contrary notwithstanding, no owner of land in front of or upon which these water supply facilities are constructed shall be required to bear any expense of the planning or construction thereof.

5. Section 4 of P. L. 1981, c. 234 is amended to read as follows:

4. These loans may be made for any amount up to \$60,000.00 not in excess of the entire cost of the planning and construction of the water supply facilities, but shall not be applied to any costs of engineering supervision or inspection during or after the construction of the proposed water supply facilities.

Approved July 12, 1982.

CHAPTER 64

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. Any person required to be enrolled in the retirement system as a result of his being recorded, pursuant to the provisions of section 2 of P. L. 1978, c. 147, as having permanent status in the classified service of the Civil Service shall, notwithstanding any provisions to the contrary of P. L. 1954, c. 84 (C. 43:15A-1 et seq.) or of any other law, be exempt from any right or requirement of membership in the retirement system prior to November 22, 1978. The person shall not be required to make any contributions thereto with respect to any service rendered prior to November 22, 1978, in a position allocated to the classified service of the Civil Service pursuant to the provisions of section 1 of P. L. 1978, c. 147 (C. 11:22-44.6).

2. This act shall take effect immediately and shall expire on the sixty-first day following enactment.

Approved July 12, 1982.

CHAPTER 65

AN ACT concerning judgments in the Superior Court, Chancery Division and amending N. J. S. 2A:16-11, N. J. S. 2A:16-18 and P. L. 1981, c. 388.

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

1. N. J. S. 2A:16-11 is amended to read as follows:

Civil judgment and order docket.

2A:16-11. The clerk of the superior court shall keep a book known as a civil judgment and order docket in which shall be

entered, without any request, an abstract of each judgment or order for the payment of money entered from, or made in, the superior court. A judgment or order for the payment of money is one which has been reduced to a fixed dollar amount. Any judgment for periodic payments where a total amount has not been fixed shall not be considered as having been reduced to a fixed dollar amount unless a judgment fixing arrearages has been entered.

The entry required by this section shall constitute the record of the judgment, order or decree and a transcript thereof duly certified by the clerk of the court shall be a plenary evidence of such judgment, order or decree.

The clerk shall also make an entry upon the civil judgment and order docket indicating the nature of every judgment or order and an entry on return showing execution of process and the date when such judgment or order was entered.

2. N. J. S. 2A:16-18 is amended to read as follows :

Chancery judgments to have force and effect of Law Division judgments.

2A:16-18. Every judgment, or order for the payment of money, entered in the Superior Court, Chancery Division, from the time of its entry upon the civil judgment and order docket, and every decree or order for the payment of money, of the former court of chancery, from the time it was signed, shall have the force, operation and effect of a judgment of the Superior Court, Law Division, and execution may issue thereon as in other cases.

3. Section 5 of P. L. 1981, c. 388 is amended to read as follows :

5. This act shall take effect on the first day of the sixth month following enactment and shall apply only to judgments or orders for the payment of money entered by notation thereof upon the civil judgment and order docket subsequent to the effective date of this act.

4. This act shall take effect immediately.

Approved July 12, 1982.

CHAPTER 66

AN ACT concerning the financing of certain obligations of municipalities and supplementing chapter 4 of Title 40A of the Revised Statutes.

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

C. 40A:4-55.18 "Distressed municipality."

1. As used in this act the term "distressed municipality" means any municipality required to pay a judgment in an amount which would require an increase in the municipal purposes levy for any year in excess of 40% over the immediately preceding year.

C. 40A:4-55.19 5-year notes.

2. a. The governing body of a distressed municipality may by resolution approved by not less than two-thirds vote of its full membership provide for the payment of any judgment against it resulting from an order of the court by providing an appropriation therefor, and financing such from surplus funds or by borrowing through issuance of notes or other obligations in the name of the municipality.

b. Any resolution adopted under the provisions of this act shall provide that in the case of any notes issued to finance appropriations, at least one-fifth of all such notes, and any renewals thereof, shall mature and be paid each year, so that all notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of the resolution.

C. 40A:4-55.20 Local Finance Board approval required.

3. No resolution approved pursuant to this act shall have effect unless approved by the Local Finance Board pursuant to rules and regulations prescribed by it.

C. 40A:4-55.21 Unlimited power to pay obligations.

4. The power and obligation of a municipality to pay any note or obligation issued pursuant to this act shall be unlimited and the municipality shall have power and be obligated to levy ad valorem taxes upon all the taxable property within the municipality for the payment of such notes or obligations and interest thereon, without limitation of rate or amount.

5. This act shall take effect immediately and shall be applicable with respect to judgments payable in 1982 and thereafter.

Approved July 12, 1982.

CHAPTER 67

AN ACT concerning certain contracts for the purchase of cogenerated thermal energy, and amending P. L. 1971, c. 198.

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

1. Section 15 of P. L. 1971, c. 198 (C. 40A:11-15) is amended to read as follows:

C. 40A:11-15 Duration of certain contracts.

15. Duration of certain contracts. All purchases, contracts or agreements shall be made for a period not to exceed 12 consecutive months, except that contracts or agreements may be entered into for longer periods of time as follows:

(1) Supplying of

(a) Fuel for heating purposes, for any term not exceeding in the aggregate, 2 years;

(b) Fuel or oil for use of airplanes, automobiles, motor vehicles or equipment for any term not exceeding in the aggregate, 2 years;

(c) Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 20 years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam;

(2) (Deleted by amendment.)

(3) The collection and disposal of garbage and refuse, for any term not exceeding in the aggregate, 5 years;

(4) The recycling of solid waste, for any term not exceeding 25 years, when such contract is in conformance with a solid waste management plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E-1 et seq.), and with the approval of the Division of Local Government Services and the Department of Environmental Protection;

(5) Data processing service, for any term of not more than 3 years;

(6) Insurance, for any term of not more than 3 years;

(7) Leasing or servicing of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind, for a period not to exceed 3 years; provided, however, such contracts shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(8) The supplying of any product or the rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Public Utilities for a term not exceeding 5 years;

(9) Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works project, including the retention of the services of any architect or engineer in connection therewith, for the length of time authorized and necessary for the completion of the actual construction;

(10) The providing of food services to county colleges and county assisted institutions of higher education for any term not exceeding 3 years;

(11) On-site inspections undertaken by private agencies pursuant to the "State Uniform Construction Code Act" (P. L. 1975, c. 217; C. 52:27D-119 et seq.) for any term of not more than 3 years;

(12) The performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy in buildings owned by, or operations conducted by, the contracting unit, the entire price of which to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 10 years; provided, however, that such contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the Department of Energy establishing a methodology for computing energy cost savings.

All multi-year leases and contracts entered into pursuant to this section 15, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, contracts for thermal energy authorized pursuant to subsection (1) above, construction contracts authorized pursuant to subsection (9) above, or contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation authorized pursuant to subsection (12) above, shall contain a clause making them subject

to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause.

The Division of Local Government Services shall adopt and promulgate rules and regulations concerning the methods of accounting for all contracts that do not coincide with the fiscal year.

2. This act shall take effect immediately.

Approved July 13, 1982.

CHAPTER 68

AN ACT concerning municipal licensing fees and supplementing Title 40 of the Revised Statutes.

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

C. 40:52-7 Additional assessment.

1. The governing body of any municipality is authorized to enact an ordinance or ordinances imposing an additional assessment to any fee imposed upon a license issued by the municipality pursuant to P. L. 1959, c. 109 (C. 5:8-100 et seq.), R. S. 40:52-1 or R. S. 33:1-19. The additional assessment shall be imposed at the rate as shall be determined by the governing body and set forth in the ordinance. In no event shall the total amount of the additional assessment imposed on any one license exceed 50% of the license fee or \$50.00, whichever shall be less.

C. 40:52-8 Creation of fund.

2. Every municipality adopting an ordinance or ordinances authorized by section 1 of this act shall create a fund, which shall be held by the commission created pursuant to section 3 of this act. The fund shall be the exclusive repository of all revenues collected by the municipality pursuant to the additional licensing assessment. In no event shall moneys from any other source be allocated to the fund. Revenues from the fund shall be disbursed to fulfill the purpose expressed in section 5 of this act and are dedicated to that purpose exclusively.

C. 40:54C-1 Tourist development commission.

3. The governing body of any municipality enacting an ordinance or ordinances authorized by section 1 of this act, shall by ordinance, establish a "..... Tourist Development Commission," with all or any significant part of the name of the municipality inserted. The commission shall constitute an agency and instrumentality of the municipality creating it. The commission shall consist of five members who shall be appointed by resolution of the governing body, one of whom shall be a representative of the municipality and shall advise the governing body of the work of the commission, the remaining four of whom shall be municipal licensees upon whom an additional assessment has been imposed pursuant to section 1 of this act or, if a license is issued in the name of a corporation or partnership, their representative. The commissioner representing the municipality shall serve at the pleasure of the governing body. Except as provided in section 6 of this act, the terms of office of the remaining commissioners shall be for 2 years, except that of the members first appointed, two shall be appointed for terms of 1 year and two for terms of 2 years. A vacancy on the commission occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as the original appointment. The members shall serve without compensation in performance of their duties as members of the commission.

C. 40:54C-2 Organization meeting.

4. As soon as possible and in any event no later than 15 days after its appointment, the commission shall organize and hold its first meeting, fix its hours and place of meeting, and adopt rules for the conduct of its business as it may deem necessary and advisable. A majority of the members of the commission shall constitute a quorum for the transaction of business.

C. 40:54C-3 Disbursement authority.

5. The commission shall have exclusive authority to disburse all revenues allocated to the fund established pursuant to section 2 of this act. It shall spend moneys from the fund in the manner it deems advisable for the purpose of publicizing and otherwise promoting the municipality it serves in order to attract tourism. The purpose of this act shall be considered a public purpose.

C. 40:54C-4 Report at least annually.

6. The commission shall keep records of its meetings, activities and expenditures. At any time upon the request of the governing

body, and in no event less than once annually, the commission shall make a report based on its records. The governing body shall examine the report to determine whether all disbursements from the fund have been made for the purpose stated in section 5 of this act. If the governing body shall determine that disbursements were not made pursuant to the stated purpose of this act, it may, by resolution stating the reasons therefor, remove any or all members of the commission.

C. 40:54C-5 Joint actions authorized.

7. Any commission created by this act in any municipality is authorized to act jointly with any commission so created in any other municipality, in furtherance of the purpose stated in section 5 of this act.

8. This act shall take effect immediately.

Approved July 13, 1982.

CHAPTER 69

AN ACT concerning residency requirements and amending
R. S. 40:82-2.

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

1. R. S. 40:82-2 is amended to read as follows:

Municipal manager, residency.

40:82-2. The municipal manager shall be a person, other than a member of the municipal council, fully qualified to exercise the powers and perform the duties hereinafter set forth. He need not be a resident of the municipality at the time of his appointment but shall become a resident thereof within 3 months after appointment and continue a resident throughout his period of service; provided, however, the municipal manager may reside outside of the municipality with the approval of the municipal council.

2. This act shall take effect immediately.

Approved July 13, 1982.

CHAPTER 70

A SUPPLEMENT to “An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1982 and regulating the disbursement thereof,” approved June 30, 1981 (P. L. 1981, c. 190).

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

1. In addition to the amounts appropriated in P. L. 1981, c. 190, the following sums are appropriated out of the General Fund for the following purposes:

DEPARTMENT OF CORRECTIONS	
16 Detention and Rehabilitation	
7060 State Prison, Leesburg	
07-7060 Institutional Control and Supervision . . .	\$ 73,624.00
Special Purpose:	
Supplemental requirements for expanded	
capacity	(\$73,624.00)
Total Appropriation—State Prison,	
Leesburg	\$ 73,624.00
7130 Youth Correctional Institution, Annandale	
07-7130 Institutional Control and Supervision . . .	\$ 59,162.00
Special Purpose:	
Supplemental requirements for expanded	
capacity	(\$59,162)
Total Appropriation—Youth Correctional	
Institution, Annandale	\$ 59,162.00
19 Central Planning, Direction and Management	
02-7000 Program Operations Support	\$5,350,000.00
Special Purpose:	
Purchase of service for inmates incarcerated	
in county penal facilities	(\$5,000,000.00)
Start-up costs for new facility	
Total Appropriation—Department of	
Corrections	\$5,482,786.00

DEPARTMENT OF STATE

01-2505 Office of the Secretary of State \$ 250,000.00

Special Purpose:

For expenses incurred by any of the State's
 political subdivisions in connection with any
 special election held for the purpose of filling
 a vacancy occurring in the Senate or General
 Assembly (\$250,000.00)

Total Appropriation—Department of State \$ 250,000.00

2. This act shall take effect immediately.

Approved July 16, 1982.

CHAPTER 71

AN ACT concerning parole and amending and supplementing P. L.
 1979, c. 441.

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

1. Section 5 of P. L. 1979, c. 441 (C. 30:4-123.49) is amended to
 read as follows:

C. 30:4-123.49 Special panels; hearing officers; employees eligible.

5. a. The chairman of the board, after consulting with the board,
 shall assign any case not otherwise assigned, such as county jail,
 workhouse, or penitentiary cases, to a special panel composed of
 any two members or any one member and one senior hearing officer
 as necessary for the efficient functioning of the board.

b. Nothing contained in this act shall be deemed to preclude a
 member of any board panel from exercising all the functions,
 powers, and duties of a hearing officer upon designation by the
 chairman; provided, however, that no member so designated shall
 participate in the disposition of a panel or board review of his
 initial decision.

c. No hearing officer assigned to review adult cases shall be
 assigned to review juvenile cases pursuant to sections 13 and 19
 of this act, nor shall any hearing officer assigned to review juvenile
 cases be assigned to review adult cases.

d. Representatives of the board or the chairman designated pursuant to this act may include employees of the board and employees of other agencies such as the Department of Corrections, provided that no employee of the Department of Corrections shall be so designated without the approval of the Commissioner of Corrections. Such representatives shall not participate in the disposition of parole cases.

2. Section 7 of P. L. 1979, c. 441 (C. 30:4-123.51) is amended to read as follows:

C. 30:4-123.51 Eligibility for parole.

7. a. Each adult inmate sentenced to a term of incarceration in a county penal institution, or to a specific term of years at the State Prison or the correctional institution for women shall become primarily eligible for parole after having served any judicial or statutory mandatory minimum term, or one-third of the sentence imposed where no mandatory minimum term has been imposed less commutation time for good behavior pursuant to N. J. S. 2A:164-24 or R. S. 30:4-140 and credits for diligent application to work and other institutional assignments pursuant to P. L. 1972, c. 115 (C. 30:8-28.1 et seq.) or R. S. 30:4-92. Consistent with the provisions of the New Jersey Code of Criminal Justice (N. J. S. 2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7), commutation and work credits shall not in any way reduce any judicial or statutory mandatory minimum term and such credits accrued shall only be awarded subsequent to the expiration of the term.

b. Each adult inmate sentenced to a term of life imprisonment shall become primarily eligible for parole after having served any judicial or statutory mandatory minimum term, or 25 years where no mandatory minimum term has been imposed less commutation time for good behavior and credits for diligent application to work and other institutional assignments. If an inmate sentenced to a specific term or terms of years is eligible for parole on a date later than the date upon which he would be eligible if a life sentence had been imposed, then in such case the inmate shall be eligible for parole after having served 25 years, less commutation time for good behavior and credits for diligent application to work and other institutional assignments. Consistent with the provisions of the New Jersey Code of Criminal Justice (N. J. S. 2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7), commutation and work credits shall not in any way reduce any judicial or statutory mandatory minimum term

and such credits accrued shall only be awarded subsequent to the expiration of the term.

c. Each inmate sentenced to a specific term of years pursuant to the "Controlled Dangerous Substances Act," P. L. 1970, c. 226 (C. 24:21-1 through 45) shall become primarily eligible for parole after having served one-third of the sentence imposed less commutation time for good behavior and credits for diligent application to work and other institutional assignments.

d. Each adult inmate sentenced to an indeterminate term of years as a young adult offender pursuant to N. J. S. 2C:43-5 shall become primarily eligible for parole consideration pursuant to a schedule of primary eligibility dates developed by the board, less adjustment for program participation. In no case shall the board schedule require that the primary parole eligibility date for a young adult offender be greater than the primary parole eligibility date required pursuant to this section for the presumptive term for the crime authorized pursuant to N. J. S. 2C:44-1(f).

e. Each adult inmate sentenced to the Adult Diagnostic and Treatment Center, Avenel, shall become primarily eligible for parole upon recommendation by the special classification review board pursuant to N. J. S. 2C:47-5, except that no such inmate shall become primarily eligible prior to the expiration of any mandatory or fixed minimum term imposed pursuant to N. J. S. 2C:14-6.

f. Each juvenile inmate committed to an indeterminate term shall be immediately eligible for parole.

g. Each adult inmate of a county jail, workhouse or penitentiary shall become primarily eligible for parole upon service of 60 days of his aggregate sentence or as provided for in subsection a. of this section, whichever is greater. Whenever any such inmate's parole eligibility is within six months of the date of such sentence, the judge shall state such eligibility on the record which shall satisfy all public and inmate notice requirements. The chief executive officer of the institution in which county inmates are held shall generate all reports pursuant to subsection d. of section 10 of P. L. 1979, c. 441 (C. 30:4-123.54). The parole board shall have the authority to promulgate time periods applicable to the parole processing of inmates of county penal institutions, except that no inmate may be released prior to the primary eligibility date established by this subsection, unless consented to by the sentencing judge. No inmate sentenced to a specific term of years at the State Prison or the correctional institution for women shall become

primarily eligible for parole until service of a full nine months of his aggregate sentence.

h. When an inmate is sentenced to more than one term of imprisonment, the primary parole eligibility terms calculated pursuant to this section shall be aggregated by the board for the purpose of determining the primary parole eligibility date, except that no juvenile commitment shall be aggregated with any adult sentence. The board shall promulgate rules and regulations to govern aggregation under this subsection.

i. The primary eligibility date shall be computed by a designated representative of the board and made known to the inmate in writing not later than 90 days following the commencement of the sentence. In the case of an inmate sentenced to a county penal institution such notice shall be made pursuant to subsection g. of this section. Each inmate shall be given the opportunity to acknowledge in writing the receipt of such computation. Failure or refusal by the inmate to acknowledge the receipt of such computation shall be recorded by the board but shall not constitute a violation of this subsection.

j. Except as provided in this subsection, each inmate sentenced pursuant to N. J. S. 2A:113-4 for a term of life imprisonment, N. J. S. 2A:164-17 for a fixed minimum and maximum term or N. J. S. 2C:1-1(b) shall not be primarily eligible for parole on a date computed pursuant to this section, but shall be primarily eligible on a date computed pursuant to P. L. 1948, c. 84 (C. 30:4-123.1 et seq.), which is continued in effect for this purpose. Inmates classified as second, third or fourth offenders pursuant to section 12 of P. L. 1948, c. 84 (C. 30:4-123.12) shall become primarily eligible for parole after serving one-third, one-half or two-thirds of the maximum sentence imposed, respectively, less in each instance commutation time for good behavior and credits for diligent application to work and other institutional assignments; provided, however, that if the prosecuting attorney or the sentencing court advises the board that the punitive aspects of the sentence imposed on such inmates will not have been fulfilled by the time of parole eligibility calculated pursuant to this subsection, then the inmate shall not become primarily eligible for parole until serving an additional period which shall be one-half of the difference between the primary parole eligibility date calculated pursuant to this subsection and the parole eligibility date calculated pursuant to section 12 of P. L. 1948, c. 84 (C. 30:4-123.12). If the prosecuting attorney or the sentencing court advises the board that the punitive

aspects of the sentence have not been fulfilled, such advice need not be supported by reasons and will be deemed conclusive and final. Any such decision shall not be subject to judicial review except to the extent mandated by the New Jersey and United States Constitutions. The board shall, reasonably prior to considering any such case, advise the prosecuting attorney and the sentencing court of all information relevant to such inmate's parole eligibility.

3. Section 10 of P. L. 1979, c. 441 (C. 30:4-123.54) is amended to read as follows:

C. 30:4-123.54 Filing of report.

10. a. At least 120 days but not more than 180 days prior to the parole eligibility date of each adult inmate, a report concerning the inmate shall be filed with the appropriate board panel, by the staff members designated by the superintendent or other chief executive officer of the institution in which the inmate is held.

b. The report filed pursuant to subsection a. shall contain pre-incarceration records of the inmate, state the conduct of the inmate during the current period of confinement, include a complete report on the inmate's social, physical and mental condition, include an investigation by the Bureau of Parole of the inmate's parole plans, and present information bearing upon the likelihood that the inmate will commit a crime under the laws of this State if released on parole.

c. A copy of the report filed pursuant to subsection b. of this section, excepting those documents which have been classified as confidential pursuant to rules and regulations of the board or the Department of Corrections, shall be served on the inmate at the time it is filed with the board panel. The inmate may file with the board panel a written statement regarding the report, but shall do so within 105 days prior to the primary parole eligibility date.

d. Any provision of this section to the contrary notwithstanding, the board shall by rule or regulation modify the scope of the required reports and time periods for rendering such reports with reference to county penal institutions.

4. Section 11 of P. L. 1979, c. 441 (C. 30:4-123.55) is amended to read as follows:

C. 30:4-123.55 Review by hearing officer; certification or denial of parole release; hearing.

11. a. Prior to the parole eligibility date of each adult inmate, a designated hearing officer shall review the reports required by section 10 of this act, and shall determine whether there is a basis

for denial of parole in the preparole report or the inmate's statement, or an indication, reduced to writing, that additional information providing a basis for denial of parole would be developed or produced at a hearing. If the hearing officer determines that there is no basis in the preparole report or the inmate's statement for denial of parole and that there is no additional relevant information to be developed or produced at a hearing, he shall at least 60 days prior to the inmate's parole eligibility date recommend in writing to the assigned member of the board panel that parole release be granted.

b. If the assigned member of the board panel or in the case of an inmate sentenced to a county penal institution, the assigned member concurs in the hearing officer's recommendation, he shall certify parole release pursuant to section 15 of this act as soon as practicable after the eligibility date and so notify the inmate and the board. In the case of an inmate sentenced to a county penal institution the board shall certify parole release or deny parole as provided by this section, except with regard to time periods for notice and parole processing which are authorized by or otherwise adopted pursuant to subsection g. of section 7 of P. L. 1979, c. 441 (C. 30:4-123.51g.). If the designated hearing officer does not recommend release on parole or if the assigned member does not concur in a recommendation of the designated hearing officer in favor of release, then the parole release of an inmate in a county penal institution shall be treated under the provisions of law otherwise applicable to an adult inmate. In the case of an inmate sentenced to a county penal institution, the performance of public service for the remainder of the term of the sentence shall be a required condition of parole, where appropriate.

c. If the hearing officer or the assigned member determines that there is a basis for denial of parole, or that a hearing is otherwise necessary, the hearing officer or assigned member shall notify the appropriate board panel and the inmate in writing of his determination, and of a date for a parole consideration hearing. Said hearing shall be conducted by the appropriate board panel at least 30 days prior to the eligibility date. At the hearing, which shall be informal, the board panel shall receive as evidence any relevant and reliable documents or testimony. All such evidence not classified as confidential pursuant to rules and regulations of the board or the Department of Corrections shall be disclosed to the inmate and the inmate shall be permitted to rebut such evidence and to

present evidence on his own behalf. The decision of the board panel shall be based solely on the evidence presented at the hearing.

d. At the conclusion of the parole consideration hearing, the board panel shall either (1) certify the parole release of the inmate pursuant to section 15 of this act as soon as practicable after the eligibility date and so notify the inmate and the board, or (2) deny parole and file with the board within 30 days of the hearing a statement setting forth the decision, the particular reasons therefor, except information classified as confidential pursuant to rules and regulations of the board or the Department of Corrections, a copy of which statement shall be served upon the inmate together with notice of his right to appeal to the board.

e. Upon request by the hearing officer or the inmate, the time limitations contained in sections 10 and 11 may be waived by the appropriate board panel for good cause.

C. 30:4-123.51a Revocation of parole.

5. (New section) Pursuant to section 16 of P. L. 1979, c. 441 (C. 30:4-123.60), any inmate sentenced to a term of incarceration in a county penal institution who is granted parole and whose parole is revoked, shall not be credited for any time served during that parole and shall not be eligible for parole during the remainder of that county sentence.

6. (New section) Notwithstanding any provisions of this act to the contrary, in the case of any inmate sentenced to a term of incarceration in a county penal institution prior to the effective date of this act, the parole board shall notify the sentencing court of the pending parole of the inmate and the court shall have 10 days to deny that parole.

7. This act shall take effect immediately.

Approved July 16, 1982.

CHAPTER 72

AN ACT to amend the "Farmland Assessment Act of 1964," approved May 11, 1964 (P. L. 1964, c. 48; C. 54:4-23.1).

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

1. Section 13 of P. L. 1964, c. 48 (C. 54:4-23.13) is amended to read as follows:

C. 54:4-23.13 Eligibility to be determined annually.

13. Eligibility of land for valuation, assessment and taxation under this act shall be determined for each tax year separately. Application shall be submitted by the owner to the assessor of the taxing district in which such land is situated on or before August 1 of the year immediately preceding the tax year for which such valuation, assessment and taxation are sought. If the application is filed by delivery through the mails or a commercial courier or messenger service, compliance with the time limit for filing shall be established if there is satisfactory evidence that it was committed for delivery to the United States Postal Service or to the courier or messenger service within the time allowed for filing. An application once filed with the assessor for the ensuing tax year may not be withdrawn by the applicant after August 1 of the pretax year.

If a change in use of the land occurs between August 1 and December 31 of the pretax year, either the assessor or the county board of taxation shall deny or nullify such application and, after examination and inquiry, shall determine the full and fair value of said land under the valuation standard applicable to other land in the taxing district and shall assess the same, according to such value. If, notwithstanding such change of use, the land is valued, assessed and taxed under the provisions of this act in the ensuing year, the assessor shall enter an assessment, as an added assessment against such land, in the "Added Assessment List" for the particular year involved in the manner prescribed in chapter 397 of the laws of 1941. The amount of the added assessment shall be in an amount equal to the difference, if any, between the assessment imposed under this act and the assessment which would have been imposed had the land been valued and assessed as other land in the taxing district. The enforcement and collection of additional taxes resulting from any additional assessment so imposed shall be as provided by said chapter. The additional assessment imposed under this section shall not affect the roll-back taxes, if any, under section 8 of this act.

2. This act shall take effect immediately and shall apply to applications filed for the 1982 tax year and thereafter.

Approved July 19, 1982.

CHAPTER 73

A SUPPLEMENT to the "State Uniform Construction Code Act," approved October 7, 1975 (P. L. 1975, c. 217; C. 52:27D-119 et seq.).

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

C. 52:27D-130.1 No fee for municipality.

1. Notwithstanding the provisions of the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D-119 et seq.), or any rule or regulation adopted pursuant thereto, to the contrary, no municipality shall be charged a construction permit surcharge fee for construction contracted for or conducted by the municipality within its boundaries when the municipality itself is the enforcing agency.

C. 52:27D-126b Waiver permitted.

2. Notwithstanding the provisions of section 3 of P. L. 1979, c. 121 (C. 52:27D-126a), or any standard adopted pursuant thereto, to the contrary, a municipal governing body may provide in its ordinance for a waiver of enforcing agency fees for construction contracted for or conducted by the municipality within its boundaries.

3. This act shall take effect immediately.

Approved July 21, 1982.

CHAPTER 74

AN ACT increasing the minimum dollar amount of certain contracts requiring public advertising procedure and amending N. J. S. 18A:39-2 and N. J. S. 18A:39-3.

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

1. N. J. S. 18A:39-3 is amended to read as follows:

School transportation contract bid threshold.

18A:39-3. No contract for the transportation of pupils to and from school shall be made, when the amount to be paid during the school year for such transportation shall exceed \$4,500.00 and have the approval of the county superintendent of schools, unless the board of education making such contract shall have first publicly advertised for bids therefor in a newspaper published in the district or, if no newspaper is published therein, in a newspaper circulating in the district once, at least 10 days prior to the date fixed for receiving proposals for such transportation, and shall have awarded the contract to the lowest responsible bidder.

Nothing in this chapter shall require the advertisement and letting on proposals or bids of annual extensions, approved by the county superintendent, of any contract for transportation entered into through competitive bidding when—

(a) Such annual extensions impose no additional cost upon the board of education; or

(b) The increase in the original contractual amount as a result of such extensions does not exceed 30% thereof; except in cases where a student rider is newly assigned to a route during the school year and extra mileage is necessary. Any such arrangement shall be approved by the county superintendent of schools and shall be bid for the next school year.

(c) (Deleted by amendment.)

2. N. J. S. 18A:39-2 is amended to read as follows:

Contracts not to exceed 4 years.

18A:39-2. Any board of education having power to provide for the transportation of school pupils in its district to and from school may provide such transportation by a bus or buses owned by it or may enter into contract for such transportation, approved by the county superintendent, for a term not exceeding 4 years.

All multiyear contracts made pursuant to the above taking effect subsequent to September 1, 1975 may, at the discretion of the local board of education, and subject to approval by the county superintendent, be increased not to exceed 7½% annually of the original yearly contract cost beginning with the second year of the contract.

3. This act shall take effect immediately.

Approved July 21, 1982.

CHAPTER 75

AN ACT to validate certain proceedings of school districts and any bonds or other obligations issued or to be issued pursuant to such proceedings.

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

1. All proceedings heretofore had or taken by any school district or at any school district 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 or statements required by N. J. S. 18A:24-16 was or were not prepared and filed as required by N. J. S. 18A:24-17; provided, however, that such supplemental debt statement or statements has or have heretofore been made, sworn to, and filed in the places required by N. J. S. 18A:24-16 and N. J. S. 18A:24-17; and provided further, that no action, suit or other proceedings of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date upon which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or, when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved July 21, 1982.

CHAPTER 76

AN ACT prohibiting the destruction of any animal by hypoxia induced by decompression and amending R. S. 4:22-19 and P. L. 1979, c. 354.

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

1. R. S. 4:22-19 is amended to read as follows:

Confinement, destruction of animals.

4:22-19. A person who shall

a. Impound or confine, or cause to be impounded or confined, in a pound or other place, a living animal or creature, and shall fail to supply it during such confinement with a sufficient quantity of good and wholesome food and water; or

b. Destroy or cause to be destroyed any such animal by hypoxia induced by decompression or in any other manner except by a method of euthanasia generally accepted by the veterinary medical profession as being reliable, appropriate to the type of animal upon which it is to be employed, and capable of producing loss of consciousness and death rapidly and painlessly for such animal shall, in the case of a violation of subsection a., be guilty of a disorderly persons offense; or, in the case of a violation of subsection b., be subject to a penalty of \$25.00 for the first offense and \$50.00 for each subsequent offense. Each animal destroyed in violation of subsection b. shall constitute a separate offense. The penalty shall be collected in accordance with the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.) and all money collected shall be remitted to the State.

This section shall apply to kennels, pet shops, shelters and pounds as defined and licensed pursuant to P. L. 1941, c. 151 (C. 4:19-15.1 et seq.); to pounds and places of confinement owned and operated by municipalities, counties or regional governmental authorities; and to every contractual warden or impounding service, any provision to the contrary in this title notwithstanding.

2. Section 2 of P. L. 1979, c. 354 (C. 45:16-14) is amended to read as follows:

C. 45:16-14 Unretrieved animal; humane disposal.

2. As used in this act:

“Unretrieved animal” means an animal placed for confined treatment or boarding by its owner or an agent thereof in the care and custody of a veterinarian or boarding kennel, which animal is not retrieved by the owner or agent thereof from the veterinarian within 72 hours of being notified in any manner that the confined treatment is completed or from the boarding kennel within 72 hours of the last day the animal was to be boarded.

“Humane disposal” means euthanasia by or under the direct supervision of a veterinarian or placement in a suitable home or animal shelter which shall not include any home or shelter which engages in animal experimentation or, by sale or otherwise, makes

animals available for the purpose of animal experimentation. Humane disposal shall not include hypoxia induced by decompression or in any other manner.

C. 4:22-19.1 Dismantling of devices mandated.

3. (New section) Within 30 days of the effective date of this act, any chamber or device used to induce hypoxia through decompression or in any other manner shall be dismantled and removed from the premises. The owner of any premises on which the chamber or device remains 30 days subsequent to the effective date of this act shall be guilty of a disorderly persons offense.

4. This act shall take effect immediately.

Approved July 22, 1982.

CHAPTER 77

AN ACT concerning juvenile proceedings and jurisdiction and amending and repealing various portions of the statutory law.

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

C. 2A:4A-20 Short title.

1. This act shall be known and may be cited as the "New Jersey Code of Juvenile Justice."

C. 2A:4A-21 Purposes.

2. Purposes. This act shall be construed so as to effectuate the following purposes:

a. To preserve the unity of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of juveniles coming within the provisions of this act;

b. Consistent with the protection of the public interest, to remove from children committing delinquent acts certain statutory consequences of criminal behavior, and to substitute therefor an adequate program of supervision, care and rehabilitation;

c. To separate juveniles from the family environment only when necessary for their health, safety or welfare or in the interests of public safety;

d. To secure for each child coming under the jurisdiction of the court such care, guidance and control, preferably in his own home, as will conduce to the child's welfare and the best interests of the State; and when such child is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents;

e. To insure that children under the jurisdiction of the court are wards of the State, subject to the discipline and entitled to the protection of the State, which may intervene to safeguard them from neglect or injury and to enforce the legal obligations due to them and from them.

C. 2A:4A-22 General definitions.

3. General definitions. As used in this act:

a. "Juvenile" means an individual who is under the age of 18 years.

b. "Adult" means an individual 18 years of age or older.

c. "Detention" means the temporary care of juveniles in physically restricting facilities pending court disposition.

d. "Shelter care" means the temporary care of juveniles in facilities without physical restriction pending court disposition.

e. "Commit" means to transfer legal custody to an institution.

f. "Guardian" means a person, other than a parent, to whom legal custody of the child has been given by court order or who is acting in the place of the parent or is responsible for the care and welfare of the juvenile.

g. "Juvenile-family crisis" means behavior, conduct or a condition of a juvenile, parent or guardian or other family member which presents or results in (1) a serious threat to the well-being and physical safety of a juvenile, or (2) a serious conflict between a parent or guardian and a juvenile regarding rules of conduct which has been manifested by repeated disregard for lawful parental authority by a juvenile or misuse of lawful parental authority by a parent or guardian, or (3) unauthorized absence by a juvenile for more than 24 hours from his home, or (4) a pattern of repeated unauthorized absences from school by a juvenile subject to the compulsory education provision of Title 18A of the New Jersey Statutes.

h. "Repetitive disorderly persons offense" means the second or more disorderly persons offense committed by a juvenile on at least two separate occasions and at different times.

i. "Court" means the Family Court unless a different meaning is plainly required.

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

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

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

But, the commission of an act which constitutes a violation of chapter 3, 4, 6 or 8 of Title 39, Motor Vehicles, of the Revised Statutes, or of any amendment or supplement thereto, by a juvenile of or over the age of 17 years shall not constitute delinquency as defined in this act.

C. 2A:4A-24 Exclusive jurisdiction of the court and nature of jurisdiction.

5. Exclusive jurisdiction of the court and nature of jurisdiction.

a. Except as otherwise provided by law, the court shall have exclusive jurisdiction in all cases where it is charged that a juvenile has committed an act of delinquency and over all matters relating to a juvenile-family crisis. Upon the determination that a juvenile has committed an act of delinquency or that a juvenile-family crisis exists, the court may impose such disposition or dispositions over those persons subject to its jurisdiction consistent with the purposes of this act.

Such jurisdiction shall extend in these matters over a juvenile and his parent, guardian or any family member found by the court to be contributing to a juvenile-family crisis. The court shall, in accordance with the Rules of Court, clearly specify the responsibilities of those subject to its jurisdiction with respect to the plan of rehabilitation for the juvenile.

b. The court shall have jurisdiction in respect to the custody of any juvenile who may be held as a material witness in any case pending in the court. Whenever a juvenile is a material witness in any other court, the procedures established by this act shall be followed.

c. Juveniles who appear before the court in any capacity shall be deemed to be wards of the court and protected accordingly.

d. Nothing in this act shall affect the jurisdiction of other courts over offenses committed after a juvenile under the jurisdiction of the court reaches the age of 18 years.

C. 2A:4A-25 Transfer from other courts.

6. Transfer from other courts. Except as provided in section 4, and unless jurisdiction has been waived under section 7, if during the pendency in any other court of a case charging a person with a crime, offense or violation, it is ascertained that such person was a juvenile at the time of the crime, offense or violation charged, such court shall immediately transfer such case to the family court having jurisdiction. The family court shall thereupon proceed in the same manner as if the case had been instituted in that court in the first instance.

C. 2A:4A-26 Referral to another court without juvenile's consent.

7. Referral to another court without juvenile's consent.

a. On motion of the prosecutor, the court shall, without the consent of the juvenile, waive jurisdiction over a case and refer that case from the family court to the appropriate court and prosecuting authority having jurisdiction if it finds, after hearing, that:

(1) The juvenile was 14 years of age or older at the time of the charged delinquent act; and

(2) There is probable cause to believe that the juvenile committed a delinquent act or acts which if committed by an adult would constitute:

(a) Criminal homicide other than death by auto, robbery which would constitute a crime of the first degree, aggravated sexual assault, sexual assault, aggravated assault which would constitute a crime of the second degree, kidnapping or aggravated arson; or

(b) A crime committed at a time when the juvenile had previously been adjudicated delinquent, or convicted, on the basis of any of the offenses enumerated in subsection a. (2) (a); or

(c) A crime committed at a time when the juvenile had previously been sentenced and confined in an adult penal institution; or

(d) An offense against a person committed in an aggressive, violent and willful manner, other than an offense enumerated in subsection a. (2) (a) of this section, or the unlawful possession of a firearm, destructive device or other prohibited weapon, or arson; or

(e) A violation of section 19 of the "Controlled Dangerous Substances Act" (P. L. 1970, c. 226; C. 24:21-19); or

(f) Crimes which are a part of a continuing criminal activity in concert with two or more persons and the circumstances of the crimes show the juvenile has knowingly devoted himself to criminal activity as a source of livelihood; or

(g) An attempt or conspiracy to commit any of the acts enumerated in paragraph (a), (d) or (e) of this subsection; and

(3) Except with respect to any of the acts enumerated in subsection a. (2) (a) of this section or any attempt or conspiracy to commit any of those acts, the State has shown that the nature and circumstances of the charge or the prior record of the juvenile are sufficiently serious that the interests of the public require waiver.

However, if in any case the juvenile can show that the probability of his rehabilitation by the use of the procedures, services and facilities available to the court prior to the juvenile reaching the age of 19 substantially outweighs the reasons for waiver, waiver shall not be granted.

b. In every case where there is a motion seeking waiver, the prosecutor shall within a reasonable time thereafter file a statement with the Attorney General setting forth the basis for the motion. In addition, the court shall, in writing, state its reasons for granting or denying the waiver motion. The Attorney General shall compile this information and report its findings to the Legislature 18 months after the effective date of this act with the objective of developing, where appropriate, guidelines as to the waiver of juveniles from the family court.

c. An order referring a case shall incorporate therein not only the alleged act or acts upon which the referral is premised, but also all other delinquent acts arising out of or related to the same transaction.

d. A motion seeking waiver shall be filed by the prosecutor within 30 days of receipt of the complaint. This time limit shall not, except for good cause shown, be extended.

C. 2A:4A-27 Referral to other court at election of juvenile.

8. Referral to other court at election of juvenile. Any juvenile 14 years of age or older charged with delinquency may elect to have the case transferred to the appropriate court having jurisdiction. Any juvenile under 14 years of age charged with an offense which, if committed by an adult, would constitute murder under N. J. S. 2C:11-3 may elect to have the case transferred to the appropriate court having jurisdiction.

C. 2A:4A-28 Effect of referral to other court.

9. Effect of referral to other court. Whenever a case is referred to another court as provided by section 7 or 8, that case shall thereafter proceed in the same manner as if the case had been instituted in that court in the first instance.

C. 2A:4A-29 Use of juvenile's testimony at referral hearing.

10. Use of juvenile's testimony at referral hearing. No testimony of a juvenile at a hearing pursuant to section 7 or 8 shall be admissible for any purpose in any hearing to determine delinquency or guilt of any offense.

C. 2A:4A-30 Complaints and petitions.

11. Complaints and petitions. a. Complaints charging delinquency may be signed by any person who has knowledge of the facts alleged to constitute delinquency or is informed of such facts and believes that they are true. The complaint shall be filed with the clerk of the court and shall set forth:

- (1) The name, address, and date of birth of the juvenile;
- (2) The name and address of the juvenile's parents or guardian and, if the juvenile is in custody of some other person, the name and address of the custodian;
- (3) The date, time, manner, and place of the acts alleged as the basis of the complaint;
- (4) A citation of the law or ordinance allegedly violated by the juvenile; and
- (5) The signature of the complainant.

b. Petitions alleging that a juvenile-family crisis exists shall be signed by court intake services pursuant to section 8 of P. L. 1982, c. 80 (C. 2A:4A-83). The petition shall be filed with the clerk of the court and shall set forth:

- (1) The name, address, and date of birth of the juvenile;
- (2) The name and address of the juvenile's parents or guardian and, if the juvenile is in custody of some other person, the name and address of the custodian;
- (3) The date, time, manner, and place of the behavior, conduct, or condition alleged as the basis of the petition; and
- (4) The signature of the petitioner.

c. Complaints and petitions shall be in such form as prescribed by the Rules of Court.

C. 2A:4A-31 Taking into custody.

12. Taking into custody. a. A juvenile may be taken into custody:

(1) Pursuant to an order or warrant of any court having jurisdiction; or

(2) For delinquency, when there has been no process issued by a court, by a law enforcement officer, pursuant to the laws of arrest and the Rules of Court.

b. Except where delinquent conduct is alleged, a juvenile may be taken into short-term custody by a law enforcement officer without order of the court when:

(1) The officer has reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and taking into immediate custody is necessary for his protection;

(2) The officer has reasonable grounds to believe the juvenile has left the home and care of his parents or guardian without the consent of such persons; or

(3) An agency legally charged with the supervision of a child has notified the law enforcement agency that the child has run away from out of home placement, provided, however, that in any case where the law enforcement officer believes that the juvenile is an "abused or neglected child" as defined in section 1 of P. L. 1974, c. 119 (C. 9:6-8.21), the officer shall handle the case pursuant to the procedure set forth in that act.

c. The taking of a juvenile into custody shall not be construed as an arrest, but shall be deemed a measure to protect the health, morals and well-being of the juvenile.

C. 2A:4A-32 Short-term custody.

13. Short-term custody. a. Under no circumstances shall any juvenile taken into short-term custody under section 12 of this act be held more than 6 hours. A juvenile taken into short-term custody shall not be retained in a detention facility or jail. As used in this section, the juvenile-family crisis intervention unit means that unit established pursuant to P. L. 1982, c. 80 (C. 2A:4A-76 et seq.).

b. An officer taking a juvenile into short-term custody shall inform the juvenile of the reason for custody and shall where possible transport, or arrange to have the juvenile transported to his home. The officer releasing a juvenile from such custody shall inform the juvenile's parents or guardian and the juvenile-family crisis intervention unit of the reason for taking the juvenile into custody and may, if he believes further services are needed, inform the

juvenile and his parents of the nature and location of appropriate services.

c. A law enforcement officer taking a juvenile into short-term custody may transport the juvenile to the home of a relative of the juvenile or to the home of another responsible adult or make arrangement for such transportation where the officer reasonably believes that the child will be provided with adequate care and supervision and that the child will remain in custody of the adult until such time as the juvenile-family crisis intervention unit can bring about the child's return home or an alternative living arrangement or out of home placement. A law enforcement officer placing a juvenile with a relative or responsible adult shall immediately notify the juvenile-family crisis intervention unit of this fact and the reason for taking the juvenile into custody.

d. A law enforcement officer acting reasonably and in good faith pursuant to this section in releasing a juvenile to a person other than a parent of a juvenile is immune from civil or criminal liability for his action. A person other than a parent of the juvenile who receives a child pursuant to this section and who acts reasonably and in good faith in doing so is immune from civil or criminal liability for the act of receiving the child. Immunity shall not release a person from liability under any other laws, including the laws regulating licensed child care or prohibiting child abuse and neglect.

C. 2A:4A-33 Taking into custody; notice to parents.

14. Taking into custody; notice to parents. a. Any person taking a juvenile into custody shall immediately notify the parents, or the juvenile's guardian, if any, that the juvenile has been taken into custody.

C. 2A:4A-34 Criteria for placing juvenile in detention.

15. Criteria for placing juvenile in detention. a. Where it will not adversely affect the health, safety or welfare of a juvenile, the juvenile shall be released pending the disposition of a case, if any, to any person or agency provided for in this section upon assurance being received that such person or persons accept responsibility for the juvenile and will bring him before the court as ordered.

b. No juvenile shall be placed in detention without the permission of a judge or the court intake service.

c. A juvenile charged with delinquency may not be placed or retained in detention under this act prior to disposition, except as otherwise provided by law, unless:

(1) Detention is necessary to secure the presence of the juvenile at the next hearing as evidenced by a demonstrable record of recent willful failure to appear at juvenile court proceedings or to remain where placed by the court or the court intake service or based on information presented to the court on the record that there is a likelihood that the juvenile will not appear at the next court proceeding; or

(2) The physical safety of persons or property of the community would be seriously threatened if the juvenile were not detained and the juvenile is charged with an offense which, if committed by an adult:

(a) Would constitute a crime, or would constitute a repetitive disorderly persons offense, provided that the judge determines that there is a likelihood that upon adjudication of delinquency for that disorderly persons offense a custodial disposition will be ordered, or

(b) Would constitute a high misdemeanor as defined by the "New Jersey Controlled Dangerous Substances Act" (P. L. 1970, c. 226; C. 24:21-1 et seq.).

d. The judge or court intake officer prior to making a decision of detention shall consider and, where appropriate, employ any of the following alternatives:

(1) Release to parents;

(2) Release on juvenile's promise to appear at next hearing;

(3) Release to parents, guardian or custodian upon written assurance to secure the juvenile's presence at the next hearing;

(4) Release into care of a custodian or public or private agency reasonably capable of assisting the juvenile to appear at the next hearing;

(5) Release with imposition of restrictions on activities, associations, movements and residence reasonably related to securing the appearance of the juvenile at the next hearing;

(6) Release with required participation in a home detention program;

(7) Placement in a shelter care facility; or

(8) Imposition of any other restrictions other than detention or shelter care reasonably related to securing the appearance of the juvenile.

e. In determining whether detention is appropriate for the juvenile, the following factors shall be considered:

- (1) The nature and circumstances of the offense charged;
- (2) The age of the juvenile;
- (3) The juvenile's ties to the community;
- (4) The juvenile's record of prior adjudications, if any; and
- (5) The juvenile's record of appearance or nonappearance at previous court proceedings.

f. No juvenile 11 years of age or under shall be placed in detention unless he is charged with an offense which, if committed by an adult, would be a crime of the first or second degree or arson.

g. If the court places a juvenile in detention, the court shall state on the record its reasons for that detention.

C. 2A:4A-35 Release of juvenile on own recognizance.

16. Release of juvenile on own recognizance. A juvenile charged with delinquency may be released at either the police or court level on his own recognizance if all of the following circumstances have been met:

- a. The nature of the offense charged is not such that a danger to the community would exist if the juvenile were released;
- b. There is no parent, guardian or other appropriate adult custodian to whom the juvenile could be released and all reasonable measures have been exhausted by either police or court personnel to locate and contact any such person;
- c. The juvenile is at least 14 years of age;
- d. The identity and address of the juvenile are verified through a positive form of identification; and
- e. Reasonable certainty exists on the part of the releasing authority that upon release, the juvenile will return to school or home safely and will appear at his hearing.

C. 2A:4A-36 Detention of waiver cases.

17. Detention of waiver cases. a. If the court waives jurisdiction over a case and refers that case to the appropriate court and prosecuting authority, there shall be a hearing before the court waiving jurisdiction to decide whether to remand the juvenile to a juvenile or adult detention facility. The decision shall be based on the best interests of the juvenile and protection of the public, and shall take into account such factors as the juvenile's age and maturity, the nature and circumstances of the offense charged, the juvenile's prior offense history, the programs at each of the detention facilities, and any other relevant factors.

b. No juvenile who has been waived to an appropriate adult court may be remanded to an adult detention facility prior to the hearing provided for in subsection a.

C. 2A:4A-37 Place of detention or shelter.

18. Place of detention or shelter. a. The State Department of Corrections shall specify the place where a juvenile may be detained; and the Department of Human Services shall specify where a juvenile may be placed in shelter.

b. No juvenile shall be placed in detention or shelter care in any place other than that specified by the State Department of Corrections or Department of Human Services as provided in subsection a.

c. A juvenile being held for a charge under this act including a juvenile who has reached the age of 18 years after being charged, shall not be placed in any prison, jail or lockup nor detained in any police station, except that if no other facility is reasonably available a juvenile may be held in a police station in a place other than one designed for the detention of prisoners and apart from any adult charged with or convicted of crime for a brief period if such holding is necessary to allow release to his parent, guardian, other suitable person, or approved facility. No juvenile shall be placed in a detention facility which has reached its maximum population capacity, as designated by the Department of Corrections.

d. No juvenile charged with delinquency shall be transferred to an adult county jail solely by reason of having reached age 18.

e. (1) The Department of Corrections and the Department of Human Services shall promulgate such rules and regulations from time to time as deemed necessary to establish minimum physical facility and program standards for juvenile detention facilities or shelters under their respective supervision.

(2) The Department of Corrections and the Department of Human Services, in consultation with the appropriate county administrator of the county facility or shelter, shall assign a maximum population capacity for each juvenile detention facility or shelter based on minimum standards for these facilities.

f. (1) Where either the Department of Corrections or the Department of Human Services determines that a juvenile detention facility or shelter under its control or authority is regularly over the maximum population capacity or is in willful and continuous disregard of the minimum standards for these facilities or shelters,

the department may restrict new admissions to the facility or shelter.

(2) Upon making such determination, the department shall notify the governing body of the appropriate county of its decision to impose such a restriction, which notification shall include a written statement specifying the reasons therefor and corrections to be made. If the department shall determine that no appropriate action has been initiated by the administrator of the facility or shelter within 60 days following such notification to correct the violations specified in the notification, it shall order that such juvenile detention facility or shelter shall immediately cease to admit juveniles. The county shall be entitled to a hearing where such a restriction is imposed by the department.

(3) Any juvenile detention facility or shelter so restricted shall continue under such order until such time as the department determines that the violation specified in the notice has been corrected or that the facility or shelter has initiated actions which will ensure the correction of said violations.

(4) Upon the issuance of an order to cease admissions to a juvenile detention facility or shelter, the department shall determine which other juvenile detention facilities or shelters have adequate room for admitting juveniles and shall assign the juveniles to the facilities or shelters on the basis of available space; provided that the department shall not assign the juvenile to a facility or shelter where such facility or shelter is at the maximum population. A juvenile detention facility or shelter ordered to accept a juvenile shall do so within 5 days following the receipt of an order to accept admission of such juvenile.

(5) A juvenile detention facility or shelter restricted by an order to cease admissions shall assume responsibility for the transportation of a juvenile sent to another juvenile detention facility or shelter so long as the order shall remain in effect.

(6) A facility or shelter receiving juveniles pursuant to paragraph (4) of this subsection shall receive from the sending county a reasonable and appropriate per diem allowance for each juvenile sent to the facility, such allowance to be used for the custody, care, maintenance, and any other services normally provided by the county to juveniles in the facility or shelter and which reflects all county expenditures in maintaining such juvenile, including a proportionate share of all buildings and grounds costs, personnel costs,

including fringe benefits, administrative costs and all other direct and indirect costs.

(7) The governing body of a county whose juvenile detention facility or shelter has been prohibited from accepting new admissions, and whose juveniles have been assigned to other juvenile detention facilities or shelters, shall appropriate an amount to pay the county receiving such juveniles for all expenses incurred pursuant to paragraph (6) of this subsection.

C. 2A:4A-38 Detention hearing.

19. Detention hearing. a. When a juvenile is taken into custody a complaint shall be filed forthwith as provided by the Rules of Court. The court shall determine whether detention is required pursuant to the criteria provided for in section 15 of this act.

b. Notice of the detention hearing, either oral or written, stating the time, place, and purpose of the hearing shall be given to the juvenile and to his or her parent or parents, or guardian, if any, if they can be contacted.

c. The detention hearing shall be conducted in accordance with the Rules of Court and shall be attended by the juvenile and one or both parents, or guardian, but may take place in the absence of parent or guardian if such notice or process fails to produce their attendance.

d. When the judge finds that detention is not necessary or required, the court shall order the juvenile's release and may place such conditions, if any, upon release as are consistent with the purposes of this act, Rules of Court, and as are provided for in section 15 of this act.

e. The initial detention hearing shall be held no later than the morning following the juvenile's placement in detention including weekends and holidays.

f. If a delinquency complaint has not been filed by the time the initial detention hearing has been held, the juvenile shall be released from custody immediately.

g. When the court determines that detention is necessary pursuant to section 15 of this act, the court order continuing the juvenile's detention shall be supported by reasons and findings of fact on the record.

h. If the juvenile is not represented by counsel at the initial detention hearing and if the court continues his detention after the hearing, the court shall forthwith schedule a second detention

hearing to be held within 2 court days thereafter at which time the juvenile shall be represented by counsel as provided by the Rules of Court.

i. There shall be a probable cause determination where a juvenile has been charged with delinquency and has been placed in detention, within 2 court days after the initial hearing or, where a second detention hearing is necessary pursuant to subsection h. of this section, at that hearing.

j. A detention review hearing with counsel shall be held within 14 court days of the prior detention hearing and if detention is continued, detention review hearings shall be held thereafter at intervals not to exceed 21 court days.

k. When a juvenile is detained, an adjudicatory hearing shall be held no later than 30 days from the date of detention. If no adjudicatory hearing is held within 30 days, the court shall, within 72 hours of a motion by the juvenile, fix a date certain for the adjudicatory hearing unless an extension is granted by the court for good cause shown. Written notice of any application for a postponement shall be sent to the juvenile's counsel who shall have the right to be heard on the application.

C. 2A:4A-39 Right to counsel.

20. Right to counsel. a. A juvenile shall have the right, as provided by the Rules of Court, to be represented by counsel at every critical stage in the proceeding which, in the opinion of the court may result in the institutional commitment of the juvenile.

b. During every court proceeding in a delinquency case, the waiving of any right afforded to a juvenile shall be done in the following manner:

(1) A juvenile who is found to be competent may not waive any rights except in the presence of and after consultation with counsel, and unless a parent has first been afforded a reasonable opportunity to consult with the juvenile and the juvenile's counsel regarding this decision. The parent or guardian may not waive the rights of a competent juvenile.

(2) Any such waiver shall be executed in writing or recorded. Before the court may accept a waiver, the court shall question the juvenile and his counsel to determine if the juvenile is knowingly, willingly and voluntarily waiving his right. If the court finds after questioning the juvenile that the waiver is not being made voluntarily and intelligently, the waiver shall be denied.

(3) An incompetent juvenile may not waive any right. A guardian ad litem shall be appointed for the juvenile who may waive rights after consultation with counsel for the juvenile, and the juvenile.

(4) Waivers shall be executed in the language regularly spoken by the juvenile.

C. 2A:4A-40 Rights of juveniles.

21. Rights of juveniles. All defenses available to an adult charged with a crime, offense or violation shall be available to a juvenile charged with committing an act of delinquency.

All rights guaranteed to criminal defendants by the Constitution of the United States and the Constitution of this State, except the right to indictment, the right to trial by jury and the right to bail, shall be applicable to cases arising under this act.

C. 2A:4A-41 Dispositional hearing.

22. Dispositional hearing. Where a juvenile is adjudicated delinquent, the disposition of the case shall be entered within 30 days of such adjudication if the juvenile has been placed in a detention center or shelter-care facility. If the juvenile is so placed and no disposition of the case is made after 30 days, the court shall, upon motion of the juvenile, fix a date certain for the dispositional hearing which shall be within 10 days of the motion, unless an extension is granted by the court for good cause shown. Disposition shall be made in all other cases within 60 days unless an extension is granted by the court where good cause is shown. The court shall provide written notice to the proper parties as to the date, time and place of such hearing and do so sufficiently in advance of the hearing to allow adequate time for preparation.

C. 2A:4A-42 Predispositional evaluation.

23. Predispositional evaluation. a. Before making a disposition, the court may refer the juvenile to an appropriate individual, agency or institution for examination and evaluation.

b. In arriving at a disposition, the court may also consult with such individuals and agencies as may be appropriate to the juvenile's situation, including the county probation department, the Division of Youth and Family Services, school personnel, clergy, law enforcement authorities, family members and other interested and knowledgeable parties. In so doing, the court may convene a predispositional conference to discuss and recommend disposition.

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C. 2A:4A-43 Disposition of delinquency cases.

24. Disposition of delinquency cases. a. In determining the appropriate disposition for a juvenile adjudicated delinquent the court shall weigh the following factors:

- (1) The nature and circumstances of the offense;
- (2) The degree of injury to persons or damage to property caused by the juvenile's offense;
- (3) The juvenile's age, previous record, prior social service received and out-of-home placement history;
- (4) Whether the disposition supports family strength, responsibility and unity and the well-being and physical safety of the juvenile;
- (5) Whether the disposition provides for reasonable participation by the child's parent, guardian, or custodian, provided, however, that the failure of a parent or parents to cooperate in the disposition shall not be weighed against the juvenile in arriving at an appropriate disposition;
- (6) Whether the disposition recognizes and treats the unique physical, psychological and social characteristics and needs of the child;
- (7) Whether the disposition contributes to the developmental needs of the child, including the academic and social needs of the child where he has mental retardation or learning disabilities; and
- (8) Any other circumstances related to the offense and the juvenile's social history as deemed appropriate by the court.

b. If a juvenile is adjudged delinquent the court may order incarceration pursuant to section 25 of this act or any one or more of the following dispositions:

- (1) Adjourn formal entry of disposition of the case for a period not to exceed 12 months for the purpose of determining whether the juvenile makes a satisfactory adjustment, and if during the period of continuance the juvenile makes such an adjustment, dismiss the complaint;
- (2) Release the juvenile to the supervision of his or her parent or guardian;
- (3) Place the juvenile on probation to the chief probation officer of the county or to any other suitable person who agrees to accept the duty of probation supervision for a period not to exceed 3 years upon such written conditions as the court deems will aid rehabilitation of the juvenile;

(4) Transfer custody of the juvenile to any relative or other person determined by the court to be qualified to care for the juvenile;

(5) Place the juvenile under the care of the Department of Human Services under the responsibility of the Division of Youth and Family Services pursuant to P. L. 1951, c. 138, s. 2(c) (C. 30:4C-2 (c)) for the purpose of providing services in or out of the home. Within 14 days, unless for good cause shown, but not later than 30 days, the Department of Human Services shall submit to the court a service plan, which shall be presumed valid, detailing the specifics of any disposition order. The plan shall be developed within the limits of fiscal and other resources available to the department. If the court determines that the service plan is inappropriate, given existing resources, the department may request a hearing on that determination;

(6) Place the juvenile under the care and custody of the Commissioner of the Department of Human Services for the purpose of receiving the services of the Division of Mental Retardation of that department, provided that the juvenile has been determined to be eligible for those services under P. L. 1965, c. 59, s. 16 (C. 30:4-25.4);

(7) Commit the juvenile, pursuant to the laws governing civil commitment, to the Department of Human Services under the responsibility of the Division of Mental Health and Hospitals for the purpose of placement in a suitable public or private hospital or other residential facility for the treatment of persons who are mentally ill, on the ground that the juvenile, if not committed, would be a probable danger to himself or others or property by reason of mental illness;

(8) Fine the juvenile an amount not to exceed the maximum provided by law for such a crime or offense if committed by an adult and which is consistent with the juvenile's income or ability to pay and financial responsibility to his family, provided that the fine is specially adapted to the rehabilitation of the juvenile or to the deterrence of the type of crime or offense. If the fine is not paid due to financial limitations, the fine may be satisfied by requiring the juvenile to submit to any other appropriate disposition provided for in this section:

(9) Order the juvenile to make restitution to a person or entity who has suffered loss resulting from personal injuries or damage to property as a result of the offense for which the juvenile has been adjudicated delinquent. The court may determine the reason-

able amount, terms and conditions of restitution. If the juvenile participated in the offense with other persons, the participants shall be jointly and severally responsible for the payment of restitution. The court shall not require a juvenile to make full or partial restitution if the juvenile reasonably satisfies the court that he does not have the means to make restitution and could not reasonably acquire the means to pay restitution;

(10) Order that the juvenile perform community services under the supervision of a probation department or other agency or individual deemed appropriate by the court. Such service shall be compulsory and reasonable in terms of nature and duration. Such services may be performed without compensation, provided that any money earned by the juvenile from the performance of community services may be applied towards any payment of restitution or fine which the court has ordered the juvenile to pay;

(11) Order that the juvenile participate in work programs which are designed to provide job skills and specific employment training to enhance the employability of job participants. Such programs may be without compensation, provided that any money earned by the juvenile from participation in a work program may be applied towards any payment of restitution or fine which the court has ordered the juvenile to pay;

(12) Order that the juvenile participate in programs emphasizing self-reliance, such as intensive outdoor programs teaching survival skills, including but not limited to camping, hiking and other appropriate activities;

(13) Order that the juvenile participate in a program of academic or vocational education or counseling, such as a youth service bureau, requiring attendance at sessions designed to afford access to opportunities for normal growth and development. This may require attendance after school, evenings and weekends;

(14) Place the juvenile in a suitable residential or nonresidential program for the treatment of alcohol or narcotic abuse, provided that the juvenile has been determined to be in need of such services; or

(15) Order the parents or guardian of the juvenile to participate in appropriate programs or services when the court has found either that such person's omission or conduct was a significant contributing factor towards the commission of the delinquent act, or, under its authority to enforce litigant's rights, that such person's omission or conduct has been a significant contributing factor

towards the ineffective implementation of a court order previously entered in relation to the juvenile;

(16) (a) Place the juvenile in a nonresidential program operated by a public or private agency, providing intensive services to juveniles for specified hours, which may include education, counseling to the juvenile and the juvenile's family if appropriate, vocational training, employment counseling, work or other services; or

(b) Place the juvenile under the custody of the Department of Corrections for placement with any private group home or private residential facility with which the department has entered into a purchase of service contract;

(17) Instead of or in addition to any disposition made according to this section, the court may postpone, suspend, or revoke for a period not to exceed 2 years the driver's license, registration certificate, or both of any juvenile who used a motor vehicle in the course of committing an act for which he was adjudicated delinquent. In imposing this disposition and in deciding the duration of the postponement, suspension, or revocation, the court shall consider the severity of the delinquent act and the potential effect of the loss of driving privileges on the juvenile's ability to be rehabilitated. Any postponement, suspension, or revocation shall be imposed consecutively with any custodial commitment; or

(18) Order that the juvenile satisfy any other conditions reasonably related to the rehabilitation of the juvenile.

c. (1) If the juvenile detention facility in the county in which the juvenile has been adjudicated delinquent has a juvenile detention facility meeting the physical and program standards established pursuant to this subsection by the Department of Corrections, the court may, in addition to any of the dispositions enumerated in this subsection, incarcerate the juvenile in a youth detention facility for a term not to exceed 60 consecutive days. The Department of Corrections shall promulgate such rules and regulations from time to time as deemed necessary to establish minimum physical facility and program standards for the use of juvenile detention facilities pursuant to this subsection.

(2) No juvenile may be incarcerated in any county detention facility unless the county has entered into an agreement with the Department of Corrections concerning the use of the facility for sentenced juveniles. Upon agreement with the county, the Department of Corrections shall certify detention facilities which may receive juveniles sentenced pursuant to this subsection and shall

specify the capacity of the facility that may be made available to receive such juveniles; provided, however, that in no event shall the number of juveniles incarcerated pursuant to this subsection exceed 50% of the maximum capacity of the facility.

(3) The court may fix a term of incarceration under this subsection where:

(a) The act for which the juvenile was adjudicated delinquent, if committed by an adult, would have constituted a crime or repetitive disorderly persons offense;

(b) Incarceration of the juvenile is consistent with the rehabilitative goals of this act and the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors as set forth in section 25 of this act; and

(c) The detention facility has been certified for admission of adjudicated juveniles pursuant to paragraph (2).

(4) If as a result of incarcerations of adjudicated juveniles pursuant to this subsection, a county is required to transport a pre-disposition juvenile to a juvenile detention facility in another county, the costs of such transportation shall be borne by the Department of Corrections.

d. Whenever the court imposes a disposition upon an adjudicated delinquent which requires the juvenile to perform a community service, restitution, or to participate in any other program provided for in this section other than subsection c., the duration of the juvenile's mandatory participation in such alternative programs shall extend for a period consistent with the program goal for the juvenile and shall in no event exceed 1 year beyond the maximum duration permissible for the delinquent if he has been committed to a correctional institution.

C. 2A:4A-44 Incarceration—aggravating and mitigating factors.

25. Incarceration—Aggravating and mitigating factors.

a. (1) In determining whether incarceration is an appropriate disposition, the court shall consider the following aggravating circumstances:

(a) The fact that the nature and circumstances of the act, and the role of the juvenile therein, was committed in an especially heinous, cruel, or depraved manner;

(b) The fact that there was grave and serious harm inflicted on the victim and that based upon his age or mental capacity the juvenile knew or reasonably should have known that the victim 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;

(c) The character and attitude of the juvenile indicate that he is likely to commit another delinquent or criminal act;

(d) The juvenile's prior record and the seriousness of any acts for which he has been adjudicated delinquent;

(e) The fact that the juvenile committed the act pursuant to an agreement that he either pay or be paid for the commission of the act and that the pecuniary incentive was beyond that inherent in the act itself;

(f) The fact that the juvenile committed the act against a policeman 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 juvenile committed the act because of the status of the victim as a public servant;

(g) The need for deterring the juvenile and others from violating the law;

(h) The fact that the juvenile knowingly conspired with others as an organizer, supervisor, or manager to commit continuing criminal activity in concert with two or more persons and the circumstances of the crime show that he has knowingly devoted himself to criminal activity as part of an ongoing business activity;

(i) The fact that the juvenile on two separate occasions was adjudged a delinquent on the basis of acts which if committed by an adult would constitute crimes.

(2) In determining whether incarceration is an appropriate disposition the court shall consider the following mitigating circumstances:

(a) The child is under the age of 14;

(b) The juvenile's conduct neither caused nor threatened serious harm;

(c) The juvenile did not contemplate that his conduct would cause or threaten serious harm;

(d) The juvenile acted under a strong provocation;

(e) There were substantial grounds tending to excuse or justify the juvenile's conduct, though failing to establish a defense;

(f) The victim of the juvenile's conduct induced or facilitated its commission;

(g) The juvenile has compensated or will compensate the victim for the damage or injury that the victim has sustained, or will participate in a program of community service;

(h) The juvenile 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 act;

(i) The juvenile's conduct was the result of circumstances unlikely to recur;

(j) The character and attitude of the juvenile indicate that he is unlikely to commit another delinquent or criminal act;

(k) The juvenile is particularly likely to respond affirmatively to noncustodial treatment;

(l) The separation of the juvenile from his family by incarceration of the juvenile would entail excessive hardship to himself or his family;

(m) The willingness of the juvenile to cooperate with law enforcement authorities;

(n) The conduct of the juvenile was substantially influenced by another person more mature than the juvenile.

b. (1) There shall be a presumption of nonincarceration for any crime or offense of the fourth degree or less committed by a juvenile who has not previously been adjudicated delinquent or convicted of a crime or offense.

(2) Where incarceration is imposed, the court shall consider the juvenile's eligibility for release under the law governing parole.

c. The following juveniles shall not be committed to a State correctional facility:

(1) Juveniles aged 11 or under unless adjudicated delinquent for the crime of arson or a crime which, if committed by an adult, would be a crime of the first or second degree; and

(2) Juveniles who are developmentally disabled as defined in paragraph (1) of subsection a. of section 3 of P. L. 1977, c. 82 (C. 30:6D-3a(1)).

d. (1) When the court determines that, based on the consideration of all the factors set forth in subsection a., the juvenile shall be incarcerated, unless it orders the incarceration pursuant to subsection c. of section 24 of this act, it shall state on the record the reasons for imposing incarceration, including any findings with regard to these factors, and commit the juvenile to a suitable institution maintained by the Department of Corrections for the rehabilitation of delinquents pursuant to the conditions set forth

in this subsection and for terms not to exceed the maximum terms as provided herein for what would constitute the following crimes if committed by an adult:

- (a) Murder under N. J. S. 2C:11-3a(1) or (2) . . . 20 years
- (b) Murder under N. J. S. 2C:11-3a(3) 10 years
- (c) Crime of the first degree, except murder 4 years
- (d) Crime of the second degree 3 years
- (e) Crime of the third degree 2 years
- (f) Crime of the fourth degree 1 year
- (g) Disorderly persons offense 6 months

(2) The period of confinement shall continue until the appropriate paroling authority determines that such a person should be paroled; except that in no case shall the period of confinement and parole exceed the maximum provided by law for such offense. However, if a juvenile is approved for parole prior to serving one-third of any term imposed for any crime of the first, second or third degree, including any extended term imposed pursuant to paragraph (3) or (4) of this subsection, or one-fourth of any term imposed for any other crime the granting of parole shall be subject to approval of the sentencing court. Prior to approving parole, the court shall give the prosecuting attorney notice and an opportunity to be heard. If the court denies the parole of a juvenile pursuant to this paragraph it shall state its reasons in writing and notify the parole board, the juvenile and the juvenile's attorney. The court shall have 30 days from the date of notice of the pending parole to exercise the power granted under this paragraph. If the court does not respond within that time period, the parole will be deemed approved.

Any juvenile committed under this act who is released on parole prior to the expiration of his maximum term may be retained under parole supervision for a period not exceeding the unserved portion of the term. The Parole Board, the juvenile, his attorney, his parent or guardian, or with leave of the court any other interested party, may make a motion to the court, with notice to the prosecuting attorney, for the return of the child from a correctional institution prior to his parole and provide for an alternative disposition which would not exceed the duration of the original time to be served in the institution. Nothing contained in this paragraph shall be construed to limit the authority of the Parole Board as set forth in Section 15 of P. L. 1979, c. 441 (C. 30:4-123.59).

(3) Upon application by the prosecutor, the court may sentence a juvenile who has been convicted of a crime of the first, second,

or third degree if committed by an adult, to an extended term of incarceration beyond the maximum set forth in paragraph (1) of this subsection, if it finds that the juvenile was adjudged delinquent on at least two separate occasions, for offenses which, if committed by an adult, would constitute a crime of the first or second degree, and was previously committed to an adult or juvenile State correctional facility. The extended term shall not exceed 5 additional years for an act which would constitute murder and shall not exceed 2 additional years for all other crimes of the first degree or second degree, if committed by an adult, and 1 additional year for a crime of the third degree, if committed by an adult.

(4) Upon application by the prosecutor, when a juvenile is before the court at one time for disposition of three or more unrelated offenses which, if committed by an adult, would constitute crimes of the first, second or third degree and which are not part of the same transaction, the court may sentence the juvenile to an extended term of incarceration not to exceed the maximum of the permissible term for the most serious offense for which the juvenile has been adjudicated plus 2 additional years.

C. 2A:4A-45 Retention of jurisdiction.

26. Retention of jurisdiction. a. The court shall retain jurisdiction over any case in which it has entered a disposition under paragraph 7 of subsection b. or subsection c. of section 24 of this act or under section 25 of this act for the duration of that disposition of commitment or incarceration and may substitute any disposition otherwise available to it under section 24 other than incarceration.

b. Except as provided for in subsection a., the court shall retain jurisdiction over any case in which it has entered a disposition under section 24 of this act and may at any time for the duration of that disposition, if after hearing, and notice to the prosecuting attorney, it finds violation of the conditions of the order of disposition, substitute any other disposition which it might have made originally.

c. The court may by its order retain jurisdiction in any other case.

C. 2A:4A-46 Disposition of juvenile-family crisis.

27. Disposition of juvenile-family crisis. a. The court may order any disposition in a juvenile-family crisis provided for in paragraphs (2), (4), (5), (6), (7) and (13) of subsection b. of section 24 of this act or other disposition specifically provided for in P. L. 1982, c. 80 (C. 2A:4A-76 et seq.).

b. No juvenile involved in a juvenile-family crisis shall be committed to or placed in any institution or facility established for the care of delinquent children or in any facility, other than an institution for the mentally retarded, a mental hospital or facility for the care of persons addicted to controlled dangerous substances, which physically restricts such juvenile committed to or placed in it.

C. 2A:4A-47 Termination of orders of disposition.

28. Termination of orders of disposition. Any order of disposition entered in a case under this act shall terminate when the juvenile who is the subject of the order attains the age of 18, or 1 year from the date of the order whichever is later unless such order involves incarceration or is sooner terminated by its terms or by order of the court. Any agency providing services pursuant to any court ordered disposition shall give prior notice to the court at least 30 days before terminating these services which notice shall include the date of intended termination.

C. 2A:4A-48 Effect of disposition.

29. Effect of disposition. No disposition under this act shall operate to impose any of the civil disabilities ordinarily imposed by virtue of a criminal conviction, nor shall a juvenile be deemed a criminal by reason of such disposition.

The disposition of a case under this act shall not be admissible against the juvenile in any criminal or penal case or proceeding in any other court except for consideration in sentencing, or as otherwise provided by law.

C. 2A:4A-49 Juvenile Delinquency Disposition Commission.

30. Juvenile Delinquency Disposition Commission.

a. There is created a Juvenile Delinquency Disposition Commission of 17 members consisting of two members of the Senate, no more than one of whom shall be of the same political party, appointed by the President of the Senate; two members of the General Assembly, no more than one of whom shall be of the same political party, appointed by the Speaker of the General Assembly; the Chief Justice of the Supreme Court or his designee; the Attorney General or his designee; the Public Advocate or his designee; the chairman of the State Parole Board or his designee; the Commissioner of the Department of Corrections or his designee; the Commissioner of the Department of Human Services or his designee; the President of the County Prosecutors Association of New Jersey, or his designee; the President of the New Jersey Association of Counties, or his designee; the President of the

League of Municipalities, or his designee; the Commissioner of the Department of Health or his designee; and three public members to be appointed by the Governor. The legislative members shall serve for terms coextensive with their respective terms as a member of the House of the Legislature from which they are appointed and each public member shall serve for a term of 3 years. 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 be reimbursed for necessary expenses actually incurred in the performance of their duties under this act. The commission shall choose a chairman from among its members and appoint a secretary who need not be a member of the commission.

b. It shall be the duty of the commission to study and review all aspects of the juvenile justice system relating to the disposition of persons adjudged delinquent as provided in section 24 and section 25 of this act. The commission shall compile, on a county by county basis, the individual case data on the age, sex and race of juveniles receiving dispositions, the availability and interrelationship of dispositions between the Department of Corrections and the Department of Human Services and the reasons for the utilization of the various dispositions and incarceration as a disposition pursuant to procedures established by the Administrative Office of the Courts and report its findings to the Governor and Legislature 18 months from the effective date of this act. This information should be reviewed with the objective of developing, where appropriate, guidelines as to the disposition of juveniles adjudicated delinquent.

c. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of the State and the political subdivisions thereof as it may require and as may be available to it for said purpose, and to employ such professional, 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.

d. After its first report, the commission shall file annually with the Governor and the Legislature a report containing its findings and recommendations concerning the disposition of juvenile offenders. Additionally, the commission shall report to the Governor and the Legislature on the operation of subsection c. of section 24 of this act 24 months from the effective date of this act.

31. N. J. S. 2A:4-41 is amended to read as follows:

Expenses a county charge.

2A:4-41. Except as otherwise provided by law, all expenses incurred in complying with the provisions of this chapter shall be a county charge.

32. N. J. S. 2C:4-11 is amended to read as follows:

Immaturity excluding criminal conviction; transfer of proceedings to family court.

2C:4-11. Immaturity Excluding Criminal Conviction; Transfer of Proceedings to Family Court.

a. A person shall not be tried for or convicted of an offense if:

(1) At the time of the conduct charged to constitute the offense he was less than 14 years of age, in which case the family court shall have exclusive jurisdiction unless pursuant to section 8 of the "New Jersey Code of Juvenile Justice" the juvenile has demanded indictment and trial by jury; or

(2) At the time of the conduct charged to constitute the offense he was 14, 15, 16 or 17 years of age, unless:

(a) The family court has no jurisdiction over him;

(b) The family court has, pursuant to section 7 of "New Jersey Code of Juvenile Justice," entered an order waiving jurisdiction and referring the case to the county prosecutor for the institution of criminal proceedings against him;

(c) The juvenile has, pursuant to section 8 of the "New Jersey Code of Juvenile Justice," demanded indictment and trial by jury.

b. No court shall have jurisdiction to try and convict a person of an offense if criminal proceedings against him are barred by subsection a. of this section. When it appears that a person charged with the commission of an offense may be of such an age that proceedings may be barred under subsection a. of this section, the court shall hold a hearing thereon, and the burden shall be on such person to establish to the satisfaction of the court that the proceeding is barred upon such grounds. If the court determines that the proceeding is barred, custody of the person charged shall be surrendered to the family court and the case, including all papers and processes relating thereto shall be transferred.

Repealer.

33. Repealer. All acts and parts of acts inconsistent with this act are 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:4-1 to 2A:4-4 both inclusive;~~

~~2A:4-7;~~

~~2A:4-8 and 2A:4-9;~~

~~2A:4-12 and 2A:4-13;~~

~~2A:4-18 and 2A:4-19;~~

~~2A:4-31;~~

~~2A:4-34;~~

~~2A:4-36;~~

~~2A:4-38;~~

~~2A:4-40;~~

Pamphlet Laws:

Laws of 1970, c. 155, s. 2 (C. 2A:4-4a);

Laws of 1955, c. 26, s. 2 and s. 3 (C. 2A:4-4.1 and C. 2A:4-4.2);

Laws of 1969, c. 55 (C. 2A:4-7.1 to C. 2A:4-7.3 both inclusive);

Laws of 1971, c. 44 (C. 2A:4-7.4);

Laws of 1964, c. 152 (C. 2A:4-13.1);

Laws of 1968, c. 202 (C. 2A:4-19.1);

Laws of 1973, c. 306 (C. 2A:4-42 to C. 2A:4-67 both inclusive).

34. This act shall take effect on September 1, 1983 but shall remain inoperative unless and until the following bills now pending before the Legislature as Assembly Bill No. 642, Assembly Bill No. 643, Assembly Bill No. 644, and Assembly Bill No. 645 are enacted into law; provided, however, that subsection c. of section 24 of this act shall expire 48 months following the effective date of this act.

Approved July 23, 1982.

CHAPTER 78

AN ACT to abolish the juvenile and domestic relations court and to establish a family court.

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

C. 2A:4-3.1 Juvenile and domestic relations courts abolished; judges transferred.

1. The juvenile and domestic relations courts are abolished, except as specified by sections 10 and 12 of this act. All judges

authorized to sit in these courts as of the effective date of this act shall be transferred to and become judges of the family court.

C. 2A:4A-1 County family court established.

2. A county family court is hereby established as an inferior court of limited jurisdiction, pursuant to Article VI, section I, paragraph 1 of the New Jersey Constitution.

C. 2A:4A-2 Jurisdiction.

3. The family court shall be a court of record, having a seal and having jurisdiction to hear and determine all cases formerly heard by the juvenile and domestic relations court. In those cases within the jurisdiction of the family court where it is charged that a juvenile has committed an act of delinquency or in all matters relating to juvenile-family in crisis cases, as defined by section 3 of P. L. 1982, c. 77 (C. 2A:4A-22), the jurisdiction of the court shall extend over the juvenile, his parents or guardian or a family member found to be contributing to the family crisis.

C. 2A:4A-3 35 judges; court intake service.

4. a. The family court shall consist of 35 judges. Each judge shall receive such annual salary as shall be fixed by law.

b. The family court shall consist of the following number of judges from the listed counties who at the time of their appointment and any reappointment were residents of that county:

Atlantic	1
Bergen	4
Burlington	1
Camden	2
Essex	6
Hudson	4
Mercer	1
Middlesex	4
Monmouth	4
Morris	2
Passaic	2
Union	4

c. In counties other than those in which the appointment of judges is provided by subsection b., the Supreme Court shall designate a Superior Court judge sitting in that county as the judge of the family court.

d. There shall be established in each county a court intake service, which shall have among its responsibilities the screening of juvenile delinquency complaints and juvenile-family crisis referrals.

The intake service shall operate in compliance with standards established by the Supreme Court, but in no instance shall the standards for personnel employed as counselors hired after the effective date of this act be less than a master's degree from an accredited institution in a mental health or social or behavioral science discipline including degrees in social work, counseling, counseling psychology, mental health, counseling or education. Equivalent experience is acceptable when it consists of a minimum of an associate's degree with a concentration in one of the behavioral sciences and a minimum of 5 years' experience working with troubled youth and their families or a bachelor's degree in one of the behavioral sciences and 2 years' experience working with the troubled youth and their families. Intake personnel should also receive training in drug and alcohol abuse.

e. Guidelines for the education and training of judges authorized to sit in the family court shall be established by the Administrative Office of the Courts and shall include familiarization with youth services available in the county in which the judge sits.

C. 2A:4A-4 5-year term.

5. Family court judges shall be appointed by the governor with the advice and consent of the Senate for a term of 5 years and until his successor is appointed and confirmed. Each judge, so appointed, shall devote his entire time to his judicial duties, shall not engage in the practice of law, and shall be paid such salary as is provided by law.

C. 2A:4A-5 Admitted to practice for at least 10 years.

6. Each judge of the family court hereafter appointed shall, prior to his appointment, have been admitted to the practice of law in this State for at least 10 years.

C. 2A:4A-6 Bipartisan in character.

7. In every county having more than one judge of the family court all appointments to such judgeships shall be made in such manner that the appointees shall be, in equal numbers, members of different political parties, that is to say such political parties as shall have cast the largest and the next to the largest number of votes, respectively, for members of the General Assembly at the last preceding general election held for the election of all the members of the General Assembly prior to the making of any such appointments so as to constitute the court bipartisan in character.

C. 2A:4A-7 Tenure in office.

8. Any judge of the family court who shall have served for 10 years successively as a judge of his respective court and shall be in his third term, shall have tenure in office during good behavior and shall be retired upon attaining the age of 70 years. Service on the former juvenile and domestic relations court shall be considered as service on the family court in determining tenure.

C. 2A:4A-8 Temporary assignment.

9. Any family court judge may be assigned by the Chief Justice of the Supreme Court to hold temporarily the Superior Court or county district court of his county and, upon such assignment, shall have all the power, authority and jurisdiction of a judge of the Superior Court or county district court.

C. 2A:4-3.2 References to juvenile and domestic relations courts.

10. Whenever any reference is made in any statute to the juvenile and domestic relations court or a judge thereof, it shall be given effect as though the reference were to the family court or a judge thereof, except that whenever any statute confers authority upon a juvenile and domestic relations court, or a judge thereof, to make any appointment or to fill any public position, office, or other public place, it shall be given effect as though the reference were to the presiding judge of the family court. The assignment judge may delegate such authority as provided by court rule.

C. 2A:4-3.3 Functions, powers, duties.

11. All the functions, powers, and duties conferred by statute or otherwise upon the judges of the juvenile and domestic relations courts shall be transferred to and may be exercised by judges of the family court.

C. 2A:4-3.4 Statutes remain in effect.

12. The following statutes for the juvenile and domestic relations courts shall remain in effect until otherwise provided by law: N. J. S. 2A:4-10 as to appointment and salaries of clerks and other necessary employees authorized by the governing body of the county; N. J. S. 2A:4-11 as to probation officers of the court; and N. J. S. 2A:4-41 as to expenses, provided that references to the statutes in this section shall be given effect in accordance with section 9 of this act.

C. 2A:4-3.5 Former juvenile and domestic relations judges; tenure.

13. a. All judges who acquired tenure as judges of the juvenile and domestic relations court as of the effective date of this act shall have tenure as judges of the family court as of that date.

b. All other judges of the juvenile and domestic relations court shall hold office as judges of the family court for the period of their respective terms which remain unexpired on the effective date of this act.

C. 2A:4A-9 Cost of salary.

14. a. The State shall be responsible for the cost of the salary of the judges of the family court, provided that each county shall continue to be responsible for the cost of such salary until the 12 month period beginning January 1 and ending December 31 immediately following the effective date of this act during which each county shall be responsible for 50% of such cost.

b. In any county where the required number of family court judges set forth in section 4b. of this act is increased, so long as the increased number of judges in the family court in that county exists, the county shall be responsible for funding 100% of the cost of any such position in the first year following the date of increase; 75% in the second year; 50% in the third year; 25% in the fourth year; and in the fifth year, the State shall be responsible for the entire cost.

C. 2A:4A-10 Severability.

15. If any section, subsection, or clause of this act shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the act.

C. 2A:4A-11 Inconsistent acts superseded.

16. All acts and parts of acts and supplements thereto that are inconsistent with this act are hereby superseded.

17. This act shall take effect on September 1, 1983, but shall remain inoperative unless and until the following bills now pending before the Legislature as Assembly Bill No. 641, Assembly Bill No. 643, Assembly Bill No. 644, and Assembly Bill No. 645 are enacted into law, except that any appointment, any confirmation of any appointment, and any action permitted or required by this act and necessary to implement this act as of such date may be made or undertaken prior to such date.

Approved July 23, 1982.

CHAPTER 79

AN ACT concerning the disclosure of juvenile information.

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

C. 2A:4A-60 Disclosure of juvenile information; penalties for disclosure.

1. Disclosure of juvenile information; penalties for disclosure.

a. Social, medical, psychological, legal and other records of the court and probation department, and records of law enforcement agencies, pertaining to juveniles charged as a delinquent or found to be part of a juvenile-family crisis, shall be strictly safeguarded from public inspection. Such records shall be made available only to:

- (1) Any court or probation department;
- (2) The Attorney General or county prosecutor;
- (3) The parents or guardian and to the attorney of the juvenile;
- (4) The Division of Youth and Family Services, if providing care or custody of the juvenile;
- (5) Any institution to which the juvenile is currently committed; and
- (6) Any person or agency interested in a case or in the work of the agency keeping the records, by order of the court for good cause shown.

b. Records of law enforcement agencies may be disclosed for law enforcement purposes to any law enforcement agency of this State.

c. Information as to the identity of a juvenile, the offense charged, the adjudication and disposition shall be disclosed to:

- (1) The victim or a member of the victim's immediate family;
- (2) Any law enforcement agency which investigated the offense, the person or agency which filed the complaint, and any law enforcement agency in the municipality where the juvenile resides; and
- (3) On a confidential basis, the principal of the school where the juvenile is enrolled for use by the principal or his designee in planning programs relevant to the juvenile's educational and social development, which information shall not become part of the juvenile's permanent school records;
- (4) A party in a subsequent legal proceeding involving the juvenile, but only upon approval by the court and for the sole purpose of impeaching the juvenile as a witness.

d. There shall be a presumption that information as to the identity of a juvenile adjudicated delinquent, the offense, the adjudication and the disposition shall be disclosed to the public where the offense for which the juvenile has been adjudicated delinquent if committed by an adult, would constitute a crime of the first, second or third degree, or aggravated assault, destruction or damage to property to an extent of more than \$500.00 or the manufacture or distribution of a narcotic drug, unless upon application at the time of disposition the juvenile can demonstrate a substantial likelihood that specific harm would result from such disclosure. Where the court finds that disclosure would be harmful to the juvenile, the reasons therefor shall be stated on the record.

e. Nothing in this section shall prohibit the establishment and maintaining of a central registry of the records of law enforcement agencies relating to juveniles for the purpose of exchange between State or local law enforcement agencies of this State.

f. Whoever, except as provided by law, knowingly discloses, publishes, receives, or makes use of or knowingly permits the unauthorized use of information concerning a particular juvenile derived from records listed in subsection a. or acquired in the course of court proceedings, probation, or police duties, shall, upon conviction thereof, be guilty of a disorderly persons offense.

g. The court may, upon application by the juvenile or his parent or guardian, the prosecutor or any other interested party, including the victim or complainant or members of the news media, permit public attendance during any court proceeding at a delinquency case, where it determines that a substantial likelihood that specific harm to the juvenile would not result.

The court shall have the authority to limit and control the attendance in any manner and to the extent it deems appropriate.

C. 2A:4A-61 Fingerprint records; photographs of juveniles.

2. Fingerprint records; photographs of juveniles. a. Fingerprints of a juvenile may be taken only in the following circumstances:

(1) Where latent fingerprints are found during the investigation of an offense and a law enforcement officer has reason to believe that they are those of a juvenile, he may, with the consent of the court or juvenile and his parent or guardian fingerprint the juvenile for the purpose of comparison with the latent fingerprints. Fingerprint records taken pursuant to this paragraph may be retained by the department or agency taking them and shall be destroyed when the purpose for the taking of fingerprints has been fulfilled.

(2) Where a juvenile is detained in or committed to an institution, that institution may fingerprint the juvenile for the purpose of identification. Fingerprint records taken pursuant to this paragraph may be retained by the institution taking them and shall be destroyed when the purpose for taking them has been fulfilled, except that if the juvenile was detained or committed as the result of an adjudication of delinquency, the fingerprint records may be retained by the institution.

(3) Where a juvenile 14 years of age or older is charged with delinquency on the basis of an act which, if committed by an adult, would constitute a crime, fingerprint records taken pursuant to this paragraph may be retained by a law enforcement agency for criminal identification purposes.

b. No juvenile under the age of 14 shall be photographed for criminal identification purposes without the consent of the court or of the juvenile and his parent or guardian.

C. 2A:4A-62 Sealing of records.

3. Sealing of records. a. On motion of a person who has been the subject of a complaint filed under this act or on its own motion, the court may vacate its order and findings and order the non-disclosure of social, medical, psychological, legal and other records of the court and probation services, and records of law enforcement agencies if it finds:

(1) Two years have elapsed since the final discharge of the person from legal custody or supervision, or 2 years have elapsed after the entry of any other court order not involving custody or supervision; and

(2) He has not been convicted of a crime, or a disorderly persons offense or adjudged delinquent, during the 2 years prior to the filing of the motion, and no proceeding or complaint is pending seeking such conviction or adjudication.

b. In any case wherein a juvenile has been adjudicated delinquent and said juvenile enlists in any branch of the Armed Forces of the United States, he may at any time after the date of such adjudication present a duly verified petition to the court where such adjudication was entered, setting forth all the facts in the matter, including proof of enlistment and acceptance in said armed forces, and praying for the relief provided in this section, and subject to the limitations hereinafter provided in this section, an order may be granted to seal all the records concerning such adjudication including records of the court, probation services and law enforce-

ment agencies. Failure to enter the armed forces shall have the effect of nullifying the sealing order.

c. Reasonable written notice of the motion shall be given to:

- (1) The Attorney General and the county prosecutor;
- (2) The authority granting the discharge if the final discharge was from an institution, parole, or probation; and
- (3) The law enforcement office, department, and central depository having custody of the files and records if such files and records are included in the motion.

d. Upon the entry of the order, the proceedings in the case shall be sealed and all index references shall be marked "not available" or "no record" and law enforcement officers and departments shall reply and the person may reply to any inquiry that there is no record with respect to such person, except that records may be maintained for purposes of prior offender status. This section shall not apply to reports required under the Controlled Dangerous Substances Registry Act of 1970, P. L. 1970, c. 227 (C. 26:2G-17 et seq.). Copies of the order shall be sent to each agency or official named therein.

Inspection of the files and records included in the order may thereafter be permitted by the court only upon motion and only to those persons named in the motion; provided, however, the court, in its discretion, may by special order in an individual case permit inspection by or release of information in the records to any clinic, hospital, or agency which has the person under care or treatment or to individuals or agencies engaged in fact-finding or research.

e. Any adjudication of delinquency or conviction of a crime subsequent to sealing shall have the effect of nullifying the sealing order.

f. Expungement of juvenile records shall be governed by the applicable provisions of chapter 52 of Title 2C of the New Jersey Statutes.

4. This act shall take effect on September 1, 1983, but shall remain inoperative unless and until the following bills now pending before the Legislature as Assembly Bill No. 641, Assembly Bill No. 642, Assembly Bill No. 644 and Assembly Bill No. 645 are enacted into law.

Approved July 23, 1982.

CHAPTER 80

AN ACT providing for the establishment of family crisis intervention units in the several counties, and making an appropriation.

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

C. 2A:4A-76 Juvenile-family crisis intervention units established.

1. Juvenile-family crisis intervention units established. There shall be established in each county one or more juvenile-family crisis intervention units. Each unit shall operate either as a part of the court intake service, or where provided for by the county, through any other appropriate office or private service pursuant to an agreement with the Administrative Office of the Courts, provided that all such units shall be subject to the Rules of Court. In any county where a crisis intervention service system, designed to attend and stabilize juvenile and family problems on a county-wide basis, is in operation as of the effective date of this act, such service shall satisfy all the provisions of this act, and may continue in its present form and under its present procedures, provided that it is operating in substantial compliance with the specific requirements and goals set forth in this act.

C. 2A:4A-77 On-call service; required form.

2. The purpose of the unit shall be to provide a continuous 24-hour on-call service designed to attend and stabilize juvenile-family crises as defined pursuant to section 3 of P. L. 1982, c. 77 (C. 2A:4A-22). The juvenile-family crisis intervention unit shall respond immediately to any referral, complaint or information made pursuant to section 5 or 6 of this act, except if, upon preliminary investigation, it appears that a juvenile-family crisis within the meaning of this act does not exist or that an immediate referral to another agency would be more appropriate.

Upon the receipt of any referral pursuant to sections 5 and 6 of this act, the crisis intervention unit shall request information through the use of a form developed by the unit and approved by the Administrative Office of the Courts concerning the juvenile-family crisis. The form shall provide but shall not be limited to the following information:

a. The name, address, date of birth, and other appropriate personal data of the juvenile and parents or guardian;

b. Facts concerning the conduct of the juvenile or family which may contribute to the crisis, including evidence of alcoholism as defined in section 2 of P. L. 1975, c. 305 (C. 26:2B-8), drug dependency as defined in section 2 of the "New Jersey Controlled Dangerous Substances Act," P. L. 1970, c. 226 (C. 24:21-2) or that a juvenile is an "abused or neglected child" as defined in P. L. 1974, c. 119 (C. 9:6-8.21).

C. 2A:4A-78 Intervention unit response.

3. Intervention unit response. A crisis intervention response shall consist of immediate interviews with the parents and juvenile involved by one or more crisis intervention workers. Where the juvenile is not in the home, or in the custody of the police, the intervention workers shall attempt to interview the juvenile wherever the juvenile may be found. The juvenile and family shall be advised of the purpose of the unit and of the emphasis upon the voluntary exhaustion of community services prior to court involvement. The unit shall make all reasonable efforts to keep the family intact consistent with the physical safety and mental well-being of the juvenile by obtaining, where possible, written agreement of the family to accept recommendations which may include, but are not limited to, referral to appropriate services and agencies.

C. 2A:4A-79 Intervention unit training and skills.

4. Intervention unit training and skills. The juvenile-family crisis intervention unit shall have knowledge of community services and agencies and shall be specially trained in family counseling and crisis stabilization skills. The Supreme Court may issue rules concerning the duties, responsibilities, training and practices of the juvenile-family crisis intervention units consistent with the provisions of this act, but in no instance shall the minimum qualifications for personnel employed as counselors and hired after the effective date of this act be less than a master's degree from an accredited institution in a mental health or social or behavioral science discipline, including degrees in social work, counseling, counseling psychology, mental health or education. Equivalent experience is acceptable when it consists of a minimum of an associate's degree with a concentration in one of the behavioral sciences and a minimum of 5 years' experience working with troubled youth and their families or a bachelor's degree in one of the behavioral sciences and 2 years' experience working with troubled youth and their families.

C. 2A:4A-80 Law enforcement referral.

5. Law enforcement referral. A law enforcement officer taking a juvenile into short-term custody pursuant to section 12 of P. L.

1982, c. 77 (C. 2A:4A-31), shall immediately notify the juvenile-family crisis intervention unit and shall promptly bring the juvenile to the unit or place designated by the unit when:

- a. The officer has reason to believe that it is not in the best interests of the juvenile or the family for the officer to return the juvenile to his home;
- b. The juvenile resides in another county and the officer is unable to make arrangements to return the juvenile to his home;
- c. The juvenile resides in another state;
- d. The juvenile has run away from a placement and the juvenile refuses to return home or the juvenile, through his past behavior, has demonstrated an inability to remain at home;
- e. The law enforcement officer is unable, by all reasonable efforts to identify or locate a parent, relative or other such appropriate person;
- f. The juvenile requires immediate emergency services, such as medical or psychiatric care; or
- g. No identification can be obtained from the juvenile.

C. 2A:4A-81 Other referrals.

6. Other referrals. a. The juvenile-family crisis intervention unit shall also receive referrals on a continuous basis in situations where a juvenile-family crisis exists and there has been either:

- (1) A request by a parent or juvenile for intervention; or
- (2) A referral by a public or private agency, educational institution, or any other organization serving children, which has contact with the juvenile or family, and has reasonable cause to believe that a family crisis exists.

b. Any agency or organization making such a referral shall indicate whether their agency is capable of providing the appropriate services to the family or juvenile and indicate their present ability and willingness to do so in the particular case referred.

c. Any public agency making the referral which is under a legal obligation to provide services to the family or juvenile, shall, where it is unable to provide appropriate services in the particular case referred, state the reasons therefor.

C. 2A:4A-82 Juvenile-family crisis stabilized.

7. Juvenile-family crisis stabilized. When the juvenile-family crisis has been stabilized and the juvenile is residing in the home, the crisis intervention unit shall arrange a second interview session with the family as soon as practicable and preferably the day following the initial intervention, for the purpose of monitoring the

family situation. The crisis intervention unit may, in appropriate cases, continue to work with the family on a short-term basis in order to stabilize the family situation.

C. 2A:4A-83 Juvenile-family crisis referral to the court; continuing crisis.

8. Juvenile-family crisis referral to the court; continuing crisis. When, in the judgment of the crisis intervention unit, a juvenile-family crisis continues to exist despite the provision of crisis intervention services and the exhaustion of appropriate community services, court intake services shall, by filing a petition, refer the case to the court. In counties where the crisis intervention units are not part of intake and a juvenile-family crisis continues to exist, the court shall immediately refer the case to intake for the filing of a petition pursuant to this section. Upon the filing of the petition, the jurisdiction of the court shall extend to the juvenile, parent or guardian, or other family member contributing to the crisis.

C. 2A:4A-84 Juvenile-family crisis recommendations.

9. Juvenile-family crisis recommendations. Court intake services shall submit with its petition facts as to the nature of the juvenile-family crisis and its recommendations for resolving the crisis, including recommendations as to community services or programs which are necessary to accomplish this purpose.

C. 2A:4A-85 Alcoholic, drug-dependent parent.

10. Alcoholic, drug-dependent parent. a. When a petition is filed and as a result of any information supplied on the family situation by the crisis intervention unit, court intake services has reason to believe that the parent or guardian is an alcoholic, as defined by P. L. 1975, c. 305 (C. 26:2B-8) or a drug-dependent person, as defined by section 2 of the "New Jersey Controlled Dangerous Substances Act," P. L. 1970, c. 226 (C. 24:21-2), intake services shall state the basis for this determination and provide recommendations to the court.

b. When, as a result of any information supplied by the crisis intervention unit, court intake services has reason to believe that a juvenile is an "abused or neglected child" as defined in P. L. 1974, c. 119 (C. 9:6-8.21), they shall handle the case pursuant to the procedure set forth in that law. The Division of Youth and Family Services shall, upon disposition of any case originated pursuant to this subsection, notify court intake services as to the nature of the disposition.

C. 2A:4A-86 Juvenile-family crisis hearing; disposition.

11. Juvenile-family crisis hearing; disposition. Whenever the court receives a petition from court intake services stating that a juvenile-family crisis may exist the court shall hold a hearing and consider the facts and recommendations submitted by intake services in order to determine the appropriate disposition to be made. The court shall notify the juvenile, his parent or guardian or other family member alleged in the petition as contributing to the family crisis that a juvenile-family crisis may exist. The juvenile, parent, guardian, or other family member may present witnesses and evidence to rebut the determination. If the court finds that there is not enough information to make a disposition it may continue the matter and hold one or more additional hearings. The court shall enter an order of disposition if it finds that a juvenile-family crisis exists as provided in section 27 of P. L. 1982, c. 77 (C. 2A:4A-46). In support of any such order, the court may require the juvenile, parent, guardian or family member contributing to the crisis, to participate in appropriate programs and services consistent with the disposition. The court may dismiss the petition upon a finding that based upon the preponderance of the evidence presented the petition is not sufficient to establish that a juvenile-family crisis exists. The court shall state the grounds for any disposition made pursuant to this section. In the case of failure of any person to comply with any orders entered pursuant to this section, the court may proceed against such person for the enforcement of litigants' rights.

C. 2A:4A-87 Juvenile-family crisis referral to court; out of home placement.

12. Juvenile-family crisis referral to court; out of home placement. When, despite provision of crisis intervention services and the exhaustion of appropriate community services, there is a refusal on the part of the juvenile to stay in or return to the home or a refusal on the part of the parents to allow the juvenile to stay in or return home, or the physical safety of the juvenile is threatened, or the juvenile is in need of immediate care such that it is necessary to make an out of home placement of the juvenile, court intake services shall:

a. Arrange, when agreed to by the parent or guardian and juvenile, alternate living arrangement for the juvenile with a relative, neighbor, or other suitable family setting. It shall not be necessary for a court hearing to approve the living arrangement and the arrangement may continue as long as there is agreement; or

b. Arrange, when no alternate living arrangement can be agreed to, temporary out of home placement prior to the placement hearing. Court intake services shall immediately file a petition for out of home placement with the court. The crisis intervention unit shall inform the juvenile and parent or guardian that an out of home placement determination may be made by the court where an alternate living arrangement cannot be agreed to.

C. 2A:4A-88 Temporary placement.

13. Temporary placement. Placement of the juvenile prior to the placement hearing or pending determination by the court concerning placement under a family service plan, pursuant to section 14 of this act, shall be made in a host shelter, foster or group home, a county shelter care facility as defined by law, or other suitable family setting. In no event shall such placement be arranged in a secure detention or other facility or in a secure correctional institution for the detention or treatment of juveniles accused of crimes or adjudged delinquent.

C. 2A:4A-89 Out of home placement hearing.

14. Out of home placement hearing. When intake has filed with the court a petition for out of home placement, the court shall, within 24 hours, conduct a hearing on the petition. The court shall notify the parents, the juvenile and his counsel and, if indigent, have counsel appointed by the court. The hearing shall be conducted in accordance with the Rules of Court and shall be attended by the parents, the juvenile, and when requested by the court, a representative of the Division of Youth and Family Services. The following procedure shall be followed for the hearing:

a. The court shall hold the hearing to consider the petition and may approve or disapprove the temporary out of home placement. The court may approve the temporary out of home placement if either of the following factors exists:

(1) A serious conflict or other problem between the parent and the juvenile which cannot be resolved by delivery of services to the family during continued placement of the juvenile in the parental home; or

(2) The physical safety and well-being of the juvenile would be threatened if the juvenile were placed in the parental home.

b. If the court disapproves a petition for an out of home placement, a written statement of reasons shall be filed, and the court shall order that the juvenile is to remain at or return to the parental home.

c. Temporary out of home placement shall continue until otherwise provided by the court. The order approving the temporary out of home placement shall direct the Division of Youth and Family Services, or other service or agency to submit a family service plan that is designed to resolve the family crisis consistent with the well-being and physical safety of the juvenile. The court shall direct such division, service or agency to make recommendations as to which agency or person shall have physical custody of the child, the extent of the parental powers to be awarded to such agency or person and parental visitation rights.

d. Within 14 days of the date of the order approving the petition for temporary out of home placement is entered, unless for good cause shown, but no later than 30 days, the division, service or agency shall submit to the court a family service plan, which shall be presumed valid, detailing the specifics of the court order. The plan shall be developed within the limits of fiscal and other resources available to the division, service or agency. If the court determines that the service plan is inappropriate, given existing resources, the division, service or agency may request a hearing on that determination.

e. At the hearing held to consider the family service plan presented by the division or other service or agency, the court shall consider all such recommendations included therein. The court, consistent with this section, may modify such plan and shall make its dispositional order for the juvenile. The court's dispositional order shall specify the responsibility of the Department of Human Services or other service with respect to the juvenile who shall be placed, those parental powers temporarily ordered to the department or service and parental visitation rights. Where placement cannot be immediately made, the division or other service or agency shall report to the court every 14 days on the status of the placement and progress toward implementation of the plan.

C. 2A:4A-90 Long-term placement.

15. Long-term placement. In considering whether to approve or disapprove out of home placement under a family service plan on a long-term basis, the court shall consider whether placement in the home would fail to provide adequate physical protection, shelter or nutrition or would seriously obstruct the juvenile's medical care, education or physical and emotional development as determined according to the needs of the juvenile. Upon making an order approving a long-term out of home placement plan, the

matter shall be reviewed pursuant to the provisions of the "Child Placement Review Act," P. L. 1977, c. 424 (C. 30:4C-50 et seq.).

C. 2A:4A-91 Youth services planning.

16. Youth services planning. Within 270 days of the enactment of this act, the governing body of each county, in conjunction with the county department or such other persons designated by the county charged with responsibility for planning for youth services, shall submit to the Commissioner of the Department of Human Services a comprehensive plan for the provision of community services and programs to meet the needs of children under the jurisdiction of the Family Court and the provisions of this act and which shall be developed within the limits of fiscal and other resources available to the county.

a. The comprehensive plan shall include:

(1) A description of the various community resources currently available within the county to provide programs and services to children under the jurisdiction of the court and this act;

(2) A description of county facilities for juveniles and the population they serve, including current rates of utilization of facilities based upon population;

(3) A detailed plan for providing increased programs and services including anticipated costs and a description and timetable for implementation. The plan shall specify what programs and services are to be provided, the target populations to be served, and which agencies are to provide services. The plan may involve provision of programs and services by the county, by an agreement with a State agency, by private organizations including volunteer groups, or by some specified combination of the above.

b. Programs and services provided to children and families shall be designed to meet the unique needs of juveniles under the jurisdiction of the court and this act and shall be designed to strengthen families, consistent with the physical safety and mental well-being of the juvenile, and avoid, reduce, or provide alternatives to institutional placements. Programs and services may include home detention projects, day treatment programs, juvenile-family crisis counseling teams, Host Home projects, family support networks, truancy prevention programs, neighborhood multi-service centers and other community based alternative programs.

c. In determining whether to approve a comprehensive plan under this act, the commissioner shall consider whether the plan is designed to meet the needs of children and families under the juris-

diction of the court and this act, whether the plan is consistent with the goals of family and community based treatment, and whether implementation of the plan is feasible. Each county plan submitted to the commissioner shall be presumed valid; provided that it is in substantial compliance with the provisions of this section. Where the commissioner fails to approve a county plan, the county may request a court hearing on that determination.

d. The governing body of each county, in conjunction with the county department or such other persons designated by the county charged with responsibility for youth services, shall establish a citizens' advisory committee to assist the governing body in development of the comprehensive plan. The advisory committee shall consist of no less than 12 nor more than 20 members and shall be appointed by the governing body. The committee shall include representatives from among the judges assigned to the family part of the Superior Court for the county and of the county governing body, the county prosecutor or his designee, the district offices of the Division of Youth and Family Services, a wide range of public and private child and family organizations, including schools, mental health, family counseling and other organizations, persons involved in alternative projects and other individuals with interest or experience in issues concerning children and families. Each committee shall, to the maximum extent feasible, represent the various socioeconomic, racial and ethnic groups of the county in which it serves.

e. Not less than 30 days prior to the submission of the comprehensive plan or any amendment thereto, to the commissioner for approval, the governing body of the county shall give public notice of its intention to submit a plan and shall make copies of the draft plan available for public comment. The county shall implement the comprehensive plan promptly upon approval by the commissioner.

f. The commissioner shall monitor the operations of the programs and services provided pursuant to this act. Monitoring shall be limited to a determination as to whether each county is implementing the county comprehensive plan.

g. Pursuant to the adoption of the comprehensive plan for youth services, the governing body of each county, in conjunction with the county department charged with the responsibility for youth services and the citizens' advisory committee as established under subsection d. of this section, shall submit a comprehensive plan for youth services including a needs assessment and resource inventory of youth services in the county to the commissioner for approval

every third year. Every effort shall be made to gain public involvement in the development of a youth service plan for each county.

17. There is appropriated from the General State Fund upon the effective date of this act the sum of \$225,000.00 to be distributed to the counties by the Department of Human Services for the purpose of developing the service plan required by section 16 of this act and the sum of \$225,000.00 to be distributed by the Administrative Office of the Courts for establishment of juvenile-family crisis intervention units pursuant to this act, provided that if the State appropriates less than the sum of \$225,000.00 for the operation of the juvenile-family crisis intervention units in any fiscal year following the effective date of this act, no county shall be responsible for funding any costs incurred pursuant to this act.

18. This act shall take effect on September 1, 1983 but shall remain inoperative unless and until the following bills now pending before the Legislature as Assembly Bill No. 641, Assembly Bill No. 642, Assembly Bill No. 643 and Assembly Bill No. 645 are enacted into law.

Approved July 23, 1982.

CHAPTER 81

AN ACT directing the establishment of family and juvenile court intake services and authorizing the appointment of juvenile conference committees.

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

C. 2A:4A-70 County court intake services.

1. County court intake services.

a. Each county shall establish a court intake service which shall have among its responsibilities the screening of juvenile delinquency complaints and juvenile-family crisis referrals. The intake service shall operate in compliance with standards established by the Supreme Court.

b. The court intake service shall make arrangements for the receipt of complaints, on a continuous basis, in situations where the subject of the complaint is a juvenile, or referrals through

crisis intervention units where a juvenile-family crisis may exist. It shall assist the court in screening referrals for court intervention, making referrals to appropriate agencies, reviewing and approving alternative living arrangements as provided by law, determining that jurisdiction for juvenile-family crisis proceedings may exist prior to filing a petition, and in monitoring referrals for development and implementation of family service plans. Every complaint or juvenile-family crisis petition shall be reviewed by the court intake service unless otherwise ordered by the court.

c. The court intake service shall have the responsibility for monitoring, on a 24-hour a day, 7-day a week basis, the admission of alleged delinquents to the detention or shelter care facilities and no juvenile may be admitted to a detention or shelter care facility without its approval.

d. The Supreme Court shall have the authority to issue rules governing the duties, responsibilities, and practices of court intake services as it deems necessary to effectuate the purposes of this act; establish guidelines and procedures for the training of intake services staff; establish reporting procedures to be followed by court intake services in providing data for its evaluation; and conduct, at least annually, an evaluation of all intake services.

C. 2A:4A-71 Review and processing of complaints.

2. Review and processing of complaints.

a. The jurisdiction of the court in any complaint filed pursuant to section 11 of P. L. 1982, c. 77 (C. 2A:4A-30), shall extend to the juvenile who is the subject to the complaint and his parents or guardian.

b. Every complaint shall be reviewed by court intake services for recommendation as to whether the complaint should be dismissed, diverted, or referred for court action. Where the complaint alleges a crime which, if committed by an adult, would be a crime of the first, second, third or fourth degree, or a repetitive disorderly persons offense, the complaint shall be referred for court action, unless the prosecutor otherwise consents to diversion. Court intake services shall consider the following factors in determining whether to recommend diversion:

- (1) The seriousness of the alleged offense or conduct and the circumstances in which it occurred;
- (2) The age and maturity of the juvenile;
- (3) The risk that the juvenile presents as a substantial danger to others;

(4) The family circumstances, including any history of drugs, alcohol abuse or child abuse on the part of the juvenile, his parents or guardian;

(5) The nature and number of contacts with court intake services and the court that the juvenile or his family have had;

(6) The outcome of those contacts, including the services to which the juvenile or family have been referred and the results of those referrals;

(7) The availability of appropriate services outside referral to the court;

(8) Any recommendations expressed by the victim or complainant, or arresting officer, as to how the case should be resolved; and

(9) Any recommendation expressed by the county prosecutor.

C. 2A:4A-72 Recommendation of diversion.

3. Recommendation of diversion.

a. Where court intake services recommend diverting the juvenile, the reasons for the recommendation shall be submitted by intake services and approved by the court before the case is deemed diverted.

b. Where, in determining whether to recommend diversion, court intake services has reason to believe that a parent or guardian is a drug dependent person, as defined in section 2 of the "New Jersey Controlled Dangerous Substances Act," P. L. 1970, c. 226 (C. 24:21-2) or an alcoholic as defined by P. L. 1975, c. 305 (C. 26:2B-8), the basis for this determination shall be stated in its recommendation to the court.

c. The county prosecutor shall receive a copy of each complaint filed pursuant to section 11 of P. L. 1982, c. 77 (C. 2A:4A-30), promptly after the filing of the complaint.

d. Within 5 days after receiving a complaint, the intake services officer shall advise the presiding judge and the prosecuting attorney of intake services' recommendation, as well as any other recommendations or objections received as to the complaint. In determining whether to divert, the court may hold a hearing to consider the recommendations and any objections submitted by court intake services in light of the factors provided in this section. The court shall give notice of the hearing to the juvenile, his parents or guardian, the prosecutor, arresting police officer and complainant or victim. Each party shall have the right to be heard on the matter. If the court finds that not enough information has been received to make a determination, a further hearing may be ordered. The

court may dismiss the complaint upon a finding that the facts as alleged are not sufficient to establish jurisdiction, or that probable cause has not been shown that the juvenile committed a delinquent act.

C. 2A:4A-73 Diverting complaints.

4. Diverting complaints.

a. The court may divert a complaint filed pursuant to section 11 of P. L. 1982, c. 77 (C. 2A:4A-30), to intake conferences or juvenile conference committees. Where the complaint alleges a disorderly persons or petty disorderly persons offense the court may dispose of the case as a juvenile-family crisis pursuant to P. L. 1982, c. 80 (C. 2A:4A-76 et seq.). The county prosecutor shall be promptly notified of the diversion of a complaint.

b. The complainant or victim of any offense committed by a juvenile diverted by the court, which offense would be a crime if committed by an adult, shall receive a statement as to the reasons for the proposed diversion.

C. 2A:4A-74 Court intake service conference.

5. Court intake service conference.

a. Where the juvenile is diverted to a court intake service conference, notices of the conference shall be sent to the juvenile and his parents or guardian and to the complainant or victim. The parties may be requested to bring to the conference all pertinent documents in their possession, including medical, social, and school records.

b. In determining the appropriate resolution of a complaint, the following factors shall be considered by court intake services:

(1) The seriousness of the alleged offense or conduct and the circumstances in which it occurred;

(2) The age and maturity of the juvenile;

(3) The risk that the juvenile presents as a substantial danger to others;

(4) The family circumstances, including any history of drugs, alcohol abuse or child abuse on the part of the juvenile, his parents or guardian;

(5) The nature and number of contacts with court intake services and the court that the juvenile and his family have had;

(6) The outcome of those contacts, including the services to which the juvenile or family have been referred and the results of those referrals;

(7) The availability of appropriate services; and

(8) Any recommendations expressed by the victim or complainant, or arresting officer, as to how the case should be disposed.

c. Each juvenile shall be reviewed without a presumption of guilt. The intake conference shall be concerned primarily with preventing more serious future misconduct by the juvenile offender by obtaining the cooperation of the juvenile and his parents or guardian in complying with its recommendations. The court may schedule a hearing where the complainant or victim objects to the recommendations from the conference.

d. The resolution from the conference may include but shall not be limited to counseling, restitution, referral to appropriate community agencies, or any other community work programs or other conditions consistent with diversion that aid in the juvenile's rehabilitation, provided that:

(1) Obligations imposed as a result of the intake conference shall be an order of the court approved by the presiding judge and shall be set forth in writing and may not exceed 6 months. The juvenile and his or her parents or guardian shall receive copies, as shall any agencies providing services under the agreement;

(2) The court intake service worker shall inform the juvenile and the juvenile's parents or guardian in writing of their right to object at any time prior to their written agreement to the facts or terms of the intake conference decision, and if objections arise, the intake service worker may alter the terms of the proposed agreement or refer the matter to the presiding judge who shall determine if the complaint will be heard in court or returned to intake conference for further action;

(3) Written agreement pursuant to intake conferences may be terminated at any time upon the request of the juvenile and the matter referred to the presiding judge;

(4) The court intake service conference may not order the confinement of a juvenile, place a juvenile on probation, or remove a juvenile from his family as a disposition; and

(5) If, at any time during the diversion period, the court intake service worker determines that the obligations imposed under the written agreement are not being met, the intake worker shall notify the presiding judge in writing. In the case of failure to comply with the obligations imposed under the agreement by the parents or guardian, the court may proceed against such persons for enforcement of the agreement. In the case of failure to comply by the juvenile, the matter shall be referred to the court for action.

e. At the end of the diversion period a second court intake service conference may be held with all parties to the written agreement present to ascertain if the terms of the agreement have been fulfilled. If all conditions have been met, the intake worker shall so inform the presiding judge in writing who shall order the complaint dismissed. A copy of the order dismissing the complaint shall be sent to the juvenile. If the conditions of the written agreement have not been met, the intake worker may refer the matter to the presiding judge who shall determine if the complaint will be heard in court or returned to court intake services for further action. Based on the evaluations required under this paragraph, the intake conference agreement may be extended beyond the 6 month maximum if all parties agree. In no case shall an intake conference agreement exceed 9 months.

f. All proceedings before the conference are confidential and they shall receive only those records which in the court's judgment are necessary to aid in making a recommendation.

C. 2A:4A-75 Juvenile conference committees.

6. Juvenile conference committees. a. The court may appoint one or more juvenile conference committees for each county or municipality to hear and decide matters referred to it by the court.

b. The method of appointment and terms of membership to the committees shall be made pursuant to guidelines developed by the Supreme Court.

c. Where the juvenile is diverted to a juvenile conference committee, notices of the conference shall be sent to the juvenile and his parents or guardian and to the complainant or victim. The parties may be requested to bring to the conference all pertinent documents in their possession, including medical, social, and school records.

d. The committee shall serve under the authority of the court in hearing and deciding such matters involving alleged juvenile offenders as are specifically referred to it by the court. Each juvenile shall be reviewed without a presumption of guilt. The committee shall be concerned primarily with preventing more serious future misconduct by the juvenile offender by obtaining the cooperation of the juvenile and his parents or guardian in complying with its recommendations. The court may schedule a hearing where the complainant or victim objects to the recommendations from the conference.

e. The committee shall provide for the resolution of the matter and shall supervise and follow up compliance with its recommenda-

tions in the same manner and under the same limitations and with the same sanctions as the court intake service conference.

f. All proceedings before the juvenile conference committee are confidential and include only those records which in the court's judgment are necessary to aid in making a recommendation.

7. This act shall take effect on September 1, 1983 but shall remain inoperative unless and until the following bills now pending before the Legislature as Assembly Bill No. 641, Assembly Bill No. 642, Assembly Bill No. 643, and Assembly Bill No. 644 are enacted into law.

Approved July 23, 1982.

CHAPTER 82

AN ACT to amend the "Prevention of Domestic Violence Act," approved January 9, 1982 (P. L. 1981, c. 426).

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

1. Section 3 of P. L. 1981, c. 426 (C. 2C:25-3) is amended to read as follows:

C. 2C:25-3 Definitions.

3. As used in this act:

a. "Cohabitants" means emancipated minors or persons 18 years of age or older of the opposite sex who have resided together or who currently are residing in the same living quarters, persons who together are the parents of one or more children, regardless of their marital status or whether they have lived together at any time, or persons 18 years of age or older who are related by blood and who currently are residing in the same living quarters.

b. "Domestic violence" means the occurrence of one or more of the following acts between cohabitants:

- | | |
|-----------------------------------|------------------|
| (1) Assault | N. J. S. 2C:12-1 |
| (2) Kidnapping | N. J. S. 2C:13-1 |
| (3) Criminal restraint | N. J. S. 2C:13-2 |
| (4) False imprisonment | N. J. S. 2C:13-3 |
| (5) Sexual assault | N. J. S. 2C:14-2 |
| (6) Criminal sexual contact | N. J. S. 2C:14-3 |

(7) Lewdness	N. J. S. 2C:14-4
(8) Criminal mischief	N. J. S. 2C:17-3
(9) Burglary	N. J. S. 2C:18-2
(10) Harassment	N. J. S. 2C:33-4

c. "Law enforcement agency" means a department, division, bureau, commission, board or other authority of the State or of any political subdivision thereof which employs law enforcement officers.

d. "Law enforcement officer" means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest and conviction of offenders against the laws of this State.

e. "Victim" means a cohabitant who alleges having been subjected to domestic violence.

2. Section 5 of P. L. 1981, c. 426 (C. 2C:25-5) is amended to read as follows:

C. 2C:25-5 Conditions for arrest.

5. A law enforcement officer may arrest a person:

a. When the officer has probable cause to believe that a person has violated the terms of an order issued pursuant to section 10, 11, 13 or 14 of this act and that service has been effected either in person or by substituted service. The officer may verify, if necessary, the existence of an order with the appropriate law enforcement agency; or

b. A victim exhibits signs of injury or there is other probable cause to believe that an act of domestic violence has been committed.

3. Section 6 of P. L. 1981, c. 426 (C. 2C:25-6) is amended to read as follows:

C. 2C:25-6 Good faith exception.

6. A law enforcement officer or a member of a domestic crisis team shall not be held liable in any civil action brought by any party for an arrest based on probable cause, enforcement in good faith of a court order, or any other act or omission in good faith under this act.

4. Section 7 of P. L. 1981, c. 426 (C. 2C:25-7) is amended to read as follows:

C. 2C:25-7 Notice to victims.

7. A law enforcement officer shall disseminate to the victim the following notice, which shall be written in both English and Spanish:

“You have the right to go to the juvenile and domestic relations court and file a complaint requesting relief including but not limited to the following: an order restraining your attacker from abusing you or directing your attacker to leave your household. You may request that the clerk of the court assist you in applying for this order. You also have the right to go to court and file a criminal complaint.

“On weekends, holidays and other times when the courts are closed, you may go to the municipal court for an emergency order granting the relief set forth above.”

5. Section 8 of P. L. 1981, c. 426 (C. 2C:25-8) is amended to read as follows:

C. 2C:25-8 Domestic violence offense report.

8. a. It shall be the duty of a law enforcement officer who responds to a domestic violence call to complete a domestic violence offense report. All information contained in the domestic violence offense report shall be forwarded to the State bureau of records and identification in the Division of State Police in the Department of Law and Public Safety.

b. The domestic violence offense report shall be on a form prescribed by the supervisor of the State bureau of records and identification which shall include, but not be limited to, the following information:

- (1) The relationship of the parties;
- (2) The sex of the parties;
- (3) The time and date of the incident;
- (4) The number of domestic violence calls investigated;
- (5) Whether children were involved, or whether the alleged act of domestic violence had been committed in the presence of children;
- (6) The type and extent of abuse;
- (7) The number and type of weapons involved;
- (8) The action taken by the law enforcement officer;
- (9) The existence of any prior court orders issued pursuant to section 10, 11, 13 or 14 of this act concerning the parties; and
- (10) Any other data that may be necessary for a complete analysis of all circumstances leading to the alleged incident of domestic violence.

c. It shall be the duty of the Superintendent of the State Police with the assistance of the Division of Systems and Communications in the Department of Law and Public Safety to compile and

report annually for a period of 5 years to the Governor, the Legislature and the Advisory Council on Shelters for Victims of Domestic Violence on the tabulated data from the domestic violence offense reports.

6. Section 9 of P. L. 1981, c. 426 (C. 2C:25-9) is amended to read as follows:

C. 2C:25-9 Criminal complaint.

9. The court in a criminal complaint arising from domestic violence actions:

a. Shall not dismiss any charge or delay disposition of a case because of concurrent dissolution of a marriage, other civil proceedings, or because the victim has left the residence to avoid further incidents of domestic violence;

b. Shall not require proof that either party is seeking a dissolution of a marriage prior to institution of criminal proceedings;

c. Shall waive any requirement that the victim's location be disclosed to any person.

7. Section 13 of P. L. 1981, c. 426 (C. 2C:25-13) is amended to read as follows:

C. 2C:25-13 Juvenile and domestic relations hearing.

13. a. A hearing shall be held in juvenile and domestic relations court within 10 days of the filing of a complaint pursuant to section 12 of this act. A copy of the complaint shall be served on the defendant in conformity with the rules of court. If a criminal complaint arising out of the same incident which is the subject matter of a complaint brought under P. L. 1981, c. 426 (C. 2C:25-1 et seq.) is filed, notice of any hearing on the complaint shall be given to the prosecuting attorney so that he may be heard with respect to a stay of that proceeding pending disposition of the criminal proceeding. At the hearing the standard for proving the allegations in the complaint shall be by a preponderance of the evidence. The court shall consider but not be limited to the following factors:

(1) The previous history of domestic violence between the cohabitants including threats, harassment and physical abuse;

(2) The existence of immediate danger to person or property;

(3) The financial circumstances of the cohabitants;

(4) The best interests of the victim and the child;

(5) In determining custody and visitation the protection of the victim's safety; and

(6) Whether the application was made in a reasonable time after the alleged act of domestic violence occurred.

b. At the hearing the juvenile and domestic relations court may issue an order granting any or all of the following relief:

(1) An order prohibiting the defendant from having contact with the victim including, but not limited to, restraining the defendant from entering the plaintiff's residence, place of employment or business, or school. The court shall prohibit the defendant from harassing the plaintiff or plaintiff's relatives in any way;

(2) An order granting possession to the plaintiff of the residence to the exclusion of the defendant when the residence or household is jointly owned or leased by the parties; provided that this issue has not been resolved nor is being litigated between the parties in another action. The court may amend its order at any time upon petition by either party;

(3) When the defendant has a duty to support the plaintiff or minor children living in the residence or household and the defendant is sole owner or lessee of the residence, an order granting possession to the plaintiff of the residence or household to the exclusion of the defendant may be issued or, upon consent of the parties, allowing the defendant to provide suitable, alternate housing; provided that this issue has not been resolved nor is being litigated between the parties in another action;

(4) When the parties are married, sole ownership in the name of the defendant of the real property constituting the residence of the parties shall not bar the court from entering an order restraining the defendant from entering the marital residence. No order shall affect any interest in the residence held by either party;

(5) An order determining child support, child custody, or establishing visitation rights, provided that these issues have not been resolved nor are being litigated between the parties in another action. The court shall protect the safety of the plaintiff by specifying a place of visitation away from the plaintiff or take any other appropriate precaution necessary to protect the safety and well-being of the plaintiff and minor children;

(6) An order requiring the defendant to pay to the victim monetary compensation for losses suffered as a direct result of the act of domestic violence. Compensatory losses shall include, but not be limited to, loss of earnings or support, out-of-pocket losses for injuries sustained, moving expenses, reasonable attorney's fees **and** compensation for pain and suffering. Where appropriate, punitive damages may be awarded in addition to compensatory damages;

(7) An order requiring the defendant to receive professional counseling from either a private source or a source appointed by the court and, in that event, at the court's discretion requiring the defendant to provide the court at specified intervals with documentation of attendance at the professional counseling. The court may order the defendant to pay for the professional counseling.

c. In addition to the relief sought in subsection b. of this section a plaintiff may seek emergency, ex parte relief in the nature of a temporary restraining order. The juvenile and domestic relations court may enter ex parte orders when necessary to protect the life, health or well-being of a victim on whose behalf the relief is sought. A hearing shall be held on an ex parte order within 10 days of the issuance thereof.

Whenever emergency relief is sought by the plaintiff, the clerk of the court or other person designated by the court shall immediately transmit the complaint to the presiding juvenile and domestic relations court judge regarding the emergency relief sought by the close of business on the day relief is sought. An order granting emergency relief shall immediately be forwarded to the sheriff for immediate service of the order for emergency relief upon the defendant.

d. An order for emergency relief shall be granted upon good cause shown.

e. Emergency relief may constitute all relief available under this act together with any other appropriate relief. A temporary restraining order shall remain in effect until further action by the court.

f. Notice of orders issued pursuant to this section shall be sent by the clerk of the juvenile and domestic relations court or other person designated by the court to the appropriate chiefs of police, members of the State Police and any other appropriate law enforcement agency.

g. All pleadings, process, and other orders filed pursuant to this act shall be served upon the defendant in accordance with the rules of court. If personal service cannot be effected upon the defendant, the court may order other appropriate substituted service.

8. Section 14 of P. L. 1981, c. 426 (C. 2C:25-14) is amended to read as follows:

C. 2C:25-14 Temporary restraining order.

14. a. On weekends, holidays and other times when the court is closed a juvenile and domestic relations court judge or a munici-

pal court judge shall be assigned to issue a temporary restraining order pursuant to this act. The order shall be made by the judge of the jurisdiction where the alleged domestic violence occurred or the jurisdiction where the plaintiff resides using the same procedure now available on other emergent applications.

b. If it appears that the plaintiff is in danger of domestic violence, the municipal court judge shall, upon consideration of the plaintiff's domestic violence complaint, order emergency relief including ex parte relief, in the nature of a temporary restraining order. A decision shall be made by the judge regarding the emergency relief forthwith. An order granting emergency relief, together with all pleadings, process and other orders, shall immediately be forwarded to the sheriff for immediate service of the order for emergency relief upon the defendant.

c. An order for emergency relief shall be granted upon good cause shown and shall remain in effect until the juvenile and domestic relations court issues a final order. The juvenile and domestic relations court shall hold a hearing on an emergency order within 10 days. Any order hereunder may be dissolved or modified on 24 hours' notice or immediately appealable for a plenary hearing de novo not on the record before the juvenile and domestic relations court of the county in which the plaintiff resides.

d. Emergency relief may include forbidding the defendant from returning to the scene of the domestic violence together with any other appropriate relief.

e. The judge may permit the defendant to return to the scene of the domestic violence to pick up personal belongings and effects but may by order restrict the time and duration and provide for police supervision of such visit.

f. Notice of temporary restraining orders issued pursuant to this section shall be sent by the clerk of the court or other person designated by the court to the appropriate chiefs of police, members of the State Police and any other appropriate law enforcement agency.

g. An application for a temporary restraining order pursuant to this section shall, upon filing and issuance, be immediately forwarded to the clerk of the juvenile and domestic relations court of the plaintiff's vicinage for a final order.

9. Section 16 of P. L. 1981, c. 426 (C. 2C:25-16) is amended to read as follows:

C. 2C:25-16 Record of requests for orders.

16. The Administrative Office of the Courts shall maintain a uniform record of all requests for orders issued pursuant to section 10, 11, 13, or 14 of this act. The record shall include the following information:

- a. The number of complaints filed by the parties;
- b. The sex of the parties;
- c. The relationship of the parties;
- d. (Deleted by amendment, P. L. 1982, c. 82.)
- e. The relief sought;
- f. The nature of the relief granted including but not limited to, custody and child support;
- g. The effective date and terms of each order issued; and
- h. The number of orders issued.

It shall be the duty of the Director of the Administrative Office of the Courts to compile and report annually to the Governor, the Legislature and the Advisory Council on Shelters for Victims of Domestic Violence on the data tabulated from the records of these orders for a period of 5 years. The Advisory Council on Shelters for Victims of Domestic Violence may request the Legislature continue the reports for another 5 years.

All records maintained pursuant to this act shall be confidential and shall not be made available to any individual or institution except as otherwise provided by law.

10. This act shall take effect immediately.

Approved July 23, 1982.

CHAPTER 83

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, 1982 and regulating the disbursement thereof," approved June 30, 1981 (P. L. 1981, c. 190).

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

1. The following sums are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and for the several purposes herein specified:

CLAIMS

DEPARTMENT OF CIVIL SERVICE

Glen Typewriter Company, 240 Park Avenue, East Rutherford, N. J. 07073, Attention: Mr. William Kilroy, for reimbursement for three electric typewriters on rental which were stolen from the Paterson Training Center, an award in the amount of \$1,485.00 be made payable from funds appropriated to the department.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PALISADES INTERSTATE PARK COMMISSION

Borough of Alpine, c/o Logan and Logan, Counsellors at Law, 132 Engle Street, P.O. Box 664, Englewood, N. J. 07631, Attention: James P. Logan, Attorney at Law; Borough of Englewood Cliffs, c/o Melvin Gittleman, Attorney at Law, Court House Towers, 39 Hudson Street, Hackensack, N. J. 07601, Attention: Steven D. Mulstock, Attorney at Law; and Borough of Fort Lee, c/o Basile & Herbert, Counsellors at Law, 646 Anderson Avenue, Cliffside Park, N. J. 07010, Attention: Paul L. Basile, Attorney at Law, for payment of municipal taxes for land situated within their respective boroughs:

Borough of Alpine	\$24,300
Borough of Englewood Cliffs	\$33,200
Borough of Fort Lee	\$24,500

That an award in the amount of \$82,000.00 be payable by the Palisades Interstate Park Commission from the net share of revenues which it derives from the operation of gasoline stations on the New Jersey section of the Palisades Interstate Parkway.

DEPARTMENT OF LAW AND PUBLIC SAFETY

Eta Roehm, RD #2, Box 55, Route 519, Frenchtown, N. J. 08825, for expenses incurred as a result of an automobile accident with a State of New Jersey vehicle driven by an employee, an award in the amount of \$149.00 be made payable from funds appropriated to the department.*

DEPARTMENT OF TRANSPORTATION

Robert W. Boan, RD #2, Box 18A, Lambertville, N. J. 08530, for medical expenses of family not covered under his hospitalization coverage due to the untimely processing by the Personnel Office of his change request, an award in the amount of \$1,305.00 be made payable from funds appropriated to the department.

DEPARTMENT OF THE TREASURY

Mrs. Thomas Kaschak, 980 Bear Tavern Road, Trenton, N. J. 08628, for group life insurance coverage which was never made available to her husband from the time of his employment in July 1976 to the date of his death in January 1982, an award in the amount of \$68,457.00 be made payable from funds appropriated to the department.

Ruth H. Steele, c/o Henry Rowe Van Houten, 3 Dorian Road (P.O. Box 117), Boonton, N. J. 07005, for payment of uncashed payroll checks of her late husband. \$11,143*

Rocco J. Coretti, 30 Patmas Drive, Toms River, N. J. 08753, for payment of an outdated uncashed payroll check \$98*

Warnock-Ryan Dodge, Inc., c/o Thomas O'Brien, Esq., 736 Speedwell Avenue, Morris Plains, N. J. 07936, for noncompliance with the terms of a contract for vehicles for the 1978 fiscal year by the State of New Jersey \$14,270*

Trenton Printing Company, Inc., 1200 Southard Street, Trenton, N. J. 08638, c/o Robert W. Driber, President, for costs incurred while producing Constitutional Convention Books, for the 1966 Constitutional Convention \$701

John Batt, c/o Andora, Palmisano, Decotiis and Harris, 311 Molnar Drive, Elmwood Park, N. J. 07407, Attention: John J. Langan, Jr., for payment of \$50,000.00 for a winning weekly lottery ticket claim subsequent to the 1 year deadline, award to be payable from the State Lottery Fund.*

Total Appropriations, Claims \$26,212†

2. This act shall take effect immediately and be retroactive to July 1, 1981.

Approved July 23, 1982.

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

†Reduced to \$701 by line item veto of the Governor.

STATEMENT TO SENATE BILL NO. 1601

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I am appending to Senate Bill No. 1601 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.

“DEPARTMENT OF LAW AND PUBLIC SAFETY”

On Page 2: Lines 28-32, “Eta Roehm, RD #2, Box 55, Route 519, Frenchtown, N. J. 08825, for expenses incurred as a result of an automobile accident with a State of New Jersey vehicle driven by an employee, an award in the amount of \$149.00 be made payable from funds appropriated to the department.”

This item is deleted in its entirety.

“DEPARTMENT OF THE TREASURY”

On Page 2: Lines 44-46, “Ruth H. Steele, c/o Henry Rowe Van Houten, 3 Dorian Road (P. O. Box 117), Boonton, N. J. 07005, for payment of uncashed payroll checks of her late husband ..\$11,143”

This item is deleted in its entirety.

On Page 2: Lines 47-48, “Rocco J. Coretti, 30 Patmas Drive, Toms River, N. J. 08753, for payment of an outdated uncashed payroll check\$98”

This item is deleted in its entirety.

On Page 2: Lines 50-53, “Warnock-Ryan Dodge, Inc., c/o Thomas O’Brien, Esq., 736 Speedwell Avenue, Morris Plains, N. J. 07936, for noncompliance with the terms of a contract for vehicles for the 1978 fiscal year by the State of New Jersey\$14,270”

This item is deleted in its entirety.

On Page 3: Lines 59-64, “John Batt, c/o Andora, Palmisano, Decotiis and Harris, 311 Molnar Drive, Elmwood Park, N. J. 07407, Attention: John J. Langan, Jr., for payment of \$50,000.00 for a winning weekly lottery ticket claim subsequent to the 1 year deadline, award to be payable from the State Lottery Fund.”

This item is deleted in its entirety.

On Page 3: Line 65, “Total Appropriations, Claims ...\$26,212”

This item is reduced to \$701.00.

The Eta Roehm claim was the subject of a tort claim which was settled in March 1982, and this additional claim of \$149 is without justification.

The Ruth H. Steele claim is a claim for payment of uncashed State payroll checks issued during a period from 1968 through 1974, which are, therefore, from 8 to 14 years old. Statutory law authorizes the Treasurer to make payment on any checks presented up to 6 years from the date of issuance, after which the funds revert to the General Treasury. This claim would establish an indistinguishable exception to the statutory rule and thereby create an unfavorable precedent.

The Rocco J. Coretti claim is also for a payroll check uncashed within the statutory time period, and remains unjustified for the same reasons noted above.

The Warnock-Ryan Dodge claim is a claim for interest owed for alleged late payments by the State for automobiles delivered by the claimant vendor. This claim represents payment on a liability for which the State has no contractual obligation, and which is, in fact, expressly precluded by the applicable statute, the Contractual Liability Act. There are hundreds of other vendors in precisely the same position as the claimant in this case, and no justification appears for giving this vendor especially favorable treatment. This claim was previously vetoed by Governor Byrne in 1980, and in order to establish a consistent precedent as to the finality of disposition of claims, that decision should not be changed at this late date.

The John Batt claim would establish an unwarranted precedent, as outlined in my veto message to A-890 earlier this session.

Respectfully,

[SEAL]	/s/ THOMAS H. KEAN,
Attest:	Governor.
/s/ W. CARY EDWARDS,	
Chief Counsel to the Governor.	

CHAPTER 84

AN ACT concerning alcoholic beverage control and supplementing
Title 33 of the Revised Statutes.

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

C. 33:1-26.1 Employment of police officers by businesses licensed to sell alcoholic beverages.

1. Nothing within the provisions of Title 33 of the Revised Statutes or any regulation promulgated pursuant thereto by the Division of Alcoholic Beverage Control in the Department of Law and Public Safety shall prohibit permanent, full-time members of municipal police departments or of county police departments from being employed, other than in the municipality, or in the county, as the case may be, for which they serve as police officers, by a business licensed to sell alcoholic beverages in this State.

A police officer so employed shall not, while engaged in the selling, serving, possessing or delivering of any alcoholic beverages:

- a. Have in his possession any firearm; or
- b. Wear or display any uniform, badge or insignia which would identify him as a police officer.

No police officer so employed shall be permitted to work in excess of 24 hours a week in any such establishment.

2. This act shall take effect immediately.

Approved July 23, 1982.

CHAPTER 85

AN ACT concerning habitual offenders of the motor vehicle laws 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. 39:5-30a Habitual offender.

1. As used in this act:

“Habitual offender” means a person who has his license to operate a motor vehicle suspended three times for violations occurring within a 3-year period.

C. 39:5-30b License suspension.

2. The director may suspend for a period of no more than 3 years, the license to operate a motor vehicle of any person who, within a period of 3 years, commits motor vehicle violations, other than a violation of section 2 of P. L. 1972, c. 197 (C. 39:6B-2), which ultimately result in the licensee having his license suspended

three times. Where any given suspension is based on an accumulation of points involving more than one conviction for violations, the period of suspension shall be calculated from the date of commission of the latest violation.

The proposed notice of suspension shall be mailed to the licensee at his last address of record with the Division of Motor Vehicles and shall clearly state the reason for the suspension. The suspension shall become effective 15 days from the date of the mailing of the notice unless the director for cause establishes another date for commencement of the suspension, or the licensee notifies the director in writing within 10 days of the mailing of the notice of his intention to personally appear at a hearing to challenge the suspension.

The administrative law judge presiding at a hearing held pursuant to this section shall only consider evidence of the actual number of suspensions and the time period during which the violations leading to the suspensions were committed in issuing a suspension for the period provided for by this act. He may admit evidence relevant to the circumstances set out in section 3 of this act in considering the appropriateness of any portion of in excess of the 3 year period suspension issued.

Any person who fails without reasonable cause to appear at a hearing provided for by this section shall have his license to operate a motor vehicle suspended forthwith by the director for a fixed minimum period of 3 years.

C. 39:5-30c Circumstances for consideration.

3. In determining the appropriateness of issuing a suspension for the maximum period of 3 years established by this act, the director may consider the following circumstances:

- a. The latest offense was of such a nature that it evinced an unreasonable disregard by the licensee for the safety and welfare of himself or others;
- b. The number and seriousness of the offenses contained in the prior driving record of the licensee evince a pattern or patterns of unreasonable disregard by the licensee for the safety and welfare of himself or others;
- c. The nature and extent of the driving record of the licensee establish a substantial risk that licensee will commit another offense.

C. 39:5-30d Not concurrent.

4. A suspension issued pursuant to this act shall not run concurrently with any other suspension issued pursuant to law. A licensee may apply to the director for reinstatement of his license following the period of suspension issued.

C. 39:5-30e Driving while license suspended.

5. Unless otherwise provided, an habitual offender convicted of operating a motor vehicle or motorized bicycle, while suspended pursuant to this act, shall pay a fine of \$1,000.00 and may be sentenced to a term of imprisonment in a county jail, penitentiary, or workhouse, as the case may be, for a period of 30 days, provided, however, that if the habitual offender is involved in an accident resulting in bodily injury to another, he shall, in addition to the fine, be sentenced to a term of imprisonment for not less than 45 days.

6. This act shall take effect on the first day of the third month next following enactment.

Approved July 23, 1982.

CHAPTER 86

A SUPPLEMENT to "An act to provide for the incorporation and regulation of credit unions, and repealing sections 17:13-1 to 17:13-25, inclusive, of the Revised Statutes," approved June 4, 1938 (P. L. 1938, c. 293; C. 17:13-26 et seq.).

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

C. 17:13-75 Credit union insurance requirement.

1. Within 1 year of the effective date of this act, every credit union incorporated under the act to which this act is a supplement shall, as a condition of its authority to do business in this State, apply for insurance on shares and deposits as provided by the National Credit Union Administration under Title II of the Federal Credit Union Act, Pub. L. 91-468 (12 U. S. C. § 1781 et seq.), or alternatively, a form and amount of comparable insurance approved by the Commissioner of Banking.

This requirement does not apply to a credit union with shares, deposits, debt and equity capital consisting primarily of funds from other credit unions. The commissioner may establish by regulation which credit unions shall qualify for this exception to the requirement for insurance.

C. 17:13-76 Liquidation or merger; extension of time.

2. A credit union which has failed to apply or which has been denied a commitment for such insurance shall within 60 days of the denial of the commitment or 1 year after the date of enactment, whichever is earlier, commence steps to liquidate, or merge with an insured credit union, or apply in writing to the commissioner for an extension of time to obtain an insurance commitment.

The commissioner may grant one or more extensions of time, but not exceeding 1 year in the aggregate, for the credit union to obtain an insurance commitment if there is satisfactory evidence that the credit union has made or is making a substantial effort to achieve the financial condition necessary to effectuate an issuance of an insurance commitment.

C. 17:13-77 Commitment necessary for granting of charter.

3. No credit union shall be granted a charter by the commissioner on or after the effective date of this act, unless the credit union has obtained a commitment for insurance of its member shares and deposit accounts.

C. 17:13-78 Availability of reports.

4. The commissioner may make available reports of financial condition and examination reports to the National Credit Union Administration or to any qualified insuring organization and may accept any report of examination made on behalf of such agency or organization. The commissioner may appoint an official of the National Credit Union Administration or any qualified insuring organization as liquidating agent of an insured credit union.

5. This act shall take effect immediately.

Approved July 23, 1982.

CHAPTER 87

AN ACT concerning the definition of motorcycles and amending
R. S. 39:1-1.

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

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

Definitions.

39:1-1. As used in this subtitle, unless other meaning is clearly apparent from the language or context, or unless inconsistent with the manifest intention of the Legislature:

“Alley” means a public highway wherein the roadway does not exceed 12 feet in width.

“Authorized emergency vehicles” means vehicles of the fire department, police vehicles and such ambulances and other vehicles as are approved by the Director of the Division of Motor Vehicles in the Department of Law and Public Safety when operated in response to an emergency call.

“Automobile” includes all motor vehicles except motorcycles.

“Berm” means that portion of the highway exclusive of roadway and shoulder, bordering the shoulder but not to be used for vehicular travel.

“Business district” means that portion of a highway and the territory contiguous thereto, where within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the roadway.

“Carpool” means two or more persons commuting on a daily basis to and from work by means of a vehicle with a seating capacity of 9 passengers or less.

“Commercial motor vehicle” includes every type of motor-driven vehicle used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise, excepting such vehicles as are run only upon rails or tracks and vehicles of the passenger car type used for touring purposes or the carrying of farm products and milk, as the case may be.

“Commissioner” means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety of this State.

“Commuter van” means a motor vehicle having a seating capacity of not less than eight nor more than 15 adult passengers, in which eight or more persons commute on a daily basis to and from work and which vehicle may also be operated by the driver or other designated persons for their personal use.

“Crosswalk” means that part of a highway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the shoulder or, if none, from the edges of the roadway; also, any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other marking on the surface.

“Dealer” includes every person actively engaged in the business of buying, selling or exchanging motor vehicles or motorcycles and who has an established place of business.

“Department” means the Division of Motor Vehicles in the Department of Law and Public Safety of this State acting directly or through its duly authorized officers or agents.

“Deputy commissioner” means deputy director of the Division of Motor Vehicles in the Department of Law and Public Safety.

“Deputy director” means deputy director of the Division of Motor Vehicles in the Department of Law and Public Safety.

“Director” means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

“Division” means the Division of Motor Vehicles in the Department of Law and Public Safety acting directly or through its duly authorized officers or agents.

“Driver” means the rider or driver of a horse, bicycle or motorcycle or the driver or operator of a motor vehicle, unless otherwise specified.

“Explosives” means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

“Farm tractor” means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

“Flammable liquid” means any liquid having a flash point below 200° Fahrenheit, and a vapor pressure not exceeding 40 pounds.

“Gross weight” means the combined weight of a vehicle and a load thereon.

“Highway” means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

“Horse” includes mules and all other domestic animals used as draught animals or beasts of burden.

“Inside lane” means the lane nearest the center line of the roadway.

“Intersection” means the area embraced within the prolongation of the lateral curb lines or, if none, the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses another.

“Laned roadway” means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

“Limited-access highway” means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway; and includes any highway designated as a “freeway” or “parkway” by authority of law.

“Local authorities” means every county, municipal and other local board or body having authority to adopt local police regulations under the Constitution and laws of this State, including every county board of chosen freeholders with relation to county roads.

“Magistrate” means any municipal court, county district court, criminal judicial district court, and the Superior Court, and any officer having the powers of a committing magistrate and the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

“Manufacturer” means a person engaged in the business of manufacturing or assembling motor vehicles, who will, under normal business conditions during the year, manufacture or assemble at least 10 new motor vehicles.

“Metal tire” means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard non-resilient material.

“Motorized bicycle” means a pedal bicycle having a helper motor characterized in that either the maximum piston displacement is less than 50 cc. or said motor is rated at no more than 1.5 brake horsepower and said bicycle is capable of a maximum speed of no more than 25 miles per hour on a flat surface.

“Motorcycle” includes motorcycles, motor bikes, bicycles with motor attached and all motor-operated vehicles of the bicycle or tricycle type, except motorized bicycles as defined in this section whether the motive power be a part thereof or attached thereto and having a saddle or seat with driver sitting astride or upon it or a platform on which the driver stands. “Motorcycle” shall not include any three-wheeled motor vehicle equipped with a cab enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts, automotive steering and two rear wheels.

“Motor-drawn vehicle” includes trailers, semitrailers, or any other type of vehicle drawn by a motor-driven vehicle.

“Motor vehicle” includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

“Noncommercial truck” means every motor vehicle designed primarily for transportation of property, and which is not a “commercial vehicle.”

“Official traffic control devices” means all signs, signals, markings, and devices not inconsistent with this subtitle placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

“Omnibus” includes all motor vehicles used for the transportation of passengers for hire, except commuter vans and vehicles used in ridesharing arrangements and school buses if the same are not otherwise used in the transportation of passengers for hire.

“Operator” means a person who is in actual physical control of a vehicle or street car.

“Outside lane” means the lane nearest the curb or outer edge of the roadway.

“Owner” means a person who holds the legal title of a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of

possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of this subtitle.

“Parking” means the standing or waiting on a street, road or highway of a vehicle not actually engaged in receiving or discharging passengers or merchandise, unless in obedience to traffic regulations or traffic signs or signals.

“Passenger automobile” means all automobiles used and designed for the transportation of passengers, other than omnibuses and school buses.

“Pedestrian” means a person afoot.

“Person” includes natural persons, firms, copartnerships, associations, and corporations.

“Pneumatic tire” means every tire in which compressed air is designed to support the load.

“Pole trailer” means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

“Private road or driveway” means every road or driveway not open to the use of the public for purposes of vehicular travel.

“Railroad train” means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

“Residence district” means that portion of a highway and the territory contiguous thereto, not comprising a business district, where within any 600 feet along such highway there are buildings in use for business or residential purposes which occupy 300 feet or more of frontage on at least one side of the highway.

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

“Right-of-way” means the privilege of the immediate use of the highway.

“Road tractor” means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

“Roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term “roadway” as used herein shall refer to any such roadway separately, but not to all such roadways, collectively.

“Safety zone” means the area or space officially set aside within a highway for the exclusive use of pedestrians, which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

“School bus” means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education which complies with the regulations of the Department of Education affecting school buses including “School Vehicle Type I” and “School Vehicle Type II” as defined below:

“School Vehicle Type I” means any vehicle with a seating capacity of 17 or more, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle shall comply with the regulations of the Division of Motor Vehicles and either the Department of Education or the Department of Institutions and Agencies whichever is the appropriate supervising agency.

“School Vehicle Type II” means any vehicle with a seating capacity of 16 or less, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle shall comply with the regulations of the Division of Motor Vehicles and either the Department of Education or the Department of Institutions and Agencies whichever is the appropriate supervising agency.

“School zone” means that portion of a highway which is either contiguous to territory occupied by a school building or is where

school crossings are established in the vicinity of a school, upon which are maintained appropriate "school signs" in accordance with specifications adopted by the director and in accordance with law.

"School crossing" means that portion of a highway where school children are required to cross the highway in the vicinity of a school.

"Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

"Shoulder" means that portion of the highway, exclusive of and bordering the roadway, designed for emergency use but not ordinarily to be used for vehicular travel.

"Sidewalk" means that portion of a highway intended for the use of pedestrians, between the curb line or the lateral line of a shoulder, or if none, the lateral line of the roadway, and the adjacent right-of-way line.

"Sign." See "Official traffic control devices."

"Slow-moving vehicle" means a vehicle run at a speed less than the maximum speed then and there permissible.

"Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

"Street" means the same as highway.

"Street car" means a car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.

"Stop," when required, means complete cessation from movement.

"Stopping or standing," when prohibited, means any cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

"Through highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

"Trackless trolley" means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

“Traffic” means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly, or together, while using any highway for purposes of travel.

“Traffic control signal” means a device whether manually, electrically, mechanically, or otherwise controlled by which traffic is alternately directed to stop and to proceed.

“Trailer” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

“Truck” means every motor vehicle designed, used, or maintained primarily for the transportation of property.

“Truck tractor” means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

“Van-pooling” means eight or more persons commuting on a daily basis to and from work by means of a vehicle with a seating arrangement designed to carry eight to 15 adult passengers.

“Vehicle” means every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or motorized bicycles.

2. This act shall take effect immediately.

Approved July 23, 1982.

CHAPTER 88

AN ACT concerning certain consumer contracts, amending P. L. 1981, c. 464 and amending and supplementing P. L. 1980, c. 125.

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

1. Section 2 of P. L. 1980, c. 125 (C. 56:12-2) is amended to read as follows:

C. 56:12-2 Rules for consumer contracts.

2. A consumer contract entered into on or after the effective date of this amendatory and supplementary act shall be written

in a simple, clear, understandable and easily readable way. In determining whether a consumer contract has been written in a simple, clear, understandable and easily readable way as a whole, a court, the Attorney General or the Commissioner of Insurance, in regard to contracts of insurance provided for in subsection c. of section 1 of this act (C. 56:12-1c.), shall take into consideration the guidelines set forth in section 10 of this act. Use of technical terms or words of art shall not in and of itself be a violation of this act.

2. Section 5 of P. L. 1980, c. 125 (C. 56:12-5) is amended to read as follows:

C. 56:12-5 Non-liability.

5. There shall be no liability under sections 3 and 4 if: a. both parties to the contract have performed their obligations under the contract, b. the creditor, seller, insurer or lessor attempts in good faith to comply with this act in preparing the consumer contract, c. the contract is in conformity with a rule, regulation, or the opinion or interpretation of the Attorney General or the Commissioner of Insurance, in regard to contracts of insurance provided for in subsection c. of section 1 of this act (C. 56:12-1c.), or d. the consumer supplied the contract or the portion of the contract to which the consumer objects.

3. Section 8 of P. L. 1980, c. 125 (C. 56:12-8) is amended to read as follows:

C. 56:12-8 Review by Attorney General, Insurance Commissioner.

8. a. A creditor, seller, insurer, lessor or any person in the business of preparing and selling forms of consumer contracts may request an opinion from the Attorney General, or the Commissioner of Insurance, in regard to contracts of insurance provided for in subsection c. of section 1 of this act (C. 56:12-1c.), as to whether a consumer contract complies with this act.

The Attorney General or the Commissioner of Insurance, as the case may be, shall furnish the opinion within a reasonable period of time.

b. After reviewing the contract the Attorney General or the Commissioner of Insurance, as the case may be, shall: (1) certify that the contract complies with this act; (2) decline to certify that the contract complies with this act and note his objections to the contractual language; (3) decline to review the contract and refer the party submitting the contract to other previously certified contracts

of the same type; (4) decline to review the contract because the contract's compliance with this act is the subject of pending litigation; or (5) decline to review the contract because the contract is not subject to this act.

c. Actions of the Attorney General or the Commissioner of Insurance, as the case may be, pursuant to this section are not appealable.

d. Any consumer contract certified pursuant to this section is deemed to comply with this act. Certification of a consumer contract pursuant to this section is not otherwise an approval of the contract's legality or legal effect.

e. Failure to submit a contract to the Attorney General or the Commissioner of Insurance, as the case may be, for review pursuant to this section does not show a lack of good faith nor does it raise a presumption that the contract violates this act. If pursuant to this section the Attorney General or the Commissioner of Insurance, as the case may be, refers a party to a previously certified contract, that the party chooses not to use the contract does not show a lack of good faith nor does it raise a presumption that a contract used by that party violated this act.

f. The Attorney General or the Commissioner of Insurance, as the case may be, may charge a fee, not to exceed \$50.00, for the costs of reviewing a consumer contract pursuant to this section.

4. Section 10 of P. L. 1980, c. 125 (C. 56:12-10) is amended to read as follows:

C. 56:12-10 Guidelines.

10. a. To insure that a consumer contract shall be simple, clear, understandable and easily readable, the following are examples of guidelines that a court, the Attorney General or the Commissioner of Insurance, in regard to contracts of insurance provided for in subsection c. of section 1 of this act (C. 56:12-1c.), may consider in determining whether a consumer contract as a whole complies with this act:

- (1) Cross references that are confusing;
- (2) Sentences that are of greater length than necessary;
- (3) Sentences that contain double negatives and exceptions to exceptions;
- (4) Sentences and sections that are in a confusing or illogical order;
- (5) The use of words with obsolete meanings or words that differ in their legal meaning from their common ordinary meaning;

(6) Frequent use of Old English and Middle English words and Latin and French phrases.

b. The following are examples of guidelines that a court, the Attorney General or the Commissioner of Insurance, in regard to contracts of insurance provided for in subsection c. of section 1 of this act (C. 56:12-1c.), may consider in determining whether the consumer contract as a whole complies with this act:

- (1) Sections shall be logically divided and captioned;
- (2) A table of contents or alphabetical index shall be used for all contracts with more than 3,000 words;
- (3) Conditions and exceptions to the main promise of the agreement shall be given equal prominence with the main promise, and shall be in at least 10 point type.

5. Section 12 of P. L. 1980, c. 125 (C. 56:12-12) is amended to read as follows:

C. 56:12-12 Injunctive relief.

12. The Office of the Attorney General, the Division of Consumer Affairs, the Department of the Public Advocate, the Commissioner of Insurance, in regard to contracts of insurance provided for in subsection c. of section 1 of this act (C. 56:12-1c.), or any interested person may seek injunctive relief. The court may authorize reasonable attorney's fees, not to exceed \$2,500.00, and court costs in such a proceeding.

6. Section 11 of P. L. 1981, c. 464 is amended to read as follows:

11. This act shall take effect April 15, 1982, but with respect to consumer contracts which are subject to the Federal Truth in Lending Act (P. L. 90-321, 15 U. S. C. s. 1601 et seq.), this act shall take effect 60 days after the next revision of regulations made pursuant to that act or April 15, 1982, whichever is later. This act shall remain inoperative until October 16, 1982 with regard to all contracts of insurance during which time the Attorney General, or the Commissioner of Insurance on or after the effective date of this 1982 amendatory and supplementary act, may receive and process requests for and render opinions as to whether those contracts comply with this act.

C. 56:12-8.2 Prior certifications unaffected.

7. (New section) The transfer to the Commissioner of Insurance of the power and duty to review and certify contracts of insurance provided for in subsection c. of section 1 of P. L. 1980, c. 125 (C.

56:12-1c.) shall not affect any certification made by the Attorney General prior to the effective date of this act.

8. This act shall take effect immediately.

Approved July 23, 1982.

CHAPTER 89

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, 1983 and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. In addition to the amounts appropriated in P. L. 1982, c. 49, the following sum is appropriated out of the General Fund for the following purposes:

DIRECT STATE SERVICES	
DEPARTMENT OF CORRECTIONS	
17 Parole and Community Programs	
7280 State Parole Board	
05-7280 State Parole Board	\$472,368
Total Appropriation, State Parole Board ..	\$472,368
Special Purpose:	
Implementation of the master plan	
to alleviate prison overcrowding(\$472,368)	
Total Appropriation, Department of	
Corrections	\$472,368

2. This act shall take effect immediately.

Approved July 23, 1982.

CHAPTER 90

AN ACT designating "The Volunteer" as the song of the volunteer firemen of New Jersey.

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

C. 40A:14-105.1 Song of volunteer firemen.

1. The song of the volunteer firemen of New Jersey shall be the words and music of the song entitled "The Volunteer" composed by Wayne Swezey.

2. This act shall take effect immediately.

Approved July 28, 1982.

CHAPTER 91

AN ACT concerning the practice of medicine and surgery and amending R. S. 45:9-16.

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

1. R. S. 45:9-16 is amended to read as follows:

Refusal, suspension, revocation of license to practice medicine.

45:9-16. The board may refuse to grant or may suspend or revoke a license or the registration of a certificate or diploma to practice medicine and surgery or chiropractic filed in the office of any county clerk in this State under any act of the Legislature, upon proof to the satisfaction of the board that the holder of such license (a) has been adjudicated insane, or (b) habitually uses intoxicants, or (c) has practiced criminal abortion, or been convicted of the crime of criminal abortion, or has been convicted of crime involving moral turpitude, or has pleaded nolo contendere, non vult contendere or non vult to an indictment, information or complaint alleging the commission of the crime of criminal abortion or of crime involving moral turpitude, or (d) has been determined to be physically or mentally incapacitated, (e) knowingly becomes employed by any physician, surgeon, homeopath, eclectic, osteopath,

chiropractor, or doctor who advertises, or (f) shall have presented to the board any diploma, license or certificate that shall have been illegally obtained or shall have been signed or issued unlawfully or under fraudulent representations, or obtains or shall have obtained a license to practice in this State through fraud of any kind, or (g) has been guilty of employing unlicensed persons to perform work which, under this chapter (45:9-1 et seq.) can legally be done only by persons licensed to practice medicine and surgery or chiropractic in this State, or (h) has been guilty of gross malpractice or gross neglect in the practice of medicine which has endangered the health or life of any person, or (i) has been demonstrated professionally incompetent to practice medicine, or (j) has advertised in any manner, whether as an individual, through a professional service corporation or through a third party on his behalf, the practice of medicine and surgery or chiropractic; provided, however, that the following shall not be deemed to be advertising prohibited under this chapter:

a. Public information for educational purposes on the practice or profession of medicine and surgery or chiropractic which does not contain the name of any person licensed to practice medicine and surgery or chiropractic in this State or the address of any location where medical or chiropractic examination or treatment may be had or is recommended or suggested;

b. Publication of a brief announcement of the opening of an office or the removal to a new location, containing the name, professional degree, type of practice, address, telephone number, and office hours of the licensee;

c. A listing in an alphabetical telephone directory of the name of a licensee together with his professional degree or the abbreviation therefor;

d. A listing in a classified telephone directory with standard type limited to the name, professional degree, type of practice, office and home addresses and telephone numbers, and office hours of a licensee;

e. The use of small signs on the doors, windows and walls of a licensee's office or on the building in which he maintains an office, or the use of a sign directory separate and apart from, but in reasonable proximity to, the building in which he maintains an office as an aid to the public in locating the office, setting out his name, professional degree, type of practice, address and office hours in lettering no larger than 6 inches in height for street-level

offices, and no larger than 8 inches in height for offices above street-level;

f. Communications with or without the name of the licensee distributed or mailed to his patients of record at his discretion;

g. A directory of physicians for consumer use which shall include the educational background, degrees, fellowships, certifications, specialties, experience and any other pertinent information which is related to the practice of medicine and surgery of the physicians.

The board shall refuse to grant or shall suspend or revoke any such license or the registration of any such certificate or diploma upon proof to the satisfaction of the board that the applicant for, or holder of, such license habitually uses drugs or has been convicted of a violation of or has pleaded *nolo contendere*, *non vult contendere* or *non vult* to an indictment, information or complaint alleging a violation of any Federal or State law relating to narcotic drugs. Before any license, or registration of a certificate or diploma to practice medicine and surgery or chiropractic filed in the office of any county clerk of this State under any act of the Legislature, shall be suspended or revoked, except in the case of conviction of criminal abortion or conviction of crime involving moral turpitude or plea of *nolo contendere*, *non vult contendere* or *non vult* to indictment, information or complaint alleging commission of the crime of criminal abortion or crime involving moral turpitude, or conviction of violation of or plea of *nolo contendere*, *non vult contendere* or *non vult* to an indictment, information or complaint alleging violation of any Federal or State law relating to narcotic drugs, 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 shall be suspended or revoked in accordance with this section shall be deemed an unlicensed person during the period of such suspension or revocation, and as such shall be subject to the penalties hereinafter prescribed for persons who practice medicine and surgery or chiropractic, without first having obtained a license so to do. Any person whose license, or registration of a certificate or diploma to practice medicine and surgery or chiropractic filed in the office of any county clerk of this State under any act of the Legislature, shall be suspended or revoked under the authority of this chapter (45:9-1 et seq.) may, in the discretion of the board be relicensed at any time to practice without an examination, or have his registration of a certificate or diploma, as aforesaid, reinstated, on application being made to the board.

The record of conviction or the record of entry of a plea of nolo contendere, non vult contendere or non vult in any of the courts of this State, or any other state of the United States, or any of the courts of the United States, or the court of any foreign nation, shall be sufficient warrant for the board to refuse to grant or to suspend or revoke the license or the registration of a certificate or diploma to practice medicine and surgery or chiropractic filed in the office of any county clerk in this State under any act of the Legislature.

2. This act shall take effect immediately.

Approved July 28, 1982.

CHAPTER 92

AN ACT concerning the Passaic valley sewerage district and the Passaic Valley Sewerage Commissioners and supplementing chapter 14 of Title 58 of the Revised Statutes.

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

C. 58:14-15.1 Payments in equal quarterly installments.

1. Payments by municipalities to the commissioners pursuant to any contract entered into for the cost of maintenance, repair and operation of a sewer, plant or works constructed by the commissioners, shall be made in equal quarterly installments on February 1, May 1, August 1 and November 1 of each year.

2. This act shall take effect immediately.

Approved July 28, 1982.

CHAPTER 93

AN ACT concerning the awarding of certain contracts by the North Jersey district water supply commission, and amending R. S. 58:5-20.

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

1. R. S. 58:5-20 is amended to read as follows:

Public bidding for contracts exceeding \$4,500.

58:5-20. Whenever any work to be performed or material to be furnished involves an expenditure exceeding \$4,500.00, the commission shall cause to be prepared, and shall approve in public meeting, such form of contract or alternative contracts for the execution of the work or the furnishing of the materials, and payment therefor, as will in its judgment secure the execution of the work and the furnishing of the materials most efficiently, economically and expeditiously.

This section shall not prevent the commission from having any work done by its own employees, nor shall it apply to repairs, or to the furnishing of materials, supplies or labor, or the hiring of equipment or vehicles, when the safety or protection of its or other public property or the public convenience requires, or the exigency of the commission's service will not admit of such advertisement. In such case the commission shall, by resolution, passed by the affirmative vote of a majority of its members, declare the exigency or emergency to exist, and set forth in the resolution the nature thereof and the approximate amount to be so expended.

Thereupon the commission shall designate the time when it will meet at its usual place of meeting to receive proposals in writing for doing the work or furnishing the materials in accordance with, and upon the terms and conditions of, such form of contract or alternative contracts, and shall order its clerk to give notice, by advertisement inserted at least 10 days before the time of such meeting in at least two newspapers printed and circulating in the county or counties in which the municipalities in said water supply project are situated, of the work to be done and the materials to be furnished, particular plans and specifications of which shall, at the time of such order, be filed in the office of the commission.

All proposals shall be publicly opened by the commission, which shall award the contract to the lowest responsible and qualified bidder under the form of the contract originally adopted or the form of the alternative contract which shall then be adopted by it as most advantageous.

Each contractor shall be required to give bond satisfactory in amount and security to the commission for the faithful performance of his contract.

2. This act shall take effect immediately.

Approved July 28, 1982.

CHAPTER 94

AN ACT concerning medicare supplement insurance, and supplementing Title 17B of the New Jersey Statutes.

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

C. 17B:26A-1 Definitions.

1. For the purposes of this act:

a. "Applicant" means:

(1) In the case of an individual medicare supplement policy, the person who seeks to contract for insurance benefits, and

(2) In the case of a group medicare supplement policy, the proposed certificate holder.

b. "Certificate" means any certificate issued under a group medicare supplement policy, which policy has been delivered or issued for delivery in this State.

c. "Commissioner" means the Commissioner of Insurance.

d. "Medicare" means the "Health Insurance for the Aged Act," Title XVIII of the Social Security Amendments of 1965, Pub. L. 89-9.

e. "Medicare supplement policy" means a group or individual accident and sickness insurance policy which is advertised, marketed or designed primarily as a supplement to reimbursements under medicare for the hospital, medical or surgical expenses of persons eligible for medicare by reason of age. The term does not include:

(1) A policy of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or combination thereof, or for members or former members, or combination thereof, of the labor organizations; or

(2) A policy of any professional, trade or occupational association for its members or former retired members, or combination thereof, if the association:

(a) Is composed of individuals who are actively engaged in the same profession, trade or occupation;

(b) Has been maintained in good faith for purposes other than obtaining insurance; and

- (c) Has been in existence for at least 2 years prior to the date of its initial offering of the policy or plan to its members;
- (3) Individual policies issued pursuant to a conversion privilege under a policy of group or individual insurance when the group or individual policy includes provisions which are inconsistent with the requirements of this act.

C. 17B:26A-2 Standards for medicare supplement policies.

2. The commissioner shall issue regulations to establish specific standards for policy provisions of medicare supplement policies, which shall be in addition to and in accordance with applicable laws of this State, and may cover, but shall not be limited to:

- a. Terms of renewability;
- b. Initial and subsequent conditions of eligibility;
- c. Nonduplication of coverage;
- d. Probationary periods;
- e. Benefit limitations, exceptions and reductions;
- f. Elimination periods;
- g. Requirements for replacement;
- h. Recurrent conditions; and
- i. Definition of terms.

C. 17B:26A-3 Prohibited provisions.

3. The commissioner may issue regulations that specify prohibited policy provisions not otherwise specifically authorized by statute which, in the opinion of the commissioner, are unjust, unfair or unfairly discriminatory to any person insured or proposed for coverage under a medicare supplement policy.

C. 17B:26A-4 Preexisting conditions.

4. Notwithstanding any other provision of law of this State to the contrary, a medicare supplement policy may not deny a claim for losses incurred more than 6 months from the effective date of coverage for a preexisting condition. The policy may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within 6 months before the effective date of coverage.

C. 17B:26A-5 Minimum standards for benefits.

5. The commissioner shall issue regulations to establish minimum standards for benefits under medicare supplement policies.

C. 17B:26A-6 Standards for loss ratios.

6. Medicare supplement policies shall be expected to return to policyholders benefits which are reasonable in relation to the pre-

mium charged. The commissioner shall issue regulations to establish minimum standards for loss ratios of medicare supplement policies on the basis of incurred claim experience and earned premiums for the entire period for which rates are computed to provide coverage and in accordance with accepted actuarial principles and practices. For purposes of regulations issued pursuant to this section, medicare supplement policies issued as a result of solicitations of individuals through the mail or mass media advertising, including both print and broadcast advertising, shall be treated as individual policies.

C. 17B:26A-7 Outline of coverage.

7. a. In order to provide for full and fair disclosure in the sale of medicare supplement policies, no medicare supplement policy shall be delivered or issued for delivery in this State, and no certificate shall be delivered pursuant to a group medicare supplement policy delivered or issued for delivery in this State unless an outline of coverage is delivered to the applicant at the time application is made.

b. The commissioner shall prescribe the format and content of the outline of coverage required by subsection a. of this section. For the purposes of this section, "format" means style, arrangement and overall appearance, including such items as the size, color and prominence of type and the arrangement of text and captions. The outline of coverage shall include:

- (1) A description of the principal benefits and coverage provided in the policy;
- (2) A statement of the exceptions, reductions and limitations contained in the policy;
- (3) A statement of the renewal provisions, including any reservation by the insurer of a right to change premiums;
- (4) A statement that the outline of coverage is a summary of the policy issued or applied for and that the policy should be consulted to determine governing contractual provisions.

c. The commissioner may prescribe by regulation a standard form and the contents of an informational brochure for persons eligible for medicare by reason of age, which is intended to improve the buyer's ability to select the most appropriate coverage and improve the buyer's understanding of medicare. Except in the case of direct response solicitation insurance policies, the commissioner may require by regulation that the informational brochure be provided to any prospective insureds eligible for medicare con-

currently with delivery of the outline of coverage. With respect to direct response solicitation insurance policies, the commissioner may require by regulation that the prescribed brochure be provided upon request to any prospective insureds eligible for medicare by reason of age, but in no event later than the time of policy delivery.

d. The commissioner may promulgate regulations for captions or notice requirements, determined to be in the public interest and designed to inform prospective insureds that particular insurance coverages are not medicare supplement coverages, for all accident and sickness insurance policies sold to persons eligible for medicare by reason of age, other than:

- (1) Medicare supplement policies;
- (2) Disability income policies;
- (3) Basic, catastrophic, or major medical expense policies; or
- (4) Single premium, nonrenewable policies.

e. The commissioner may further promulgate regulations to govern the full and fair disclosure of the information in connection with the replacement of accident and sickness policies or certificates by persons eligible for medicare by reason of age.

C. 17B:26A-8 10-day examination period.

8. Medicare supplement policies or certificates, other than those issued pursuant to direct response solicitation, shall have a notice prominently printed on the first page of the policy or certificate or attached thereto stating in substance that the applicant shall have the right to return the policy or certificate within 10 days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the applicant is not satisfied for any reason. Medicare supplement policies or certificates issued pursuant to a direct response solicitation to persons eligible for medicare by reason of age shall have a notice prominently printed on the first page or attached thereto stating in substance that the applicant shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded if, after examination, the applicant is not satisfied for any reason.

9. This act shall take effect July 1, 1982.

Approved July 28, 1982.

CHAPTER 95

AN ACT concerning medicare supplement contracts, and supplementing Title 17 of the Revised Statutes.

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

C. 17:35C-1 Definitions.

1. For the purposes of this act:

a. "Applicant" means:

(1) In the case of an individual medicare supplement subscriber contract, the person who seeks to contract for hospital or medical service benefits, and

(2) In the case of a group medicare supplement subscriber contract, the person eligible for service benefit coverage.

b. "Certificate" means any certificate issued under an individual or group medicare supplement contract, which contract has been delivered or issued for delivery in this State.

c. "Commissioner" means the Commissioner of Insurance.

d. "Medicare" means the "Health Insurance for the Aged Act," Title XVIII of the Social Security Amendments of 1965, Pub. L. 89-97.

e. "Medicare supplement contract" means a group or individual subscriber contract which is advertised, marketed or designed primarily as a supplement to reimbursements under medicare for the hospital, medical or surgical expenses of persons eligible for medicare by reason of age. The term does not include:

(1) A contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees or combination thereof or for members or former members, or combination thereof, of the labor organizations; or

(2) A contract of any professional, trade or occupational association for its members or former or retired members, or combination thereof, if the association:

(a) Is composed of individuals all of whom are actively engaged in the same profession, trade or occupation;

(b) Has been maintained in good faith for purposes other than obtaining hospital or medical service benefits;

(c) Has been in existence for at least 2 years prior to the date of its initial offering of the contract or plan to its members;

(3) Individual contracts issued pursuant to a conversion privilege under a contract of group or individual service benefits when the group or individual contract includes provisions which are inconsistent with the requirements of this act.

C. 17:35C-2 Standards for contracts.

2. The commissioner shall issue regulations to establish specific standards for contract provisions of medicare supplement contracts, which shall be in addition to and in accordance with applicable laws of this State, and may cover, but shall not be limited to:

- a. Terms of renewability;
- b. Initial and subsequent conditions of eligibility;
- c. Nonduplication of coverage;
- d. Probationary periods;
- e. Benefit limitations, exceptions and reductions;
- f. Elimination periods;
- g. Requirements for replacement;
- h. Recurrent conditions; and
- i. Definition of terms.

C. 17:35C-3 Prohibited provisions.

3. The commissioner may issue regulations that specify prohibited contract provisions not otherwise specifically authorized by statute which, in the opinion of the commissioner, are unjust, unfair or unfairly discriminatory to any person covered or proposed for coverage under a medicare supplement contract.

C. 17:35C-4 Preexisting conditions.

4. Notwithstanding any other provision of law of this State to the contrary, a medicare supplement contract may not deny a claim for losses incurred more than 6 months from the effective date of coverage for a preexisting condition. The contract may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within 6 months before the effective date of coverage.

C. 17:35C-5 Minimum standards for benefits.

5. The commissioner shall issue regulations to establish minimum standards for benefits under medicare supplement contracts.

C. 17:35C-6 Standards for loss ratios.

6. Medicare supplement contracts shall be expected to return to subscribers benefits which are reasonable in relation to the premium charged. The commissioner shall issue regulations to establish minimum standards for loss ratios of medicare supplement contracts on the basis of incurred claim experience and earned premiums for the entire period for which rates are computed to provide coverage and in accordance with accepted actuarial principles and practices. For purposes of regulations issued pursuant to this section, medicare supplement contracts issued as a result of solicitations of individuals through the mail or mass media advertising, including both print and broadcast advertising, shall be treated as individual contracts.

C. 17:35C-7 Outline of coverage.

7. a. In order to provide for full and fair disclosure in the sale of medicare supplement contracts, no medicare supplement contract or certificate shall be delivered or issued for delivery in this State, unless an outline of coverage is delivered to the applicant at the time application is made.

b. The commissioner shall prescribe the format and content of the outline of coverage required by subsection a. of this section. For the purposes of this section, "format" means style, arrangement and overall appearance, including such items as the size, color and prominence of type and the arrangement of text and captions. The outline of coverage shall include:

(1) A description of the principal benefits and coverage provided in the contract;

(2) A statement of the exceptions, reductions and limitations contained in the contract;

(3) A statement of the renewal provisions, including any reservation by the hospital or medical service corporation of a right to change premiums;

(4) A statement that the outline of coverage is a summary of the contract issued or applied for and that the contract should be consulted to determine governing contractual provisions.

c. The commissioner may prescribe by regulation a standard form and the contents of an informational brochure for persons eligible for medicare by reason of age, which is intended to improve the buyer's ability to select the most appropriate coverage and improve the buyer's understanding of medicare. Except in the case of direct response solicitation hospital or medical service

contracts, the commissioner may require by regulation that the informational brochure be provided to any prospective subscribers eligible for medicare concurrently with delivery of the outline of coverage. With respect to direct response solicitation hospital or medical service contracts, the commissioner may require by regulation that the prescribed brochure be provided upon request to any prospective subscribers eligible for medicare by reason of age, but in no event later than the time of contract delivery.

d. The commissioner may promulgate regulations for captions or notice requirements, determined to be in the public interest and designed to inform prospective subscribers that particular hospital or medical service coverages are not medicare supplement coverages, for all hospital or medical service contracts sold to persons eligible for medicare by reason of age, other than:

- (1) Medicare supplement policies;
- (2) Disability income policies;
- (3) Basic, catastrophic, or major medical expense policies; or
- (4) Single premium, nonrenewable policies.

e. The commissioner may further promulgate regulations to govern the full and fair disclosure of the information in connection with the replacement of hospital or medical service contracts by persons eligible for medicare by reason of age.

C. 17:35C-8 10-day examination period.

8. Medicare supplement contracts or certificates, other than those issued pursuant to direct response solicitation, shall have a notice prominently printed on the first page of the contract or certificate or attached thereto stating in substance that the applicant shall have the right to return the contract or certificate within 10 days of its delivery and to have the premium refunded if, after examination of the contract or certificate, the applicant is not satisfied for any reason. Medicare supplement contracts or certificates issued pursuant to a direct response solicitation to persons eligible for medicare by reason of age shall have a notice prominently printed on the first page or attached thereto stating in substance that the applicant shall have the right to return the contract or certificate within 30 days of its delivery and to have the premium refunded if, after examination, the applicant is not satisfied for any reason.

C. 17:35C-9 Applicable to hospital service corporations.

9. Notwithstanding the provisions of section 17 of P. L. 1938, c. 366 (C. 17:48-17), the provisions of this act shall apply to hospital

service corporations established pursuant to P. L. 1938, c. 366 (C. 17:48-1 et seq.).

10. This act shall take effect July 1, 1982.

Approved July 28, 1982.

CHAPTER 96

AN ACT to change the name of the New Jersey State Board of Certified Public Accountants to the New Jersey State Board of Accountancy, amending and supplementing P. L. 1977, c. 144 and amending P. L. 1977, c. 176.

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

1. Section 3 of P. L. 1977, c. 144 (C. 45:2B-3) is amended to read as follows:

C. 45:2B-3 Definitions.

3. Definitions. As used in this act:

“Board” means the New Jersey State Board of Accountancy; and

“State” includes any state, territory or insular possession of the United States or the District of Columbia.

2. Section 4 of P. L. 1977, c. 144 (C. 45:2B-4) is amended to read as follows:

C. 45:2B-4 New Jersey State Board of Accountancy.

4. New Jersey State Board of Accountancy. The New Jersey State Board of Public Accountants created and established by P. L. 1904, c. 230 as amended and supplemented, continued by R. S. 45:2-1 and further continued and constituted as the New Jersey State Board of Certified Public Accountants by P. L. 1965, c. 99 is further continued as the New Jersey State Board of Accountancy and the members and officers of said board as presently constituted shall continue to hold office until the expiration of their terms.

3. Section 2 of P. L. 1977, c. 176 (C. 45:2B-34) is amended to read as follows:

C. 45:2B-34 Rules and regulations.

2. The New Jersey State Board of Accountancy shall make all rules and regulations governing examinations and the issue of licenses to registered municipal accountants.

4. Section 3 of P. L. 1977, c. 176 (C. 45:2B-35) is amended to read as follows:

C. 45:2B-35 License fee.

3. The license fee for the registration of any accountant who shall apply for a license to practice as a municipal accountant for New Jersey as herein described shall be established by the New Jersey State Board of Accountancy. Licenses shall be issued biennially thereafter and the same fee imposed for each biennial registration or renewal. All registration licenses shall date from June 1 preceding the date of application.

5. Section 4 of P. L. 1977, c. 176 (C. 45:2B-36) is amended to read as follows:

C. 45:2B-36 Penalty.

4. Any person who shall make, or begin to make, any audit of accounts of any municipality or county as required by this chapter, contrary to the provisions hereof, or without a license therefor in full force and effect, shall be liable to a penalty of \$100.00 for every audit of account so made, to be recovered in an action at law instituted by the New Jersey State Board of Accountancy in any court having jurisdiction.

C. 45:2B-4.1 References to former board.

6. (New section) Whenever in any law, rule, regulation, contract, document, judicial or administrative proceeding or otherwise, reference is made to the New Jersey State Board of Certified Public Accountants, the same shall mean and refer to the New Jersey State Board of Accountancy.

7. This act shall take effect immediately.

Approved July 28, 1982.

CHAPTER 97

AN ACT to amend "The Professional Service Corporation Act," approved December 16, 1969 (P. L. 1969, c. 232).

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

1. Section 14 of P. L. 1969, c. 232 (C. 14A:17-14) is amended to read as follows:

C. 14A:17-14 Corporate name.

14. Corporate name. The corporate name of a professional corporation shall contain the full or last names of one or more of the shareholders or a name descriptive of the type of professional service in which the corporation will be engaged and shall also contain the words "chartered," "professional association" or "a professional corporation," or the abbreviation "P. A." or "P. C.". The use of the word "company," "corporation" or "incorporated," or any other word, words, abbreviations, affix or prefix indicating that it is a corporation, in the corporate name of a professional corporation, other than the words "chartered," "professional association" or "a professional corporation," or the abbreviation "P. A." or "P. C.," is specifically prohibited. It shall be permissible, however, for the corporation and the shareholders to render professional services or to exercise its authorized powers under a name which is identical to its corporate name except that the words "chartered," "professional association" or "a professional corporation," or the abbreviation "P. A." or "P. C." is omitted.

2. Section 15 of P. L. 1969, c. 232 (C. 14A:17-15) is amended to read as follows:

C. 14A:17-15 Applicable law; consolidation, merger; report, contents.

15. Applicable law; consolidation, merger; report, contents. The Business Corporation Act of New Jersey shall be applicable to a professional corporation except to the extent that any of the provisions of this act are interpreted to be in conflict with the provisions of the Business Corporation Act of New Jersey, and in such event the provisions and sections of this act shall take precedence with respect to a professional corporation. A professional corporation organized under this act may consolidate or merge only with another professional corporation organized under this

act and empowered to render the same professional service. A merger or consolidation with any foreign corporation is prohibited. A professional corporation shall annually furnish a report to the office of the Secretary of State on a date designated by the Secretary of State showing the names and post-office addresses of all its shareholders, directors and officers, which shall certify that, with the exception permitted in section 6, all such persons are duly licensed or otherwise legally authorized to render the same professional service in this State. This report shall be made on forms prescribed and furnished by the Secretary of State, but shall contain no information except that expressly called for by this section. It shall be signed by the president or vice-president and the secretary or an assistant secretary of the corporation, and acknowledged by the persons signing the report before a notary public or other officer duly authorized to administer oaths, shall be filed in the office of the Secretary of State, and shall be in lieu of the regular annual report of corporations otherwise required by the Business Corporation Act of New Jersey.

3. This act shall take effect immediately.

Approved July 28, 1982.

CHAPTER 98

A SUPPLEMENT to "An act concerning consumer fraud, its prevention, and providing penalties thereof," 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. 56:8-2.22 Copy to consumer.

1. It shall be an unlawful practice for a person in connection with a sale of merchandise to require or request the consumer to sign any document as evidence or acknowledgment of the sales transaction, of the existence of the sales contract, or of the discharge by the person of any obligation to the consumer specified in or arising out of the transaction or contract, unless he shall at the same time provide the consumer with a full and accurate copy of the document so presented for signature but this section shall not

be applicable to orders placed through the mail by the consumer for merchandise.

2. This act shall take effect on the thirtieth day following enactment.

Approved July 28, 1982.

CHAPTER 99

AN ACT prohibiting unnecessary exposure to dental radiographs, and supplementing Title 45 of the Revised Statutes.

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

C. 45:6-18.2 Use of radiographs limited.

1. Radiographs may be used in the course of dental services only for diagnostic or treatment purposes.

C. 45:6-18.3 Prosecution of violations.

2. Violations of this act shall be prosecuted in the manner provided in P. L. 1978, c. 73, s. 12 (C. 45:1-25).

3. This act shall take effect immediately.

Approved July 28, 1982.

CHAPTER 100

AN ACT concerning education of the pre-school handicapped and amending section 9 of P. L. 1981, c. 415.

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

1. Section 9 of P. L. 1981, c. 415 is amended to read as follows:

9. For the purpose of calculating State aid for the 1983-84 school year the resident enrollment of each district shall be adjusted by an amount equal to the number of pre-school handicapped pupils 3 through 5 years of age enrolled as of the last school day of September, 1982, or the estimated number of such pupils to be served in the 1983-84 school year, whichever is greater. The net

current expense budget of each district for the 1982-83 school year shall be increased for each such pupil by an amount equal to the State average net current expense budget per pupil. Such increases shall not be subject to the limit contained in section 25 of P. L. 1975, c. 212 (C. 18A:7A-25).

The approved district transportation budget for 1981-82 shall be adjusted by an amount equal to the number of pre-school handicapped pupils 3 through 5 years of age, multiplied by an estimated State average per pupil transportation cost for handicapped pupils.

2. This act shall take effect immediately.

Approved July 28, 1982.

CHAPTER 101

AN ACT concerning the filing of riparian maps and amending
P. L. 1968, c. 404.

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

1. Section 90 of P. L. 1968, c. 404 (C. 13:1B-13.4) is amended to read as follows:

C. 13:1B-13.4 Publication of maps indicating State-owned lands.

90. Upon completion of each separate study and survey, the council shall publish a map portraying the results of its study and clearly indicating those lands designated by the council as State-owned lands. Copies of each such map and study shall be filed with the Secretary of State and sent to the clerk of each county or to the register of deeds and mortgages, whoever shall have the responsibility as the recording officer of the county, and to the governing body of each municipality whose political boundaries include lands shown on the map. Such maps and studies shall be available for public inspection.

The council shall also cause to be published at least once in a newspaper circulating in each county whose political boundaries include lands designated as State-owned lands a list of those parcels designated in whole or in part as State-owned lands.

2. This act shall take effect immediately.

Approved July 28, 1982.

CHAPTER 102

A SUPPLEMENT to the "Public School Education Act of 1975," approved September 29, 1975 (P. L. 1975, c. 212, C. 18A:7A-1 et seq.).

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

1. For the 1983-84 school year, any school district which provides any vocational program is authorized to make application for and anticipate State aid for categorical program support for approved local vocational education pursuant to section 20 of P. L. 1975, c. 212 (C. 18A:7A-20), provided that:

a. The school district has filed a Prequalification Assessment Application in accordance with rules and regulations of the State Board of Education; and

b. The County Superintendent of Schools has recommended the designation of the school as a local area vocational school by September 1, 1982.

The district may anticipate this categorical program support in the itemized budget filed with the county superintendent as required pursuant to section 28 of P. L. 1975, c. 212 (C. 18A:7A-28).

2. In order to be eligible to receive State categorical program support for approved local vocational education, any district which files an application as provided in section 1 of this act, shall complete and file an official application form and shall comply with all rules, regulations and resolutions approved by the State Board of Education as required for the designation as a local area vocational school.

All official applications shall be acted upon by the State Board of Education no later than February 1, 1983.

3. Any local board which is denied approval as a local area vocational school by the State board, and therefore is not eligible for categorical program support for that purpose shall amend the district's State aid entitlement to reflect that reduction in anticipated State aid prior to the advertisement of the itemized budget as required pursuant to N. J. S. 18A:22-10 and N. J. S. 18A:22-11.

4. This act shall take effect immediately and shall remain in effect until June 30, 1983.

Approved July 28, 1982.

CHAPTER 103

AN ACT concerning disciplinary matters and amending P. L. 1968, c. 303.

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

1. Section 7 of P. L. 1968, c. 303 (C. 34:13A-5.3) is amended to read as follows:

C. 34:13A-5.3 Right of public employees to participate or refrain from participation in employee organizations; exceptions; exclusive representatives for collective negotiation; grievance and disciplinary review procedures.

7. Except as hereinafter provided, public employees shall have, and shall be protected in the exercise of, the right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain from any such activity; provided, however, that this right shall not extend to elected officials, members of boards and commissions, managerial executives, or confidential employees, except in a school district the term managerial executive shall mean the superintendent of schools or his equivalent, nor, except where established practice, prior agreement or special circumstances, dictate the contrary, shall any supervisor having the power to hire, discharge, discipline, or to effectively recommend the same, have the right to be represented in collective negotiations by an employee organization that admits nonsupervisory personnel to membership, and the fact that any organization has such supervisory employees as members shall not deny the right of that organization to represent the appropriate unit in collective negotiations; and provided further, that, except where established practice, prior agreement, or special circumstances dictate the contrary, no policeman shall have the right to join an employee organization that admits employees other than policemen to membership. The negotiating unit shall be defined with due regard for the community of interest among the employees concerned, but the commission shall not intervene in matters of recognition and unit definition except in the event of a dispute.

Representatives designated or selected by public employees for the purposes of collective negotiation by the majority of the employees in a unit appropriate for such purposes or by the majority of the employees voting in an election conducted by the commis-

sion as authorized by this act shall be the exclusive representatives for collective negotiation concerning the terms and conditions of employment of the employees in such unit. Nothing herein shall be construed to prevent any official from meeting with an employee organization for the purpose of hearing the views and requests of its members in such unit so long as (a) the majority representative is informed of the meeting; (b) any changes or modifications in terms and conditions of employment are made only through negotiation with the majority representative; and (c) a minority organization shall not present or process grievances. Nothing herein shall be construed to deny to any individual employee his rights under Civil Service laws or regulations. When no majority representative has been selected as the bargaining agent for the unit of which an individual employee is a part, he may present his own grievance either personally or through an appropriate representative or an organization of which he is a member and have such grievance adjusted.

A majority representative of public employees in an appropriate unit shall be entitled to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interest of all such employees without discrimination and without regard to employee organization membership. Proposed new rules or modifications of existing rules governing working conditions shall be negotiated with the majority representative before they are established. In addition, the majority representative and designated representatives of the public employer shall meet at reasonable times and negotiate in good faith with respect to grievances, disciplinary disputes, and other terms and conditions of employment. Nothing herein shall be construed as permitting negotiation of the standards or criteria for employee performance.

When an agreement is reached on the terms and conditions of employment, it shall be embodied in writing and signed by the authorized representatives of the public employer and the majority representative.

Public employers shall negotiate written policies setting forth grievance and disciplinary review procedures by means of which their employees or representatives of employees may appeal the interpretation, application or violation of policies, agreements, and administrative decisions, including disciplinary determinations, affecting them, provided that such grievance and disciplinary review procedures shall be included in any agreement entered into

between the public employer and the representative organization. Such grievance and disciplinary review procedures may provide for binding arbitration as a means for resolving disputes. The procedures agreed to by the parties may not replace or be inconsistent with any alternate statutory appeal procedure nor may they provide for binding arbitration of disputes involving the discipline of employees with statutory protection under tenure or civil service laws. Grievance and disciplinary review procedures established by agreement between the public employer and the representative organization shall be utilized for any dispute covered by the terms of such agreement.

2. This act shall take effect immediately.

Approved July 30, 1982.

CHAPTER 104

AN ACT concerning the improvement and operation of certain convention centers and amending P. L. 1981, c. 459.

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

1. Section 9 of P. L. 1981, c. 459 (C. 52:27H-37) is amended to read as follows:

C. 52:27H-37 Contract for operation of convention center.

9. The authority shall enter into a contract with any political subdivision of the State which owns or leases any convention center, convention hall and related or ancillary facilities for the operation thereof. The convention center, convention hall and related or ancillary facilities shall be in a municipality wherein casino gambling has been duly authorized, except that the authority may operate, pursuant to contract, related or ancillary facilities necessary to the operation of a convention center or hall, which are not located within the borders of a municipality wherein casino gambling is authorized, but which are located within the same county as that municipality.

Any contract entered into pursuant to this section shall not exceed 5 years in duration. The first contract so entered into shall have an effective date of January 1, 1983. A contract shall pre-

scribe the use or disposition of any revenues resulting from the operation of any convention center, convention hall and related or ancillary facilities. The provisions of any contract entered into shall not conflict with any bond resolution or trust agreement relating to any facilities subject to the terms of the contract.

2. This act shall take effect immediately.

Approved July 30, 1982.

CHAPTER 105

AN ACT to amend "An act concerning the adoption of children and revising and repealing various parts of the law relating to adoption," approved February 6, 1978 (P. L. 1977, c. 367).

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

1. Section 9 of P. L. 1977, c. 367 (C. 9:3-45) is amended to read as follows:

C. 9:3-45 Notice of adoption proceedings to each parent.

9. a. In any adoption proceeding pursuant to this act, notice of the complaint may not be waived and a notice of hearing shall be served in accordance with the Rules of Court on each parent of the child to be adopted. The notice shall inform each parent of the purpose of the action and of the parent's right to file written objections to the adoption within 20 days after notice is given in the case of a resident and 35 days in the case of a nonresident. For purposes of this section, "parent" shall include (1) the husband of the mother of a child born or conceived during the marriage and (2) a putative or alleged natural mother or father of a child.

b. Notice pursuant to subsection a. shall not be served on any parent:

(1) Who has executed a valid surrender to an approved agency pursuant to section 5;

(2) Whose parental rights have been terminated in a separate judicial proceeding by court order;

(3) Who has, prior to the placement of the child for adoption, received notice of the intention to place the child, which notice shall inform the parent of the purpose of the placement and of the par-

ent's right to file with the court, in accordance with the Rules of Court, written objections to the proposed placement within 20 days after notice is given, in the case of a resident, and 35 days in the case of a nonresident; and who has either failed to file written objections or denied paternity;

(4) Who has surrendered the child for adoption to the adopting parent in accordance with the provisions of section 3 and the court determines that the surrender is valid; or

(5) Whose child has been made available for adoption in a foreign state or country. If the United States Immigration and Naturalization Service has determined that the child has been approved for adoptive placement, that finding shall be presumptive and no notice as to the availability of the child for adoption shall be served.

c. If personal service of the notice cannot be effected because the whereabouts of any parent of the child to be adopted are unknown, the court shall determine that an adequate effort has been made to serve notice upon the parent if the plaintiff immediately prior to or during the placement and not more than 9 months prior to the filing of a complaint has:

(1) Sent the notice by regular mail and by certified mail return receipt requested, to the parent's last known address;

(2) Made a discreet inquiry among any known relations, friends and current or former employers of the parent;

(3) Unless otherwise restricted by law, made direct inquiries, using the party's name and last known or suspected address, to the local post office, the Division of Motor Vehicles, county welfare office, the municipal police department, the Division of State Police, the county probation office, the Department of Corrections, and any social service and law enforcement agencies known to have had contact with the party, or the equivalents in other states, territories or countries. Failure to receive a response to the inquiries within 45 days shall be a negative response.

d. In any case where the identity of a parent cannot be determined or where the known parent of a child is unable or refuses to identify the other parent, and the court is unable from other information before the court to identify the other parent, service on that parent shall be waived by the court.

2. This act shall take effect immediately.

Approved August 2, 1982.

CHAPTER 106

AN ACT to validate certain proceedings for the issuance of bonds for fire districts and any bonds or other obligations issued or to be issued pursuant to such proceedings.

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

1. All proceedings heretofore had or taken by any 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 section 7 of the "Absentee Voting Law (1953)," P. L. 1953, c. 211 (C. 19:57-7), and notwithstanding that notices relating to such election were not posted in 10 public places in such fire district, at least 21 days prior to the date of the election as required by N. J. S. 40A:14-85; 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 August 2, 1982.

CHAPTER 107

AN ACT to amend the "Local Public Contracts Law," approved June 9, 1971 (P. L. 1971, c. 198).

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

1. Section 18 of P. L. 1971, c. 198 (C. 40A:11-18) is amended to read as follows:

C. 40A:11-18 Use of United States products only.

18. Each local unit shall provide, in the specifications for all contracts for county or municipal work or for work for which it will pay any part of the cost, or work which by contract or ordinance it will ultimately own and maintain, that only manufactured and farm products of the United States, wherever available, be used in such work.

2. This act shall take effect 60 days after enactment.

Approved August 4, 1982.

CHAPTER 108

AN ACT to amend "An act concerning civilian deense and disaster control during emergency," approved May 23, 1942 (P. L. 1942, c. 251) as said title was amended by P. L. 1953, c. 438.

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

1. Section 17 of P. L. 1942, c. 251 (C. App. A:9-49) is amended to read as follows:

C. App. A:9-49 Unlawful acts during emergencies disorderly persons offenses; penalty.

17. Any person who shall:

a. Commit any unauthorized or otherwise unlawful act during the threat or imminence of danger in any emergency that jeopardizes the health, welfare and safety of the people; or

b. Commit any unauthorized or otherwise unlawful act during the threat or imminence of danger during any emergency that contributes to the loss of or destruction to property; or

c. Hamper, impede, or in any way interfere with any person who is performing any function authorized under this act; or

d. Drive any motor vehicle in a prohibited area during a black-out or while an air raid alert is in progress or in any other manner contrary to the rules and regulations covering any period of danger or any emergency; or

e. Go within a prohibited area contrary to rules and regulations; or

f. Refuse to obey the lawful orders of any air raid warden, civilian protection worker, or other person who is duly authorized to perform any act or function during the threat or imminence of danger or any emergency; or

g. Refuse to cooperate with any air raid warden, civilian protection worker, or other person who is duly authorized to perform any act or function in connection with activities during the threat or imminence of danger or any emergency; or

h. Violate any order, rule or regulation adopted by the Governor and promulgated as provided by this act; or

i. Violate any other provision of this act declared herein to be unlawful—shall be adjudged a disorderly person and shall be subject to imprisonment for a term not to exceed 6 months or shall pay a fine not to exceed \$1,000.00 or to both a fine and imprisonment, in the discretion of the court.

Prosecution for the imposition of a penalty pursuant to this section shall be commenced in the municipal court of the municipality wherein the offense is alleged to have occurred. The State shall be required to prove all elements of the offense beyond a reasonable doubt in order to obtain a conviction.

2. This act shall take effect immediately.

Approved August 4, 1982.

CHAPTER 109

AN ACT to amend the "Raffles Licensing Law," approved February 20, 1954 (P. L. 1954, c. 5).

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

1. Section 13 of P. L. 1954, c. 5 (C. 5:8-62) is amended to read as follows:

C. 5:8-62 Monetary limits on value of raffle prizes.

13. No prize shall be offered and given in cash except as hereinafter provided.

The aggregate retail value of all prizes to be offered and given by raffles held, operated and conducted under any license issued under this act in any calendar year shall not exceed \$25,000.00

except that in the case of licensees having one or more organizations which are auxiliary to it, said licensees shall not exceed \$12,500.00 for the principal licensee, and \$12,500.00 for each auxiliary organization thereto, but in lieu thereof there may be offered and given as a prize or award one article of merchandise having a retail value in excess of \$25,000.00, and in the case of licensees having one or more organizations which are auxiliary to it, there may be given one article of merchandise having a retail value in excess of \$12,500.00 for the principal licensee and \$12,500.00 for each auxiliary organization thereto, but the limits so fixed shall not apply to any raffle conducted by a drawing with respect to which all tickets are sold only to persons present at the place of the drawing, the winners determined, and the prizes awarded, on the occasion of the drawing, if the prizes are wholly donated. Cash prizes may be offered or given in a raffle with respect to which all tickets are sold only to persons present at the place of the drawing, the winners determined, and the prizes awarded, on the occasion of the drawing, if the prizes equal 50% of the total received for the tickets or rights to participate in the drawing, and the monetary limits prescribed above shall not apply thereto.

No prize having a retail value greater than \$100.00 shall be awarded in any raffle, not conducted by a drawing, for each spin of the wheel or other allotment by chance.

2. This act shall take effect immediately.

Approved August 5, 1982.

CHAPTER 110

AN ACT to amend the "Raffles Licensing Law," approved February 20, 1954 (P. L. 1954, c. 5).

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

1. Section 4 of P. L. 1954, c. 5 (C. 5:8-53) is amended to read as follows:

C. 5:8-53 Issuance of licenses to conduct games of chance.

4. The governing body of the municipality shall make an investigation of the qualifications of each applicant and the merits of the

application, with due expedition after the filing of the application, and if it shall determine that the applicant is duly qualified to be licensed under this act to hold, operate and conduct games of chance under the provisions of this act and the rules and regulations governing the holding, operation and conduct thereof in the municipality; that the member or members of the applicant designated in the application to hold, operate or conduct the game or games of chance, to hold, operate and conduct which the license is applied for, are bona fide active members of the applicant and persons of good moral character and have never been convicted of crime; that such game or games of chance are to be held, operated and conducted in accordance with the provisions of this act and in accordance with the rules and regulations governing the holding, operation and conduct thereof and that the proceeds thereof are to be disposed of as provided by this act, and if the governing body is satisfied that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person holding, operating or conducting or assisting in the holding, operation or conduct of any such game of chance except as in this act otherwise provided; that any rental to be paid for any equipment to be used in or in connection with the holding, operation and conduct of such game or games of chance conforms to the schedule of authorized rentals prescribed by rules of the Legalized Games of Chance Control Commission and that such lessor or lessors have been approved as to good moral character and freedom from conviction of crime by said commission; that no prize will be offered or given in cash except as otherwise provided in this act or of greater value than is provided in this act in any game or games of chance held, operated and conducted under the license, it shall issue a license to the applicant for the holding, operation and conduct of the specific kind, or one or more of the specific kinds, of games of chance applied for accordingly, upon the payment of a license fee of \$5.00 per day for all raffles held with a drawing, a license fee of \$5.00 for all raffles concurrently held, without a drawing, at one location on any 1 day or any series of consecutive days not exceeding 6 in any 1 week, and unless the prizes are in cash \$10.00 for each \$1,000.00 of the value of the prizes above the original \$1,000.00 value of prizes awarded in each raffle with respect to which tickets or rights to participate may be sold in advance of the occasion of the drawing or allotment of prizes. Five dollars of the aforesaid \$10.00 fee for each \$1,000.00 of the value of the prizes above the original \$1,000.00 value of prizes awarded in each raffle with respect

to which tickets or rights to participate may be sold in advance of the occasion of the drawing or allotment of prizes shall be payable to the Treasurer of the State of New Jersey.

2. Section 13 of P. L. 1954, c. 5 (C. 5:8-62) is amended to read as follows:

C. 5:8-62 Raffle prizes.

13. No prize shall be offered and given in cash except as hereinafter provided.

The aggregate retail value of all prizes to be offered and given by raffles held, operated and conducted under any license issued under this act in any calendar year shall not exceed \$25,000.00, except that in the case of licensees having one or more organizations which are auxiliary to it, said licensees shall not exceed \$12,500.00 for the principal licensee, and \$12,500.00 for each auxiliary organization thereto, but in lieu thereof there may be offered and given as a prize or award one article of merchandise having a retail value in excess of \$25,000.00, and in the case of licensees having one or more organizations which are auxiliary to it, there may be given one article of merchandise having a retail value in excess of \$12,500.00 for the principal licensee and \$12,500.00 for each auxiliary organization thereto, but the limits so fixed shall not apply to any raffle conducted by a drawing with respect to which all tickets are sold only to persons present at the place of the drawing, the winners determined, and the prizes awarded, on the occasion of the drawing, if the prizes are wholly donated. Cash prizes may be offered or given in a raffle with respect to which all tickets are sold only to persons present at the place of the drawing, the winners determined, and the prizes awarded, on the occasion of the drawing, if the prizes equal 50% of the total received for the tickets or rights to participate in the drawing, and the monetary limits prescribed above shall not apply thereto.

No prize having a retail value greater than \$100.00 shall be awarded in any raffle, not conducted by a drawing, for each spin of the wheel or other allotment by chance.

3. This act shall take effect immediately.

Approved August 5, 1982.

CHAPTER 111

AN ACT concerning capital punishment and amending N. J. S. 2C:11-3 and N. J. S. 2C:43-7.

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

1. N. J. S. 2C:11-3 is amended to read as follows:

Murder.

2C:11-3. Murder. a. Except as provided in 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 in the course of such crime or of immediate flight therefrom, any person causes the death of a person other than one of the participants; except that in any prosecution under this subsection, in which the defendant was not the only participant in the underlying crime, it is an affirmative defense that the defendant:

(a) Did not commit the homicidal act or in any way solicit, request, command, importune, cause or aid the commission thereof; and

(b) Was not armed with a deadly weapon, or any instrument, article or substance readily capable of causing death or serious physical injury and of a sort not ordinarily carried in public places by law-abiding persons; and

(c) Had no reasonable ground to believe that any other participant was armed with such a weapon, instrument, article or substance; and

(d) Had no reasonable ground to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

b. Murder is a crime of the first degree but a person convicted of murder may be sentenced, except as provided in subsection c.

of this section, by the court to a term of 30 years, during which the person shall not be eligible for parole or to a specific term of years which shall be between 30 years and life imprisonment of which the person shall serve 30 years before being eligible for parole.

c. Any person convicted under subsection a. (1) or (2) who committed the homicidal act by his own conduct or who as an accomplice procured the commission of the offense by payment or promise of payment, of anything of pecuniary value shall be sentenced as provided hereafter:

(1) The court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or pursuant to the provisions of subsection b. of this section. Where the defendant has been tried by a jury, the proceeding shall be conducted by the judge who presided at the trial and before the jury which determined the defendant's guilt except that, for good cause, the court may discharge that jury and conduct the proceeding before a jury empaneled for the purpose of the proceeding. Where the defendant has entered a plea of guilty or has been tried without a jury, the proceeding shall be conducted by the judge who accepted the defendant's plea or who determined the defendant's guilt and before a jury empaneled for the purpose of the proceeding. On motion of the defendant and with consent of the prosecuting attorney the court may conduct a proceeding without a jury.

(2) At the proceeding, the State shall have the burden of establishing beyond a reasonable doubt the existence of any aggravating factors set forth in paragraph (4) of this subsection. The defendant shall have the burden of producing evidence of the existence of any mitigating factors set forth in paragraph (5) of this subsection. The State and the defendant shall be permitted to rebut any evidence presented by the other party at the sentencing proceeding and to present argument as to the adequacy of the evidence to establish the existence of any aggravating or mitigating factor. Prior to the commencement of the sentencing proceeding, or at such time as he has knowledge of the existence of an aggravating factor, the prosecuting attorney shall give notice to the defendant of the aggravating factors which he intends to prove in the proceeding.

(3) The jury, or if there is no jury, the court shall return a special verdict setting forth in writing the existence or non-existence of each of the aggravating and mitigating factors set forth in paragraphs (4) and (5) of this subsection. If any aggravating

factor is found to exist, the verdict shall also state whether it is or is not outweighed by any one or more mitigating factors.

(a) If the jury or the court finds that any aggravating factor exists and is not outweighed by one or more mitigating factors, the court shall sentence the defendant to death.

(b) If the jury or the court finds that no aggravating factors exist, or that any aggravating factors which exist are outweighed by one or more mitigating factors, the court shall sentence the defendant pursuant to subsection b.

(c) If the jury is unable to reach a unanimous verdict, the court shall sentence the defendant pursuant to subsection b.

(4) The aggravating factors which may be found by the jury or the court are:

(a) The defendant has previously been convicted of murder;

(b) In the commission of the murder, the defendant purposely or knowingly created a grave risk of death to another person in addition to the victim;

(c) The murder was outrageously or wantonly vile, horrible or inhuman in that it involved torture, depravity of mind, or an aggravated battery to the victim;

(d) The defendant committed the murder as consideration for the receipt, or in expectation of the receipt of any thing of pecuniary value;

(e) The defendant procured the commission of the offense by payment or promise of payment of anything of pecuniary value;

(f) The murder was committed for the purpose of escaping detection, apprehension, trial, punishment or confinement for another offense committed by the defendant or another;

(g) The offense was committed while the defendant was engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit robbery, sexual assault, arson, burglary or kidnapping; or

(h) The defendant murdered a public servant, as defined in 2C:27-1, while the victim was engaged in the performance of his official duties, or because of the victim's status as a public servant.

(5) The mitigating factors which may be found by the jury or the court are:

(a) The defendant was under the influence of extreme mental or emotional disturbance insufficient to constitute a defense to prosecution;

(b) The victim solicited, participated in or consented to the conduct which resulted in his death;

- (c) The age of the defendant at the time of the murder;
- (d) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law was significantly impaired as the result of mental disease or defect or intoxication, but not to a degree sufficient to constitute a defense to prosecution;
- (e) The defendant was under unusual and substantial duress insufficient to constitute a defense to prosecution;
- (f) The defendant has no significant history of prior criminal activity;
- (g) The defendant rendered substantial assistance to the State in the prosecution of another person for the crime of murder; or
- (h) Any other factor which is relevant to the defendant's character or record or to the circumstances of the offense.

d. The sentencing proceeding set forth in subsection c. of this section shall not be waived by the prosecuting attorney.

e. Every judgment of conviction which results in a sentence of death under this section may be appealed, pursuant to the rules of court, to the Supreme Court, which shall also determine whether the sentence is disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant.

2. N. J. S. 2C:43-7 is amended to read as follows:

Sentence of imprisonment for crime; extended terms.

2C:43-7. Sentence of Imprisonment for Crime; Extended Terms.

a. In the cases designated in section 2C:44-3, a person who has been convicted of a crime may be sentenced to an extended term of imprisonment, as follows:

- (1) (Deleted by amendment, P. L. 1982, c. 111.)
- (2) In the case of a crime of the first degree other than murder, for a specific term of years which shall be fixed by the court and shall be between 20 years and life imprisonment;
- (3) In the case of a crime of the second degree, for a term which shall be fixed by the court between 10 and 20 years;
- (4) In the case of a crime of the third degree, for a term which shall be fixed by the court between 5 and 10 years;
- (5) In the case of a crime of the fourth degree pursuant to 2C:43-6c. and 2C:44-3d. for a term of 5 years.

b. As part of a sentence for an extended term and notwithstanding the provisions of 2C:43-9, the court may fix a minimum term not to exceed one-half of the term set pursuant to subsection a.

during which the defendant shall not be eligible for parole or a term of 25 years during which time the defendant shall not be eligible for parole where the sentence imposed was life imprisonment; provided that no defendant shall be eligible for parole at a date earlier than otherwise provided by the law governing parole.

c. In the case of a person sentenced to an extended term pursuant to 2C:43-6c. and 2C:44-3d., the court shall impose a sentence within the ranges permitted by 2C:43-7a. (2), (3), (4) or (5) according to the degree or nature of the crime for which the defendant is being sentenced, which sentence shall include a minimum term which shall be fixed at, or between one-third and one-half of the sentence imposed by the court or 5 years, whichever is greater, during which the defendant shall not be eligible for parole. Where the sentence imposed is life imprisonment, the court shall impose a minimum term of 25 years during which the defendant shall not be eligible for parole.

3. This act shall take effect immediately.

Approved August 6, 1982.

CHAPTER 112

AN ACT concerning parole and supplementing P. L. 1979, c. 441
(C. 30:4-123.45 et al.).

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

C. 30:4-123.70 Definitions.

1. As used in this act:

a. "Commissioner" means the Commissioner of the Department of Corrections.

b. "Correctional facilities" means all institutions operated by the Department of Corrections to which offenders are sentenced as adults and shall include but not be limited to the State Prisons at Trenton, Rahway and Leesburg, the Youth Reception and Correction Center, Yardville, Youth Correctional Institution, Bordentown, Youth Correctional Institution, Annandale, and the Correctional Institution for Women at Clinton.

c. "Operational capacity" means the maximum available permanent bed space in the correctional facilities as determined in section 2.

C. 30:4-123.71 Operational capacity.

2. a. Within 60 days of the effective date of this act, the commissioner shall submit to the Governor, for his approval, a determination of the operational capacity of all the correctional facilities, including a determination of the individual correctional facilities. Upon the Governor's approval, the commissioner's determination shall constitute operational capacity as defined in section 1c.

b. If the total operational capacity in all of the correctional facilities increases or decreases by more than 50 spaces from the total operational capacity previously established under subsection a., the commissioner shall act within 20 days of that increase or decrease according to the procedures set forth in subsection a. to establish a revised operational capacity.

C. 30:4-123.72 State of emergency.

3. The commissioner may request the Governor to declare a state of emergency within the State's correctional facilities whenever the commissioner certifies in writing that the total population of the State's correctional facilities has exceeded the total operational capacity. The commissioner shall also immediately notify the Criminal Disposition Commission of the emergency. The commissioner and the Governor may consult with the commission and request advisory recommendations. The commissioner is required to find and certify in writing that the request for a declaration of a state of emergency is reasonably necessary and that each of the following criteria has been satisfied:

a. The excess over the operational capacity has resulted in substantial difficulty in administration of the State's correctional facilities, to the extent that the safety of the correctional facility personnel and inmates may be endangered; and

b. The commissioner has exhausted all administrative actions consistent with applicable State laws and rules and regulations promulgated thereunder, including the transfer of inmates among institutions, in order to reduce the population of the adult male and female complexes to the operational capacity. The commissioner shall include with his written certification to the Governor a statement setting forth the facts substantiating the criteria set forth in this section; and

c. The excess over operational capacity will continue beyond 30 days of the commissioner's request to the Governor for a declaration of the state of emergency; and

d. There is an identifiable number of inmates in correctional facilities who would be eligible for parole acceleration under the terms of this act.

C. 30:4-123.73 Acceleration of parole release dates.

4. If the Governor declares a correctional facilities overcrowding state of emergency, he may order the acceleration, by up to 90 days, of the parole release dates for persons who have been certified for parole by the parole board prior to and during the state of emergency and who are incarcerated under final judgments of conviction which commit those persons to a period of detention in correctional facilities as adults. The Parole Board may exempt from acceleration on an individual basis persons for whom the board determines adequate support services do not exist or necessary preparation for release has not been made. A state of emergency declared pursuant to this act shall be for a period of 90 days or less. The provisions of this section shall not, however, apply to any inmate who is serving a sentence or aggregate sentence, any portion of which includes a mandatory minimum term, an extended term, a term of life, a sentence for a crime of the first or second degree, or criminal sexual contact. Acceleration of parole eligibility under this section may not be ordered more than twice in any calendar year. Any acceleration of parole pursuant to this section shall not reduce the aggregate sentence imposed on the inmate or his term of supervision under parole.

C. 30:4-123.74 Rescission of declaration of emergency.

5. At any time during a correctional facilities overcrowding emergency, the Governor may rescind the declaration of emergency and implementation of any of the provisions of section 4 of this act, provided that the acceleration for parole eligibility of any person who has been certified for parole prior to such rescission shall not be affected. If at any time during a correctional facilities overcrowding emergency the population of the correctional facilities is reduced to the operating capacity, the commissioner shall immediately notify the Governor. Any provision of the law to the contrary notwithstanding, the state of emergency declared pursuant to this act shall cease where the inmate population is at or below 90% of the operational capacity.

C. 30:4-123.75 Destruction of property.

6. If property of a correctional facility has been destroyed which may have a relationship to a determination of operational capacity, the Governor may issue an order which withholds or limits the

implementation or extent of implementation of any of the provisions of section 4 of this act with respect to any person or class of persons within any correctional facility at which the destruction of property has taken place.

C. 30:4-123.76 Violation of conditions of parole.

7. Notwithstanding the provisions of N. J. S. 2C:43-9 to the contrary, any inmate released under the provisions of this act who violates the conditions of parole shall be required to serve in custody a term equal to twice the period by which parole was accelerated by virtue of a declaration of a correctional facilities overcrowding state of emergency and shall not be eligible for any future acceleration pursuant to this act. Notwithstanding the provisions of N. J. S. 2C:44-5 to the contrary, any term of incarceration imposed under this section shall be consecutive to any additional period of incarceration imposed by the parole board or any additional sentence imposed by the court.

C. 30:4-123.77 Other authority not limited.

8. Nothing contained in this act shall be construed to limit any existing authority or any subsequently conferred authority of any official or agency, including the Governor, to deal with a correctional facilities overcrowding emergency or any other emergency within this State.

C. 30:4-123.78 Parole Board to set release dates.

9. Nothing contained in this act shall be construed to limit any existing authority of the State Parole Board to set parole release dates.

C. 30:4-123.79 Work credits.

10. Upon notification of certification of parole for any inmate eligible to earn minimum or work credits pursuant to R. S. 30:4-140 and R. S. 30:4-92, the Department of Corrections shall certify to the Parole Board all credits earned as of that date and establish the pattern of such credits which the inmate may be expected to earn, under the law establishing such credits. Any change in the pattern shall be reported to the Parole Board immediately. Based upon the credit pattern applicable to the inmate, the Parole Board will compute a projected release date that will serve as an actual release date, provided, however, that the department shall certify to the board at the time of release that the credits have been actually earned.

11. This act shall take effect immediately and except for section 7 shall expire two years from the date of enactment, provided that

if a declaration of emergency exists at the time of the expiration of the act, this act shall remain in effect until the termination of such emergency pursuant to the terms of the act.

Approved August 6, 1982.

CHAPTER 113

AN ACT concerning county improvement authorities and security for the financing of certain facilities undertaken thereby, amending P. L. 1960, c. 183, P. L. 1979, c. 273 and P. L. 1981, c. 461, amending and supplementing P. L. 1979, c. 275, and repealing section 16 of P. L. 1960, c. 183 and section 16 of P. L. 1979, c. 273.

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

1. Section 2 of P. L. 1960, c. 183 (C. 40:37A-45) is amended to read as follows:

C. 40:37A-45 Definitions.

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

(a) "Authority" shall mean a public body created pursuant to this act;

(b) "Bond resolution" shall have the meaning ascribed thereto in section 17 of this act (C. 40:37A-60);

(c) "Bonds" shall mean bonds, notes or other obligations issued pursuant to this act;

(d) "Construct" and "construction" shall connote and include acts of clearance, demolition, construction, development or redevelopment, reconstruction, replacement, extension, improvement and betterment;

(e) "Cost" shall mean, in addition to the usual connotations thereof, the cost of planning, acquisition or construction of all or any part of any public facility or facilities of an authority and of all or any property, rights, easements, privileges, agreements and franchises deemed by the authority to be necessary or useful and convenient therefor or in connection therewith, including interest or discount on bonds, cost of issuance of bonds, architectural, engineering and inspection costs and legal expenses, cost of

financial, professional and other estimates and advice, organization, administrative, operating and other expenses of the authority prior to and during such acquisition or construction, and all such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of such public facility or facilities or part thereof and the placing of the same fully in operation or the disposition of the same, and also such provision or reserves for working capital, operating, maintenance or replacement expenses or for payment or security of principal of or interest on bonds during or after such acquisition or construction as the authority may determine, and also reimbursements to the authority or any governmental unit or person of any moneys theretofore expended for the purposes of the authority;

(f) The term “county” shall mean any county of any class of the State, and the term “the county” shall mean the county which created an authority pursuant to this act;

(g) “Development project” shall mean any lands, structures, or property or facilities acquired or constructed or to be acquired or constructed by an authority for the purposes of the authority described in clause (e) of section 11 of this act;

(h) “Facility charges” shall have the meaning ascribed to said term in section 14 of this act;

(i) “Facility revenues” shall have the meaning ascribed to said term in section 20(e) of this act;

(j) “Governing body” shall mean, in the case of a county, the board of chosen freeholders, or in the case of a county operating under article 3 or 5 of the “Optional County Charter Law” (P. L. 1972, c. 154; C. 40:41A-1 et seq.) as defined thereunder, and, in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality;

(k) “Governmental unit” shall mean the United States of America or the State or any county or municipality or any subdivision, department, agency, or instrumentality heretofore or hereafter created, designated or established by or for the United States of America or the State or any county or municipality;

(l) “Local bond law” shall mean chapter 2 of Title 40A, Municipalities and Counties, of the New Jersey Statutes (N. J. S.) as amended and supplemented;

(m) “Municipality” shall mean any city, borough, village, town, or township of the State but not a county or a school district;

(n) "Person" shall mean any person, partnership, association, corporation or entity other than a nation, State, county or municipality or any subdivision, department, agency or instrumentality thereof;

(o) "Project" shall have the meaning ascribed to said term in section 17 of this act (C. 40:37A-60);

(p) "Public facility" shall mean any lands, structures, franchises, equipment, or other property or facilities acquired, constructed, owned, financed, or leased by the authority or any other governmental unit or person to accomplish any of the purposes of an authority authorized by section 11 of this act (C. 40:37A-54);

(q) "Real property" shall mean lands within or without the State, above or below water, and improvements thereof or thereon, or any riparian or other rights or interests therein;

(r) "Garbage and solid waste disposal system" shall mean the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by a county improvement authority, including incinerators, sanitary landfill facilities or other plants for the treatment and disposal of garbage, solid waste and refuse matter and all other real and personal property and rights therein and appurtenances necessary or useful and convenient for the collection and treatment or disposal in a sanitary manner of garbage, solid waste and refuse matter (but not including sewage);

(s) "Garbage, solid waste or refuse matter" shall mean garbage, refuse and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials including sludge, chemical waste, hazardous wastes and liquids, except for liquids which are treated in public sewage treatment plants and except for solid animal and vegetable waste collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms;

(t) "Blighted, deteriorated or deteriorating area" may include an area determined by the municipality to be blighted in accordance with the provisions of P. L. 1949, c. 187 (C. 40:55-21.1 et seq.) and, in addition, areas which are determined by the municipality, pursuant to the same procedures as provided in said law, to be blighted, deteriorated or deteriorating because of structures or improvements which are dilapidated or characterized by disrepair, lack of

ventilation or light or sanitary facilities, faulty arrangement, location, or design, or other unhealthful or unsafe conditions;

(u) "Redevelopment" may include planning, replanning, conservation, rehabilitation, clearance, development and redevelopment; and the construction and rehabilitation and provision for construction and rehabilitation of residential, commercial, industrial, public or other structures and the grant or dedication or rededication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes including recreational and other facilities incidental or appurtenant thereto, in accordance with a redevelopment plan approved by the governing body of a municipality;

(v) "Redevelopment plan" shall mean a plan as it exists from time to time for the redevelopment of all or any part of a redevelopment area, which plan shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, conservation or rehabilitation as may be proposed to be carried out in the area of the project, zoning and planning changes, if any, land uses, maximum densities, building requirements, the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements and provision for relocation of any residents and occupants to be displaced in a manner which has been or is likely to be approved by the Department of Community Affairs pursuant to the "Relocation Assistance Law of 1967," P. L. 1967, c. 79 (C. 52:31B-1 et seq.) and the "Relocation Assistance Act," P. L. 1971, c. 362 (C. 20:4-1 et seq.) and rules and regulations pursuant thereto;

(w) "Redevelopment project" shall mean any undertakings and activities for the elimination, and for the prevention of the development or spread, of blighted, deteriorated, or deteriorating areas and may involve any work or undertaking pursuant to a redevelopment plan; such undertaking may include: (1) acquisition of real property and demolition, removal or rehabilitation of buildings and improvements thereon; (2) carrying out plans for a program of voluntary repair and rehabilitation of buildings or other improvements; and (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds or other improvements necessary for carrying out the objectives of the redevelopment project;

(x) "Redeveloper" shall mean any person or governmental

unit that shall enter into or propose to enter into a contract with an authority for the redevelopment of an area or any part thereof under the provisions of this act;

(y) "Redevelopment area" shall mean an area of a municipality which the governing body thereof finds is a blighted area or an area in need of rehabilitation whose redevelopment is necessary to effectuate the public purposes declared in this act. A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but whose inclusion is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part; and

(z) "Sludge" shall mean any solid, semisolid, or liquid waste generated from a municipal, industrial or other sewage treatment plant, water supply treatment plant, or air pollution control facility, or any other such waste having similar characteristics and effects, but shall not include effluent.

2. Section 3 of P. L. 1960, c. 183 (C. 40:37A-46) is amended to read as follows:

C. 40:37A-46 County improvement authority, creation.

3. The governing body of a county may by ordinance or resolution, as appropriate, create a public body corporate and politic under and pursuant to this act, under the name and style of "the county improvement authority," with all or any significant part of the name of said county inserted. Said body shall consist of the 5 members thereof, who shall be residents of the county and be appointed by ordinance or resolution of said governing body as hereinafter provided, and it shall constitute the authority contemplated and provided for in this act and an agency or instrumentality of said county. Copies of said ordinance or resolution for the creation of the authority, certified by the clerk of said governing body, shall be filed in the office of the Secretary of State and in the office of the Division of Local Government Services in the Department of Community Affairs. A copy of any such certified ordinance or resolution, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any action or proceeding and shall be conclusive evidence of due and proper adoption and filing thereof as aforesaid. After such filing in the office of the Secretary of State, a copy of said ordinance or resolution shall be published at least once in a newspaper published or circulating in the county, together with a

notice stating the fact and date of its adoption and the date of the first publication of such notice. If no action questioning the validity of the creation or establishment of the authority shall be commenced within 45 days after the first publication of such notice, then said authority shall be conclusively deemed to have been validly created and established and authorized to transact business and exercise powers as a public body created pursuant to this act.

3. Section 4 of P. L. 1960, c. 183 (C. 40:37A-47) is amended to read as follows:

C. 40:37A-47 Dissolution of authority.

4. The governing body of any county which has created an authority pursuant to this act may by ordinance or resolution, as appropriate, dissolve such authority if either (1) such authority has no debts or obligations outstanding, or (2) all creditors or other obligees of the authority have consented to said ordinance or resolution. A copy of said ordinance or resolution, certified by the clerk of said governing body, shall be filed in the office of the Secretary of State and in the office of the Division of Local Government Services in the Department of Community Affairs. Upon proof of such filing and upon proof either that said authority had no debts or obligations outstanding at the time of the adoption of such ordinance or resolution or that all creditors or other obligees of the authority have consented to such ordinance or resolution, the authority shall be conclusively deemed to have been lawfully and properly dissolved. Thereupon, all right, title and interest in and to the property of the authority shall be vested in the county, except that any particular property shall vest in any other governmental unit or person if the terms of any lease or other agreement of the authority with respect thereto shall so provide. A copy of any such certified ordinance or resolution, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any action or proceeding and shall be conclusive evidence of due and proper adoption and filing thereof as aforesaid.

4. Section 5 of P. L. 1960, c. 183 (C. 40:37A-48) is amended to read as follows:

C. 40:37A-48 Appointment of members.

5. a. After expiration of the period of 45 days following the first publication as provided in section 3 hereof of a notice regarding creation of an authority, 5 persons shall be appointed as the members of the authority. The members first appointed shall, by

the resolution of appointment, be designated to serve for terms respectively expiring on the first days of the first, second, third, fourth and fifth Februarys next ensuing after the date of their appointment. On or after January 1 in each year after such first appointments, one person shall be appointed as a member of the authority for a term commencing on or after February 1 in such year and expiring on February 1 in the fifth year after such year. Each member shall hold office for the term of appointment and until his successor shall have been appointed and qualified. Any vacancy in the membership of the authority during an unexpired term shall be filled by appointment of a person as member for the unexpired term. A copy of any resolution appointing any such members, certified by the clerk of the governing body, may be filed in the office of the Secretary of State. A copy of any such certified resolution, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any action or proceeding and shall be conclusive evidence of due and proper adoption and filing thereof as aforesaid and, except in an action or proceeding seeking only exclusion of the appointee from office, shall be conclusive evidence of the due and proper appointment of the members named therein.

b. Notwithstanding the provisions of subsection a. of this section and section 3 of P. L. 1960, c. 183 (C. 40:37A-46), whenever any county governed by the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A-1 et seq.) shall proceed to reorganize its county improvement authority pursuant to the reorganization powers granted under section 30 of that act (C. 40:41A-30), the ordinance adopted for that purpose shall prescribe the number of members of the authority, their respective terms of office, and the dates upon which their respective terms of office shall expire.

5. Section 7 of P. L. 1960, c. 183 (C. 40:37A-50) is amended to read as follows:

C. 40:37A-50 Majority constitutes quorum.

7. The powers of an authority shall be vested in the members thereof in office from time to time, and a majority of the entire authorized voting membership of the authority shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the authority at any meeting of the members thereof by the affirmative vote of a majority of the voting members present, unless in any case the bylaws of the authority shall require a larger number.

6. Section 9 of P. L. 1960, c. 183 (C. 40:37A-52) is amended to read as follows:

C. 40:37A-52 Ex officio member.

9. No member of the governing body of the county shall be appointed as a member of, or employed by, an authority; but the governing body of the county may, by ordinance or resolution, as appropriate, provide that, in addition to the members appointed pursuant to section 5 of this act (C. 40:37A-48), the county executive in the case of a county having adopted article 3 of the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A-31 et seq.), the county supervisor in the case of a county having adopted article 5 of that act (C. 40:41A-59 et seq.), or the president of the board of chosen freeholders in the case of any other county, shall be appointed to serve ex officio, as a non-voting member of an authority.

7. Section 11 of P. L. 1960, c. 183 (C. 40:37A-54) is amended to read as follows:

C. 40:37A-54 Purposes.

11. The purposes of every authority shall be (a) provision within the county of public facilities for use by the State, the county, or any municipality in the county, or any two or more or any subdivisions, departments, agencies or instrumentalities of any of the foregoing for any of their respective governmental purposes, (b) provision within the county of public facilities for use as convention halls, or the rehabilitation, improvement or enlargement of any convention hall, including appropriate and desirable appurtenances located within the convention hall or near, adjacent to or over it within boundaries determined at the discretion of the authority, including but not limited to office facilities, commercial facilities, community service facilities, parking facilities, hotel facilities and other facilities for the accommodation and entertainment of tourists and visitors, (c) provision within the county of structures, franchises, equipment and facilities for operation of public transportation or for terminal purposes, including development and improvement of port terminal structures, facilities and equipment for public use in counties in, along or through which a navigable river flows, (d) provision within the county of structures or other facilities used or operated by the authority or any governmental unit in connection with, or relative to development and improvement of, aviation for military or civilian purposes, including research in connection therewith, and including structures or other facilities for the accommodation of passengers, (e) provision within the county of a public facility for a combination of governmental and nongovernmental uses; provided that not more

than 50% of the usable space in any such facility shall be made available for nongovernmental use under a lease or other agreement by or with the authority, (f) acquisition of any real property within the county, with or without the improvements thereof or thereon or personal property appurtenant or incidental thereto, from the United States of America or any department, agency or instrumentality heretofore or hereafter created, designated or established by or for it, and the clearance, development or redevelopment, improvement, use or disposition of the acquired lands and premises in accordance with the provisions and for the purposes stated in this act, including the construction, reconstruction, demolition, rehabilitation, conversion, repair or alteration of improvements on or to said lands and premises, and structures and facilities incidental to the foregoing as may be necessary, convenient or desirable, (g) acquisition, construction, maintenance and operation of garbage and solid waste disposal systems for the purpose of collecting and disposing of garbage, solid waste or refuse matter, whether owned or operated by any person, the authority or any other governmental unit, within or without the county, (h) the improvement, furtherance and promotion of the tourist industries and recreational attractiveness of the county through the planning, acquisition, construction, improvement, maintenance and operation of facilities for the recreation and entertainment of the public, which facilities may include, without being limited to, a center for the performing and visual arts, (i) provision of loans and other financial assistance and technical assistance for the construction, reconstruction, demolition, rehabilitation, conversion, repair or alteration of buildings or facilities designed to provide decent, safe and sanitary dwelling units for persons of low and moderate income in need of housing, including the acquisition of land, equipment or other real or personal properties which the authority determines to be necessary, convenient or desirable appurtenances, all in accordance with the provisions of this act, as amended and supplemented, (j) planning, initiating and carrying out redevelopment projects for the elimination, and for the prevention of the development or spread of blighted, deteriorated or deteriorating areas and the disposition, for uses in accordance with the objectives of the redevelopment project, of any property or part thereof acquired in the area of such project, and (k) any combination or combinations of the foregoing.

8. Section 12 of P. L. 1960, c. 183 (C. 40:37A-55) is amended to read as follows:

C. 40:37A-55 Additional powers.

12. Every authority shall be a public body politic and corporate constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public convenience, benefit and welfare and shall have perpetual succession and, for the effectuation of its purposes, have the following additional powers:

(a) To adopt and have a common seal and to alter the same at pleasure;

(b) To sue and be sued;

(c) To acquire, hold, use and dispose of its facility charges and other revenues and other moneys;

(d) To acquire, rent, hold, use and dispose of other personal property for the purposes of the authority;

(e) Subject to the provisions of section 26 of this act, to acquire by purchase, gift, condemnation or otherwise, or lease as lessee, real property and easements or interests therein necessary or useful and convenient for the purposes of the authority, whether subject to mortgages, deeds of trust or other liens or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the authority; provided that the authority may dispose of such property at any time to any governmental unit or person if the authority shall receive a leasehold interest in the property for such term as the authority deems appropriate to fulfill its purposes;

(f) Subject to the provisions of section 13 of this act, to lease to any governmental unit or person, all or any part of any public facility for such consideration and for such period or periods of time and upon such other terms and conditions as it may fix and agree upon;

(g) To enter into agreements to lease, as lessee, public facilities for such term and under such conditions as the authority may deem necessary and desirable to fulfill its purposes, and to agree, pursuant thereto, to be unconditionally obligated to make payments for the term of the lease, without set-off or counterclaim, whether or not the public facility is completed, operating or operable, and notwithstanding the destruction of, damage to, or suspension, interruption, interference, reduction or curtailment of the availability or output of the public facility to which the agreement applies;

(h) To extend credit or make loans to any governmental unit or person for the planning, design, acquisition, construction, equipping and furnishing of a public facility, upon the terms and conditions that the loans be secured by loan and security agreements, mortgages, leases and other instruments, the payments on which shall be sufficient to pay the principal of and interest on any bonds issued for the purpose by the authority, and upon such other terms and conditions as the authority shall deem reasonable;

(i) Subject to the provisions of section 13 of this act, to make agreements of any kind with any governmental unit or person for the use or operation of all or any part of any public facility for such consideration and for such period or periods of time and upon such other terms and conditions as it may fix and agree upon;

(j) To borrow money and issue negotiable bonds or notes or other obligations and provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

(k) To apply for and to accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the authority from any governmental unit or person, and to make and perform agreements and contracts and to do any and all things necessary or useful and convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

(l) To determine the location, type and character of any public facility and all other matters in connection with all or any part of any public facility which it is authorized to own, construct, establish, effectuate or control;

(m) To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of any public facility, and to amend the same;

(n) To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contract with any governmental unit or person;

(o) To acquire, purchase, construct, lease, operate, maintain and undertake any project and to fix and collect facility charges for the use thereof;

(p) To mortgage, pledge or assign or otherwise encumber all or any portion of its revenues and other income, real and personal property, projects and facilities for the purpose of secur-

ing its bonds, notes and other obligations or otherwise in furtherance of the purpose of this act;

(q) To extend credit or make loans to redevelopers for the planning, designing, acquiring, constructing, reconstructing, improving, equipping and furnishing any redevelopment project or redevelopment work;

(r) To conduct examinations and investigations, hear testimony and take proof, under oath at public or private hearings of any material matter, require the attendance of witnesses and the production of books and papers and issue commissions for the examination of witnesses who are out of the State, unable to attend, or excused from attendance;

(s) To authorize a committee designated by it consisting of one or more members, or counsel, or any officer or employee to conduct any such investigation or examination, in which case such committee, counsel, officer or employee shall have power to administer oaths, take affidavits and issue subpoenas or commissions; and

(t) To enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the authority or to carry out any power expressly given in this act subject to P. L. 1971, c. 198, "Local Public Contracts Law" (C. 40A:11-1 et seq.).

9. Section 14 of P. L. 1960, c. 183 (C. 40:37A-57) is amended to read as follows:

C. 40:37A-57 Facility charges.

14. Every authority is hereby authorized to charge and collect tolls, rents, rates, fares, fees or other charges (in this act sometimes referred to as "facility charges") in connection with, or for the use or services of, or otherwise relating to, any public facility or other property owned, leased or controlled by the authority. Such facility charges may be charged to and collected from any governmental unit or person and such governmental unit or person shall be liable for and shall pay such facility charges to the authority at the time when and place where such charges are due and payable.

10. Section 17 of P. L. 1960, c. 183 (C. 40:37A-60) is amended to read as follows:

C. 40:37A-60 Bond resolution.

17. For the purpose of (1) financing the cost of any public facility or facilities (in this act sometimes referred to as the

“project”), or (2) funding or refunding any bonds, the authority shall authorize and provide for the issuance of bonds by a resolution (in this act sometimes referred to as the “bond resolution”). Pursuant to the bond resolution, bonds may be issued in one or more series and shall bear such date or dates, mature at such time or times not exceeding 40 years from the date thereof, bear interest at such rate or rates, which may be fixed or may change, at such time or times and according to such formula or method of determination, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable from such sources, in such medium of payment, at such place or places within or without the State, and be subject to such terms of redemption (with or without premium) as the bond resolution may provide. The authority may also authorize bonds to be issued and sold from time to time and delegate to such officer or agent of the authority as the authority shall designate the power to determine the time and manner (public or private) of sale, the maturities and rate or rates of interest (which may be fixed or may change, at such time or times and in accordance with a specified formula or method of determination), and such other terms and conditions as may be deemed appropriate by the officer or agent of the authority so designated; provided, however, that the amounts and maturities of and interest rate or rates on such bonds shall be within the limits prescribed by the authority in its delegation to the officer or agent of the power to authorize the sale and issuance of bonds. The authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds on which the principal and interest are payable (a) exclusively from the income and revenues of the project financed with the proceeds of such bonds; (b) exclusively from the income and revenues of certain designated projects whether or not they are financed in whole or in part with the proceeds of such bonds; or (c) from its revenues generally. Any such bonds may be additionally secured by a pledge of any grant or contributions from any governmental unit or person or a pledge of any income or revenues of the authority from any source whatsoever, or by a mortgage or pledge of all or any part of the real or personal property of the authority, including property which is acquired, improved, constructed, financed or refinanced by the proceeds of such bonds.

11. Section 37 of P. L. 1960, c. 183 (C. 40:37A-80) is amended to read as follows:

C. 40:37A-80 Guaranty of bonds.

37. For the purpose of aiding an authority in the planning, undertaking, acquisition, construction, financing or operation of any facility which the authority is authorized to undertake pursuant to section 11 of P. L. 1960, c. 183 (C. 40:37A-54), the county may, pursuant to resolution duly adopted by its governing body, or any municipality in the county may, by ordinance of its governing body, in the manner provided for adoption of a bond ordinance as provided in the local bond law and with or without consideration and upon such terms and conditions as may be agreed to by and between the county or the municipality and the authority, unconditionally guarantee the punctual payment of the principal of and interest on any bonds of the authority. Any guaranty of bonds of an authority made pursuant to this section shall be evidenced by endorsement thereof on such bonds, executed in the name of the county or the municipality and on its behalf by such officer thereof as may be designated in the resolution or ordinance authorizing such guaranty, and such county or municipality shall thereupon and thereafter be obligated to pay the principal of and interest on said bonds in the same manner and to the same extent as in the case of bonds issued by it. Any such guaranty of bonds of an authority may be made, and any resolution authorizing such guaranty may be adopted, notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the local bond law, but the principal amount of bonds so guaranteed, shall, after their issuance, be included in the gross debt of such county or municipality for the purpose of determining the indebtedness of such county or municipality under or pursuant to the local bond law. The principal amount of said bonds so guaranteed and included in gross debt shall be deducted and is hereby declared to be and to constitute a deduction from such gross debt under and for all the purposes of said local bond law (a) from and after the time of issuance of said bonds until the end of the fiscal year beginning next after the completion of acquisition or construction of the facility to be financed from the proceeds of such bonds and (b) in any annual debt statement filed pursuant to said local bond law as of the end of said fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year

on account of the principal and interest on all such guaranteed bonds, all bonds of the county or any municipality issued as provided in section 36 of this act (C. 40:37A-79), and all bonds of the authority issued under this act.

12. Section 40 of P. L. 1960, c. 183 (C. 40:37A-83) is amended to read as follows:

C. 40:37A-83 Payments in lieu of taxes.

40. Every authority and every municipality in which any property of the authority is located are hereby authorized and empowered to enter into agreements with respect to the payment by the authority to such municipality of annual sums of money in lieu of taxes on such property in such amounts as may be agreed upon between the authority and the municipality, and each such authority is empowered to make such payments and each such municipality is empowered to accept such payments and to apply them in the manner in which taxes may be applied in such municipality; provided, however, that no such annual payment with respect to any parcel of such property shall exceed the amount to be derived by applying the current general tax rate for the taxing district in which such property is located to the assessed and taxable value of such property for the taxable year immediately prior to the time of its acquisition by the authority. In the case of a new facility constructed and owned by the authority, the authority is empowered to enter into an agreement with the municipality to make payments in lieu of taxes on such facility, so long as such payments do not exceed the amount derived by applying the current local purposes tax rate for such taxing district to the actual cost of construction of the facility; provided, however, that in the first through fourth years of such payments they shall not exceed 40% of the amount so derived, in the fifth through eighth years 50% of the amount so derived, in the ninth through twelfth years 65% of the amount so derived, and in the thirteenth through sixteenth years 80% of the amount so derived, until in the seventeenth year and all subsequent years the payments shall not exceed the amount derived as hereinbefore described. Notwithstanding the aforesaid provisions of this section, whenever any person, pursuant to subsection e. or j. of section 11 of this act (C. 40:37A-54), shall occupy space within a public facility for a nongovernmental use which is not itself tax exempt, whether as lessee, vendee or otherwise, such person shall, as long as title thereto shall remain in the authority, pay to the political subdivi-

sion in which such facility is located a payment in lieu of taxes which shall equal the taxes on real and personal property, including water and sewer service charges or assessments, which such person would have been required to pay had it been the owner of such property or portion thereof during the period, and neither the authority nor its projects, properties, money or bonds and notes shall be obligated, liable or subject to lien of any kind for the enforcement, collection or payment thereof. Further, notwithstanding the aforesaid provisions of this section, during the time an authority is managing, operating and maintaining real property for a redevelopment project prior to actual rehabilitation, clearance, development, or redevelopment of such property or sale, lease or other disposal of such property pursuant to the provisions hereof, it may pay to the municipality in which the real property is situated out of the net income from the property, in lieu of taxes, an annual service charge for municipal services supplied to said property in an amount not exceeding the tax on the property for the year it was acquired by the authority. The amount of such annual service charge shall be as set forth in a written agreement to be entered into between the municipality and the authority.

13. Section 42 of P. L. 1960, c. 183 (C. 40:37A-85) is amended to read as follows:

C. 40:37A-85 Exempt from taxation.

42. All properties of an authority are hereby declared to be public property of a political subdivision of the State and those properties, and all public facilities, whether or not owned by the authority, are devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or any subdivision thereof. All bonds issued pursuant to this act are hereby declared to be issued by a political subdivision of this State and for an essential public and governmental purpose and to be a public instrumentality and such bonds, and the interest thereon and the income therefrom, and all facility charges, funds, revenues and other moneys pledged or available to pay or secure the payment of such bonds, or interest thereon, shall at all times be exempt from taxation except for transfer inheritance and estate taxes.

14. Section 2 of P. L. 1979, c. 275 (C. 40:37A-107) is amended to read as follows:

C. 40:37A-107 Definitions.

2. As used in this act:

a. "Authority" means any public body created pursuant to the "county improvement authorities law," P. L. 1960, c. 183 (C. 40:37A-44 et seq.).

b. "Bonds, bond anticipation notes and other notes and obligations," or "bonds, bond anticipation notes or other notes or obligations" mean any bonds, notes, debentures or other evidences of financial indebtedness issued by the authority pursuant to this act.

c. "Family" means two or more persons related by blood, marriage or adoption who live or expect to live together as a single household in the same dwelling unit; provided, however, that any individual who (1) has attained retirement age as defined in section 216a of the Federal Social Security Act, or (2) is under a disability as defined in section 223 of that act, or (3) is the surviving member of a family whose other members died during occupancy of a housing project, shall be considered as a family for purposes of permitting continued occupancy of the dwelling unit occupied by such family. The authority may provide by rule or regulation that any other individual not specified in this subsection shall be considered as a family for the purpose of this subsection.

d. "Family of low and moderate income" means a family (1) whose income is too low to compete successfully in the normal rental or mutual housing market, and (2) whose gross aggregate family income does not exceed the limits established under this act.

e. "Gross aggregate family income" means the total annual income of all members of a family, from whatever source derived, including, but not limited to, pension, annuity, retirement and social security benefits; except that the authority may, by rule or regulation, exclude therefrom: (1) such reasonable allowances for dependents, (2) such reasonable allowances for medical expenses, (3) all or any part of the earnings of any family members below the age of 18 years, or of any other family members, other than the chief wage earner, (4) such income as is not received regularly by any family member, or (5) any two or more such items.

f. "Housing project" or "project" means any work or undertaking, whether new construction or rehabilitation, which is designed for the primary purpose of providing decent, safe and sanitary dwelling units for families of low and moderate income in need of housing, including any buildings, land, equipment, facilities, or other real or personal properties, such as streets, sewers, utilities, parks, site preparation, landscaping, stores, offices, and administrative, community, health, recreational, educational and

welfare facilities, all as determined by the authority to be necessary, convenient or desirable appurtenances to improve or enhance the housing project and the neighborhood or area in which the housing project is located.

g. "Municipality" means any municipality located within the county wherein the authority has been established.

h. "Mutual housing" means a housing project operated or to be operated upon completion of construction or rehabilitation exclusively for the benefit of the families of moderate income who are entitled to occupancy by reason of ownership of stock in the qualified housing sponsor, or as a co-owner in a horizontal property regime pursuant to the "Horizontal Property Act," P. L. 1963, c. 168 (C. 46:8A-1 et seq.) or as a condominium unit owner pursuant to the "Condominium Act," P. L. 1969, c. 257 (C. 46:8B-1 et seq.), provided, however, the authority may adopt rules and regulations permitting a reasonable percentage of space in such project to be rented for residential or for commercial use.

i. "Project cost" means the sum total of all costs incurred in the development of a housing project, which are approved by the authority as reasonable and necessary, less any and all net rents and other net revenues received from the operation of the real and personal property on the project site during construction. Costs shall include, but are not necessarily limited to: (1) cost of land acquisition and any buildings thereon, (2) cost of site preparation, demolition and development, (3) architect, engineer, legal, authority and other fees paid or payable in connection with the planning, execution and financing of the project, (4) cost of necessary studies, surveys, plans and permits, (5) insurance, interest, financing, tax and assessment costs and other operating and carrying costs during construction, (6) cost of construction, reconstruction, fixtures, and equipment related to the real property, (7) cost of land improvements, (8) necessary expenses in connection with initial occupancy of the project, (9) a reasonable profit or fee to the builder and developer, (10) an allowance established by the authority for working capital and contingency reserves, and reserves for any anticipated operating deficits during the first 2 years of occupancy, and (11) the cost of such other items, including tenant relocation, as the authority shall determine to be reasonable and necessary for the development of the project.

All project costs shall be subject to approval and audit by the authority. The authority may adopt rules and regulations specifying in detail the types and categories of costs which shall be allow-

able if actually incurred in the construction or reconstruction of a housing project.

j. "Qualified housing sponsor" means: (1) any housing corporation qualified under the provisions of the "Limited-Dividend Nonprofit Housing Corporations or Associations Law," P. L. 1949, c. 184 (C. 55:16-1 et seq.), (2) any urban renewal corporation or association qualified under the provisions of the "Urban Renewal Corporation and Association Law of 1961," P. L. 1961, c. 40 (C. 40:55C-40 et seq.) or any urban renewal nonprofit corporation or association qualified under the provisions of "Urban Renewal Nonprofit Corporation Law of 1965," P. L. 1965, c. 95 (C. 40:55C-77 et seq.), which has as one of its purposes the construction, rehabilitation or operation of housing projects, (3) any general corporation formed under the provisions of Title 14 of the Revised Statutes or Title 14A of the New Jersey Statutes, which has as one of its purposes the construction, rehabilitation or operation of housing projects, (4) any corporation or association organized not for profit under the provisions of Title 15 of the Revised Statutes or any other law of this State, which has as one of its purposes the construction, rehabilitation or operation of housing projects, (5) any horizontal property regime formed under the "Horizontal Property Act," P. L. 1963, c. 168 (C. 46:8A-1 et seq.) or any condominium formed under the "Condominium Act," P. L. 1969, c. 527 (C. 46:8B-1 et seq.), which has as one of its purposes the construction, rehabilitation or operation of housing projects, and (6) any individual, partnership, limited partnership, joint venture or other association, including a partnership, limited partnership, joint venture or association in which the authority is a general or limited partner or participant, approved by the authority as qualified to own, construct, rehabilitate, operate, manage and maintain a housing project.

k. "Required minimum capital reserve" means the reserve amount required to be maintained in each housing finance fund under the provisions of this act.

l. "Amortized value" means for securities purchased at a premium above or a discount below par, the value as of any given date obtained by dividing the total amount of the premium or the discount at which such securities were purchased by the number of days remaining to maturity on such securities at the time of such purchase and by multiplying the amount so calculated by the number of days having passed from the date of such purchase; and (1) in the case of securities purchased at a premium, by de-

ducting the product thus obtained from the purchase price, and (2) in the case of securities purchased at a discount, by adding the product thus obtained to the purchase price.

15. Section 3 of P. L. 1979, c. 275 (C. 40:37A-108) is amended to read as follows:

C. 40:37A-108 Powers of authority.

3. a. The authority, for the purpose of carrying out the purposes of this act, may:

(1) Accept from qualified housing sponsors applications for loans;

(2) Enter into agreements with qualified housing sponsors for permanent loans and temporary loans or advances in anticipation of such permanent loans for the construction or rehabilitation of housing projects;

(3) Make permanent loans and temporary loans or advances in anticipation of such permanent loans to qualified housing sponsors under the provisions of this act;

(4) Enter into agreements with other agencies or instrumentalities of the State or any political subdivisions of the State for the purpose of providing loans and other financial assistance in order to promote housing projects in any municipality; and

(5) Prepare, carry out, acquire, own, lease and operate housing projects and provide for the construction, reconstruction, improvement, alteration or repair of those housing projects, and to lease or rent any dwellings, accommodations, lands, buildings, structures or other facilities comprising a housing project, subject to the limitations of this act.

b. No application for a loan for the construction or rehabilitation of a housing project to be located in any municipality shall be processed unless there shall be filed with the secretary of the authority prior to such application a certified copy of a resolution adopted by said municipality reciting that there is a need for low and moderate income housing projects in said municipality.

16. Section 6 of P. L. 1979, c. 275 (C. 40:37A-111) is amended to read as follows:

C. 40:37A-111 Terms and conditions of loans.

6. Loans made by the authority shall be subject to the following terms and conditions:

a. The loan shall be for a period of time not in excess of 50 years as determined by the authority;

b. The amount of the loan shall not exceed 90% of the project cost as determined by the authority, except that in the case of projects to be owned, constructed, rehabilitated, operated, managed and maintained as mutual housing or by any corporation or association organized not for profit which has as one of its purposes the construction or rehabilitation of housing projects, the amount of the loan shall not exceed 100% of the project cost as determined by the authority; provided, however, that any such loan shall be subject to an agreement between the authority and any such corporation or association organized not for profit or for mutual housing, prohibiting the transfer of ownership or management responsibilities by said corporation or association at any time prior to repayment of at least 10% of the original loan, unless the transfer of ownership or management responsibilities is ordered by a court of competent jurisdiction to a qualified housing sponsor;

c. The interest rate on the loan shall be established by the authority at the lowest level consistent with the authority's cost of operation and its responsibilities to the holders of its bonds, bond anticipation notes and other obligations;

d. The loan shall be evidenced by a mortgage note or bond and by a mortgage which shall be a first lien on the project, except as provided in subsection i. of this section, and which shall contain such terms and provisions and be in such form, as approved by the authority. The authority shall require the qualified housing sponsor receiving a loan or its contractor to post labor and materials, and construction performance, surety bonds in amounts related to the project cost as established by rule or regulation, and to execute such other assurances and guarantees as the authority may deem necessary, and may require its principals or stockholders to also execute such other assurances and guarantees as the authority shall deem necessary;

e. The loan shall be subject to an agreement between the authority and the qualified housing sponsor which will subject said qualified housing sponsor and its principals or stockholders to limitations established by the authority as to rentals and other charges, builders' and developers' profits and fees, and the disposition of its property and franchises, to the extent more restrictive limitations are not provided by the law under which the borrower is incorporated or organized;

f. The loan shall be subject to an agreement between the authority and the qualified housing sponsor limiting said qualified

housing sponsor, and its principals or stockholders, to a return of 8% per annum of its investment in any housing project assisted with a loan from the authority. No qualified housing sponsor which is permitted by the provisions of the law under which it is organized or incorporated to earn a return on its investment, nor any of the principals or stockholders of such qualified housing sponsor, shall at any time earn, accept or receive a return greater than 8% per annum of its investment in any housing project assisted with a loan from the authority whether upon the completion of the construction or rehabilitation of such project, or upon the operation thereof, or upon the sale, assignment or lease of such project to any other person, association or corporation;

g. No loan shall be executed, except a loan made to a corporation or association organized not for profit which has as one of its purposes the construction or rehabilitation of housing projects or for mutual housing, unless the qualified housing sponsor agrees: (1) to certify upon completion of project construction or rehabilitation, subject to audit by the authority, either that the project cost as defined in this act exceeded the amount of the loan proceeds by 10% or more, or the amount by which the loan proceeds 90% of the project cost; and (2) to pay forthwith to the authority, to be applied to reduce the principal of the loan, the amount, if any, of such excess loan proceeds, subject to audit and determination by the authority. No loan shall be made to a corporation or association organized not for profit or for mutual housing unless it agrees to certify the project cost upon completion of the project, subject to audit and determination by the authority, and further agrees to pay forthwith to the authority, to be applied to reduce the principal of the loan, the amount, if any, by which the proceeds of the loan exceed the certified project cost, subject to audit and determination by the authority. Notwithstanding the provisions of this subsection, the authority may accept, in lieu of any certification of project cost as provided herein, such other assurances of the said project cost, in any form or manner whatsoever, as will enable the authority to determine with reasonable accuracy the amount of said project cost;

h. No loan shall be made for the construction or rehabilitation of a housing project for which tax exemption is granted by a municipality unless such tax exemption remains in effect during the entire term of the loan, unless a lesser period of tax exemption is approved by the authority; and

i. Notwithstanding any other provisions of this section to the

contrary, the authority may, if it shall determine that the construction or rehabilitation of low and moderate income housing would be facilitated thereby and that financial benefits may as a result be obtained for families who would reside in the housing, make a loan to a qualified housing sponsor that shall be subordinated to one or more loans holding senior liens on the land on which the project is to be constructed, or on the building or buildings, the rehabilitation of which is to be financed in whole or in part by the authority.

17. Section 22 of P. L. 1979, c. 275 (C. 40:37A-127) is amended to read as follows:

C. 40:37A-127 Exempt from levy and sale.

22. All property of the authority, except as otherwise provided herein, shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against the same nor shall any judgment against the authority be a charge or lien upon its property; provided, that nothing herein shall apply to or limit the rights of the holder of any bonds, bond anticipation notes or other notes or obligations to pursue any remedy for the enforcement of any pledge or lien given by the authority on its revenues or other moneys; and provided, further, that nothing herein shall limit the authority's ability to enter into partnerships, limited partnerships, joint ventures or other associations as a general partner, limited partner or participant therein.

18. Section 26 of P. L. 1979, c. 275 (C. 40:37A-131) is amended to read as follows:

C. 40:37A-131 Additional powers.

26. In order to carry out the purposes and provisions of this act, the authority in addition to any powers granted to it elsewhere in this act or the "county improvement authorities law," P. L. 1960, c. 183 (C. 40:37A-44 et seq.), shall have the following powers:

a. To conduct examinations and hearings and to hear testimony and take proof, under oath or affirmation, at public or private hearings, on any matter material for its information and necessary to carry out the provisions of this act;

b. To issue subpoenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing before such authority or before one or more of the members of the authority appointed by it to conduct such hearing;

c. To apply to any court, having territorial jurisdiction of the offense, to have punished for contempt any witness who refuses

to obey a subpoena, or who refuses to be sworn or affirmed to testify, or who is guilty of any contempt after summons to appear;

d. To acquire by purchase, gift, foreclosure or condemnation any real or personal property, or any interest therein, to enter into any lease of property and to hold, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage lien interest owned by it or under its control, custody or in its possession and release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including any equity or right of redemption, in property foreclosed by it and to do any of the foregoing by public or private sale, with or without public bidding, notwithstanding the provisions of any other law;

e. To adopt such rules and regulations as shall be expressly authorized by this act and such additional rules and regulations as shall be necessary or desirable to carry out the purposes of this act;

f. To borrow money or secure credit on a temporary, short-term, interim or on a long-term basis, and to issue negotiable bonds, bond anticipation notes or other notes or obligations and to provide for and secure the payment thereof and to provide for the rights of the holders thereof;

g. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, including contracts or agreements with qualified financial institutions for the servicing and processing of mortgage loans pursuant to this act;

h. To do and perform any acts and things authorized by this act under, through, or by means of its officers, agents or employees or by contract with any person, firm or corporation;

i. To finance by mortgage loans or otherwise the construction or rehabilitation of housing projects and to make temporary loans or advances in anticipation of permanent loans, and to make funds for mortgage and other loans available to appropriate and qualified entities as may be designated by the authority;

j. To receive and accept aid or contributions from any source of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this act, subject to such conditions upon which such grants and contributions may be made, including, but not limited to, gifts or grants from any department or agency of the United States or this State for payment of rent supplements or rental assistance to eligible families or for the

payment in whole or in part of the interest expense for a housing project or for any other purpose consistent with this act;

k. To enter into agreements to pay annual sums in lieu of taxes to any political subdivision of the State with respect to any real property owned or operated directly by the authority for purposes of this act;

l. To procure insurance against any loss in connection with its property, operations and assets (including mortgages and loans) in such amounts and from such insurers as it deems desirable;

m. To the extent permitted under its contract with the holders of bonds, bond anticipation notes and other notes or obligations of the authority, to consent to any modification with respect to rate of interest, time and payment of any installment of principal or interest, security or any other term of any mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind to which the authority is a party;

n. To the extent permitted under its contract with the holders of bonds, bond anticipation notes and other notes or obligations, to enter into contracts with any qualified housing sponsor containing provisions enabling the said qualified housing sponsor to reduce the rental or carrying charges to persons unable to pay the regular schedule of charges where by reason of other income or payment from the authority, any department or agency of the United States or this State, such reductions can be made without jeopardizing the economic stability of the housing project;

o. To establish and revise from time to time and charge and collect such fees and charges including, but not limited to, payment for all costs of financing by the authority, services, mortgage insurance premiums, reserves against losses, reimbursement for advances made to the authority, as the authority shall determine are reasonable to enable the authority, to the extent feasible, to be self-sustaining;

p. Subject to any agreement with holders of bonds, bond anticipation notes or other notes or obligations, to invest and reinvest any moneys of the authority not required for immediate use or disbursement, including proceeds from the sale of any bonds, bond anticipation notes or other notes or obligations and any moneys held in the housing finance funds, reserve funds or sinking funds, in such obligations, securities and other investments as the authority shall deem prudent;

q. Subject to any agreement with the holders of bonds, bond anticipation notes or other notes or obligations, to purchase bonds,

bond anticipation notes or other notes or obligations of the authority out of any funds or money of the authority available therefor, and to hold, cancel to resell such bonds, bond anticipation notes or other notes or obligations;

r. To provide, contract or arrange for, where by reason of the financing arrangement, review of the application and proposed construction of a project is required by or in behalf of any department or agency of the United States, consolidated processing of any such application or supervision to avoid duplication thereof by either undertaking the processing in whole or in part for any such department or agency or, in the alternative, delegating the processing in whole or in part to any such department or agency;

s. To make mortgage loans and to participate with any department or agency of the United States, this State, a municipality, or any banking institution, foundation, labor union, insurance company, trustee or fiduciary in a loan to a qualified housing sponsor secured by a single participating mortgage or by separate mortgages, the interest of each having equal priority as to lien in proportion to the amount of the loan so secured, but need not be equal as to interest rate, time or rate of amortization or otherwise and to undertake commitments to make such loans;

t. To sell, at public or private sale, with or without bidding, any mortgage or other obligation securing a mortgage loan made by the authority;

u. To make commitments to purchase, and to purchase, service and sell, mortgages insured by any department or agency of the United States, and to make loans directly upon the security of any such mortgage;

v. To enter into partnerships, limited partnerships, joint ventures or other associations as a general partner, limited partner or participant therein with qualified housing sponsors to carry out the purposes of the authority;

w. To provide qualified housing sponsors and other individuals and organizations with such advisory consultation, training and educational services as will increase the availability and supply of housing and increase housing opportunities for low and moderate income families, including but not limited to assistance in community development and organization, home management and advisory services for the residents of the housing projects, and to encourage community organizations to assist in developing such projects;

x. To administer funds established for the provision of

loans and grants, including but not limited to revolving loan funds established pursuant to P. L. 1947, c. 71 (C. 40:48-8.15 et seq.), to qualified housing sponsors and other individuals and organizations, for the purpose of increasing the availability and supply of housing for low and moderate income families;

y. To encourage research in, and demonstration projects to develop, new and better techniques and methods for increasing the supply of housing for moderate income families and to engage in such research and demonstration projects and to receive and accept contributions, grants or aid, from any source, public or private, including, but not limited to the United States and this State, for carrying out this purpose;

z. To provide to qualified housing sponsors through mortgage loans or otherwise, financing or refinancing of fully completed, as well as partially completed, projects which may or may not be occupied, provided that said projects meet all the requirements of the act; and

aa. To do any and all things necessary or convenient to carry out its purposes and exercise the powers given and granted the act.

C. 40:37A-131.1 Payments in lieu of taxes not to exceed 20% of annual gross revenue; determination of assumed assessed value.

19. (New section) a. For the purposes of the "county improvement authorities law," P. L. 1960, c. 183 (C. 40:37A-44 et seq.), where by reason of the provisions of any other law a qualified housing sponsor has entered, or intends to enter, into any agreement with any municipality to make payments in lieu of taxes, or to obtain special tax treatment of any real property of the qualified housing sponsor to be financed by the authority, that agreement may, notwithstanding any provisions of any such other law to the contrary, require the qualified housing sponsor to pay to the municipality an amount not exceeding 20% of the annual gross revenue from each housing project situated on the real property for each year of the project's operation following its substantial completion. For the purpose of this section, "annual gross revenue" means the total annual gross rental or carrying charge and other income of a qualified housing sponsor from a housing project. Any agreement between any qualified housing sponsor and a municipality pursuant to this section shall be submitted to the authority for review in order to avoid duplicative or inconsistent regulations or provisions, and any municipality and any qualified housing sponsor may, with the

approval of the authority, enter into any such agreement as is not inconsistent with P. L. 1960, c. 183.

b. For the purposes of apportioning the amounts to be raised in the respective municipalities in each county pursuant to R. S. 54:4-49, the county board of taxation shall, for each municipality, include in the equalization table for the county the assumed assessed value of the property represented by the amount of payments in lieu of property taxes to any municipality pursuant to this section.

The assumed assessed value of such property in each municipality shall be determined by the county board of taxation in the following manner: (1) the amount of payments in lieu of real property taxes received by each municipality during the preceding tax year pursuant to this section shall be divided by the general tax rate of the municipality for such preceding tax year to obtain an assumed assessed value of such property; (2) this assumed assessed value shall be divided by the fraction produced by dividing the aggregate assessed value by the aggregate true value of the real property as determined by the county board of taxation for equalization purposes in the current tax year, exclusive of class II railroad property, in the municipality; and (3) the resulting quotient shall be included in the net valuation of each municipality on which county taxes are apportioned.

For the first tax year during which any payments in lieu of real property taxes are made to any municipality pursuant to this section, there shall be included in the equalization table for the county the true value of the property as determined by the assessor in the tax year immediately prior to the tax year in which any payments in lieu of taxes are made pursuant to this section.

20. Section 5 of P. L. 1981, c. 461 (C. 40:48-8.30a) is amended to read as follows:

C. 40:48-8.30a Revenues to be applied to finance and maintain facilities.

5. a. Beginning July 1, 1981, and until such time as the conditions set forth in subsection b. of this section are met, the revenues deposited by the State Treasurer in the fund created in section 5 of P. L. 1979, c. 273 (C. 40:48-8.30), shall be applied for the purposes of financing and maintaining facilities authorized pursuant to section 11 of P. L. 1960, c. 183 (C. 40:37A-54) located in any eligible municipality, to be limited to:

(1) Payment of all or any part of principal and interest on bonds issued for low and moderate income housing pursuant to sections

1 through 26 of P. L. 1979, c. 275 (C. 40:37A-106 through 40:37A-131);

(2) Establishment of funds to provide security for bonds, notes or other obligations, or loans made from the proceeds of those obligations, pursuant to sections 1 through 26 of P. L. 1979, c. 275 (C. 40:37A-106 through 40:37A-131);

(3) Establishment of revolving loan and grant funds for the purpose of increasing housing opportunities for low and moderate income families consistent with the purposes of sections 1 through 26 of P. L. 1979, c. 275 (C. 40:37A-106 through 40:37A-131).

b. Commencing on that date which is the later of (i) January 1, 1984, or (ii) 6 months prior to the first date on which any payment of principal or interest on any bonds or notes issued for, or any payment of rent under any lease entered into by a county improvement authority in connection with, the acquisition, construction, reconstruction or improvement of a convention hall facility to accomplish the purposes of a county improvement authority as set forth in subsection (b) of section 11 of P. L. 1960, c. 183 (C. 40:37A-54(b)) are required to be made from the revenues collected pursuant to P. L. 1947, c. 71 (C. 40:48-8.15 et seq.), the revenues thereafter retained by the State Treasurer pursuant to section 7 of P. L. 1947, c. 71 (C. 40:48-8.21) shall be applied exclusively (1) in accordance with the provisions of the resolution or resolutions authorizing the issuance of bonds by that county improvement authority for that facility, to the payment of principal of and interest on bonds so issued, the maintenance of necessary reserves and the allocation of moneys for future debt service payments; or (2) in accordance with a lease between the lessor of a convention hall facility and the county improvement authority or other entity operating the convention hall facility, to the payments required under that lease; and for no other purpose, except as set forth in subsection c. or d. of this section. At the time that this subsection takes effect, all moneys then accumulated in the luxury tax fund shall be removed by the State Treasurer and deposited in a separate account to be known as the development fund, which proceeds, with the interest thereon, shall be used for any of the purposes set forth in subsection a. of this section.

c. At the end of any full calendar year occurring after the date on which the provisions of subsection b. of this section take effect, and after all payments coming due during that calendar year of principal and interest on county improvement authority bonds or notes issued for a convention hall facility have been made, and all

obligations have been met (1) to the holders of those bonds, including the maintenance of necessary reserves and the allocation of moneys for future debt service payments, or (2) to the lessor for lease payments under a lease entered into by the county improvement authority in connection with a convention hall facility, any balance remaining in the luxury tax fund in that calendar year shall be applied to any deficiency between the operating expense budget and the anticipated operating revenues available for the following fiscal year to the entity operating the convention hall facility.

d. At the end of any full calendar year occurring after the date on which the provisions of subsection b. of this section take effect, and after all payments have been made from the luxury tax fund pursuant to subsections b. and c., any moneys remaining in the luxury tax fund in that calendar year shall be deposited in the development fund and used for the purposes set forth in subsection a. of this section.

e. Pending application to the purposes for which moneys deposited in the development fund or the luxury tax fund may be used, the moneys in these funds shall be invested by the State Treasurer pursuant to applicable regulations prescribed for the investment of State moneys. Any income received from these investments shall be added to the fund from which earned, and used only for the purposes of that fund.

21. Section 8 of P. L. 1979, c. 273 (C. 40:48-8.33) is amended to read as follows:

C. 40:48-8.33 Local Finance Board review.

8. (a) Prior to the adoption of any resolution of a county improvement authority authorizing the issuance of notes or bonds for an authorized facility located in an eligible municipality, or authorizing establishment of a revolving fund, and with respect to which an application for financing pursuant to the provisions of this act is to be made, an application for the proposed project financing shall be submitted to the Local Finance Board for review and approval of a single revolving fund payment, or of estimated annual payments on behalf of said project for all or a portion of its annual debt service covering principal and interest or of any required lease payments. The Local Finance Board shall, in connection with such review and approval, give consideration to the engineering and feasibility studies prepared in connection with the project financing and the terms and provisions of the proposed financing agreements

or of any lease agreement, including any reserve funds required by the resolution and security agreements, and the amounts of State revenues expected to be paid pursuant to the provisions of this act. In connection with its review, the Local Finance Board may consider any estimates, computations or calculations made in connection with such submission, may require the production of any papers, documents, witnesses or information to be made, any audit or investigation, and may take any action which it may determine advisable.

(b) The Local Finance Board shall approve the proposed revolving fund payment or the proposed project financing and annual payments from the fund or funds created herein if it finds that:

(1) The purposes to which the proposed payment or payments will be put are consistent with the purposes of a county improvement authority under the "county improvement authorities law," P. L. 1960, c. 183 (C. 40:37A-44 et seq.), and with the purposes set forth in section 5 of P. L. 1981, c. 461 (C. 40:48-8.30a);

(2) The current and projected revenues to the fund from which the payment or payments are to be drawn, are anticipated to be adequate to meet the requirements of the payment or payments under consideration, taken in conjunction with any prior payments from the fund approved by the Local Finance Board;

(3) In the case of any issue of notes or bonds to be guaranteed by a county or municipality, as provided in section 37 of P. L. 1960, c. 183 (C. 40:37A-80), or to be provided with financial support by a county or municipality in some other fashion, the issuance of those notes or bonds will not materially impair the credit of the county or municipality providing the guarantee or other financial support, or substantially reduce its ability, during the ensuing 10 years, to pay punctually the principal and interest on its debts and supply essential public services and improvements.

(c) Any approval granted by the Local Finance Board shall be in writing and shall be filed with the secretary of the county improvement authority. Such approval may contain such conditions as the Local Finance Board may consider to be appropriate under the circumstances. Said approval shall include a statement of the principal amount of the bonds, or percentage thereof, for which payments will be made and the maturity schedule for such principal amount of bonds approved by said board, or the terms and provisions of the lease for which payments are to be made, as the case may be. The Local Finance Board, in considering such copy of the resolution or lease submitted to it and before endorsing its consent thereon may require the county improvement authority or the

governing body of any eligible municipality served by such county improvement authority to adopt resolutions restricting or limiting any future proceedings therein or other matters or things deemed by the Local Finance Board to affect any estimate made or to be made by it in accordance with this section, and every such resolution so adopted shall constitute a valid and binding obligation of such county improvement authority or municipality, as the case may be, running to and enforceable by, and releasable by, the Local Finance Board.

(d) At the time of its initial application to the Local Finance Board under this section, and at least annually thereafter, the county improvement authority shall submit to the Local Finance Board a report, based on the best information available to the authority with regard to relevant tax revenues, and the economic trends underlying such revenues, as well as anticipated undertakings by the authority utilizing the funds provided under P. L. 1947, c. 71 (C. 40:48-8.15 et seq.), containing projections of revenues to and expenditures from the luxury tax fund and development fund. Beginning one year after the initial report submitted under this section, each report shall also contain an assessment of the accuracy of the projections made in any previous report or reports.

22. Section 7 of P. L. 1981, c. 461 (C. 40:48-8.33a) is amended to read as follows:

C. 40:48-8.33a Financing of convention hall; report to Local Finance Board; certification to State Treasurer; transfer from luxury tax fund; alternate procedure.

7. a. Within 30 days after the issuance of any bonds or notes for, or the execution of a lease in connection with, the acquisition, construction, reconstruction or improvement of a convention hall facility as set forth in subsection b. of section 5 of this act (C. 40:48-8.30a), the county improvement authority shall file a report with the Local Finance Board setting forth, if applicable, the principal amount of bonds or notes issued for that project, the annual payments of principal and interest to be made on the bonds or notes with respect to that project, the terms and provisions of the financing undertaken for, or the lease entered into in connection with, the project, and such engineering and feasibility studies as may have been commissioned and used by the county improvement authority in connection with financing the project.

b. At least 90 days prior to the date set forth in subsection b. of section 5 of this act (C. 40:48-8.30a), an authorized officer of the county improvement authority issuing bonds or notes for, or

entering into a lease in connection with, the acquisition, construction, reconstruction or improvement of the convention hall facility shall notify the Director of the Division of Local Government Services in the Department of Community Affairs of the precise date on which the provisions of that subsection shall take effect, the amounts payable thereafter (1) on account of the principal and interest on, or reserve funding requirements on, those bonds or notes, or (2) as rent under the lease, and the name and address of the paying agent or agents for the bonds or notes, or of the lessor under the lease. The director shall, upon the receipt of that notice, verify the facts contained therein, and certify the same to the State Treasurer.

c. Following the certification in subsection b. of this section and upon the date set forth therein, the State Treasurer shall transfer all moneys accumulated in the luxury tax fund to the development fund as provided in subsection b. of section 5 of this act (C. 40:48-8.30a), and shall thereafter pay prior to each payment date from the luxury tax fund the amounts certified to be paid (1) to the appropriate paying agent or agents for the principal and interest on, or reserve funding requirements on, the bonds or notes, or (2) to the lessor as rent under the lease.

d. In lieu of the provisions of subsections a., b. and c. of this section and of the provisions of section 8 of P. L. 1979, c. 273 (C. 40:48-8.33), the following procedure may be followed if any portion of the payment of principal of and interest on, or reserve funding requirements on, any bonds or notes issued for, or the rental payments on any lease entered into in connection with, the acquisition, construction, reconstruction or improvement of a convention hall facility are to be paid from revenues, other than revenues derived under P. L. 1947, c. 71 (C. 40:48-8.15 et seq.), that are held in any funds by the State Treasurer:

(1) Prior to the adoption of a resolution authorizing the issuance of any bonds or notes for, or entering into a lease in connection with, the acquisition, construction, reconstruction or improvement of any convention hall facility, the county improvement authority shall submit the resolution or lease, as the case may be, to the Director of the Division of Local Government Services and to the State Treasurer for approval of the State Treasurer, which approval may be based upon recommendations of the director based upon findings made in a manner similar to that required of the Local Finance Board pursuant to subsection (b) of section 8 of P. L. 1979, c. 273 (C. 40:48-8.33);

(2) The State Treasurer shall, as provided in subsection b. of section 5 of this act (C. 40:48-8.30a), transfer, upon the date set forth in a certificate of the Director of the Division of Local Government Services which shall be in the form set forth in subsection b. of this section and delivered to the State Treasurer, all moneys accumulated in the luxury tax fund to the development fund; and

(3) The State Treasurer shall thereafter pay prior to each payment date from the luxury tax fund the amounts required to be paid (i) to the appropriate paying agent or agents in accordance with the provisions of the applicable resolution for principal of and interest on, or reserve funding requirements on, the bonds or notes, or (ii) to the lessor in accordance with the provisions of the lease as rent under the lease.

23. Section 12 of P. L. 1979, c. 273 (C. 40:48-8.37) is amended to read as follows:

C. 40:48-8.37 Entitled to benefits of act.

12. All of such bonds or notes when issued shall contain a recital to the effect that they are issued pursuant to the "county improvement authorities law" (P. L. 1960, c. 183) as amended and are entitled to the benefits of the provisions of this act. Except as otherwise provided in this act, any bonds or notes entitled to the benefits of the provisions of this act shall be authorized and issued in the manner provided for by the "county improvement authorities law." Bonds or notes entitled to the benefits of the provisions of this act shall mature not later than 40 years from their date, without regard to any limitations as to maturities or amounts of annual installments for such bonds or notes as provided in the "county improvement authorities law."

24. Section 14 of P. L. 1979, c. 273 (C. 40:48-8.39) is amended to read as follows:

C. 40:48-8.39 Certification of Division of Local Government Services of amount payable fully conclusive.

14. Except as otherwise provided in section 7 of P. L. 1981, c. 461 (C. 40:48-8.33a), within 10 days after issuance of any bonds or notes entitled to the benefits of this act, and from time to time thereafter, an authorized officer of the county improvement authority issuing such bonds or notes shall certify to the Director of the Division of Local Government Services that exact amount payable on account of debt service covering interest and principal on such bonds or notes in each year, the amount needed to fund any reserve fund required by such resolution, and the name and

address of the paying agent or paying agents for such bonds or notes. The Director of the Division of Local Government Services shall thereupon verify said amounts and certify the same to the State Treasurer, together with the name and address of the paying agent or paying agents for such bonds or notes. The certification by the Director of the Division of Local Government Services as to amount payable in any year for debt service covering principal and interest on such bonds or notes shall be fully conclusive as to said payments for such bonds or notes, notwithstanding any irregularity, omission or failure as to compliance with any of the provisions of this act with respect to such bonds or notes, provided that such bonds or notes contain a recital to the effect that they are entitled to the benefits of the provisions of this act, and all persons shall be forever estopped from denying that such bonds or notes are entitled to the benefits of the provisions of this act. Upon certification, the State Treasurer shall pay the amounts from the fund to the paying agent specified which will equal any deficiency so certified of principal and interest payments becoming due or any deficiency so certified to exist in any such required reserve fund.

Repealer.

25. Section 16 of P. L. 1960, c. 183 (C. 40:37A-59) and section 16 of P. L. 1979, c. 273 (C. 40:48-8.41) are repealed.

26. This act shall take effect immediately.

Approved August 14, 1982.

CHAPTER 114

AN ACT concerning commercial insurance, supplementing Title 17 of the Revised Statutes and amending P. L. 1954, c. 268.

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

C. 17:29AA-1 Short title.

1. (New section) This act shall be known and may be cited as the "Commercial Insurance Deregulation Act of 1982."

C. 17:29AA-2 Purposes.

2. (New section) The purposes of this act are:

- a. To encourage independent action by price competition among insurers in the writing of commercial lines insurance;
- b. To prevent practices that tend to bring about monopoly or to lessen or destroy competition; and
- c. To encourage the most efficient and economic rating and marketing practices.

C. 17:29AA-3 Definitions.

3. (New section) As used in this act:

a. "Commercial lines insurance" includes all insurance policies issued by a licensed insurer pursuant to Title 17 of the Revised Statutes, except:

(1) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine insurance policies;

(2) Title insurance;

(3) Mortgage guaranty insurance;

(4) Workers' compensation and employers' liability insurance;

(5) Any policy or contract of reinsurance, other than joint reinsurance to the extent provided for under section 22 of this act;

(6) Insurance written through the New Jersey Medical Malpractice Reinsurance Association established pursuant to P. L. 1975, c. 301 (C. 17:30D-1 et seq.);

(7) Insurance written through the New Jersey Insurance Underwriting Association established pursuant to P. L. 1968, c. 129 (C. 17:37A-1 et seq.);

(8) Insurance issued by hospital service corporations and medical service corporations; and

(9) Insurance issued for personal, family or household purposes, as determined by the commissioner.

b. "Commissioner" means Commissioner of Insurance.

c. "Department" means the Department of Insurance.

d. "Insurer" means any person, corporation, association, joint underwriting association subject to section 22 of this act, partnership or company licensed under the laws of this State to transact the business of insurance in this State.

e. "Premium" means the consideration paid or to be paid to an insurer for the issuance and delivery of any binder or policy of insurance.

f. "Rate" means the unit charge by which the measure of exposure or the amount of insurance specified in a policy of insurance or covered thereunder is multiplied to determine the premium.

g. "Rate-making" means the examination and analysis of every factor and influence related to and bearing upon the hazard and risk made the subject of insurance; the collection and collation of such factors and influences into rating systems; and the application of such rating systems to individual risks.

h. "Rating system" means every schedule, class, classification, rule, guide, standard, manual, table, rating plan, or compilation by whatever name described, containing the rates used by any rating organization or by any insurer, or used by any insurer or by any rating organization in determining or ascertaining a rate.

i. "Reasonable degree of competition" means that degree of competition which would tend to produce rates that are not excessive, inadequate, or unfairly discriminatory, or forms that are not unfair, inequitable, misleading or contrary to law, as determined by the commissioner.

j. "Risk," as the context may require, means (1) as to fire insurance or any other kind of insurance which, by law, may be embraced in a policy of fire insurance as part thereof or as supplemental thereto, any property, real or personal, described in a policy, exposed to any hazard or peril named in such policy; and (2) as to all other kinds of insurance not specifically included in clause (1) of this subsection, the hazard or peril named in a policy of insurance.

k. "Special risks" mean (1) those commercial lines insurance risks as specified on a list promulgated by the commissioner, which are of an unusual nature or high loss hazard or are difficult to place or rate or which are excess or umbrella or which are eligible for export; (2) commercial lines insurance risks which produce minimum annual premiums in excess of \$10,000.00; (3) inland marine insurance; or (4) fidelity, surety or forgery bonds. Additions or deletions to the list promulgated may be made by the commissioner without a hearing upon notice to all licensed insurers.

l. "Supplementary rate information" includes any manual or plan of rates, statistical plan, classification, rating schedule, rating rule and any other rule used by an insurer in making rates.

C. 17:29AA-4 All policies to be issued in accordance with act.

4. (New section) All policies of commercial lines insurance, issued by an insurer licensed to do business in this State shall be issued in accordance with the provisions of this act.

C. 17:29AA-5 Filing of rates with commissioner.

5. (New section) Notwithstanding any other law to the contrary, every authorized and admitted insurer and every rating organization shall file with the commissioner all rates and supplementary rate information and all changes and amendments thereof made by it for use in this State not later than 30 days after becoming effective. This section shall not apply to special risks except as provided in section 12 of this act.

C. 17:29AA-6 Policy forms to be approved by commissioner.

6. (New section) Notwithstanding any other law to the contrary, insurers shall file copies of all policy forms for approval with the commissioner at least 30 days prior to becoming effective. Unless disapproved by the commissioner prior to its effective date specifying in what respects the form is not in compliance with the standards set forth in section 11 of this act, any such policy form filed with the department shall be deemed approved as of its effective date, provided, however, that policy forms shall be effective only with respect to those policy form filings which are accompanied by an explanation and identification of the changes being made on a form prescribed by the commissioner. In his discretion, the commissioner may waive such 30-day waiting period or any portion thereof. Except as provided in section 12 of this act, this section shall not apply to policy forms exempted by order of the commissioner or those used in connection with special risks other than those which qualify pursuant to paragraph (2) of subsection k. of section 3 of this act.

C. 17:29AA-7 Open to public inspection.

7. (New section) Each filing and supporting information filed under this act shall, as soon as filed, be open to public inspection at any reasonable time. Copies may be obtained by any person on request and upon payment of a reasonable charge therefor.

C. 17:29AA-8 Establishment of rates.

8. (New section) An insurer may itself establish rates and supplementary rate information, or it may use rates and supplementary rate information prepared by a rating organization of which it is a member or subscriber, with such modification for its own expense and loss experience as the credibility of that experience allows.

C. 17:29AA-9 Rate-making factors.

9. (New section) In making rates, due consideration shall be given to: past and prospective loss experience, including where

pertinent, the conflagration and catastrophe hazards, if any, both within and without the State; all factors reasonably related to the kind of insurance involved; a reasonable profit for the insurer; and, in the case of participating insurers, policyholders' dividends.

C. 17:29AA-10 Excessive, inadequate, unfairly discriminatory rates prohibited.

10. (New section) Rates shall not be excessive, inadequate or unfairly discriminatory.

C. 17:29AA-11 Policy forms.

11. (New section) Policy forms shall not be unfair, inequitable, misleading or contrary to law, nor shall they produce rates that are excessive, inadequate or unfairly discriminatory.

C. 17:29AA-12 Special risks.

12. (New section) With respect to special risks, upon a finding by the commissioner, after a hearing, that there is no reasonable degree of competition with respect (a) to rates applicable to a particular line, kind, class, subclass or type of business, he may issue an order requiring that the rates for such line, kind, class, subclass or type of business be submitted to the department pursuant to section 5 of this act; or (b) to policy forms applicable to a particular line, kind, class, subclass or type of business, he may issue an order requiring that the forms for such line, kind, class, subclass or type of business be submitted to the department for approval prior to becoming effective pursuant to section 6 of this act.

C. 17:29AA-13 Noncompliance.

13. (New section) If the commissioner finds, after a hearing, that a rate or policy form in effect for any rating organization or insurer, whether or not a member or subscriber of a rating organization, is not in compliance with the standards of this act, he shall issue an order specifying in what respects it so fails, and stating when, within a reasonable period thereafter, such rate or form shall be deemed no longer effective. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

C. 17:29AA-14 Premiums only in accordance with act; no reductions.

14. (New section) With respect to rates and supplementary rate information and all changes and amendments thereto subject to section 5 of this act, (a) no insurer or employee thereof, and no broker or agent shall knowingly charge, demand or receive a premium for a policy of commercial lines insurance except in accordance with the respective rates and supplementary rate

information and all changes and amendments thereof effective pursuant to this act; (b) no insurer, or employee thereof, and no broker or agent shall pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, as an inducement to insure, or after insurance has been effected, any rebate, discount, abatement, credit, or reduction of the premium specified in the policy of insurance, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy of insurance, except to the extent that such rebate, discount, abatement, credit, reduction, favor, advantage or consideration may be provided for in such rates and supplementary rate information and all changes and amendments thereof effective pursuant to this act; and (c) no insured named in a policy of insurance, nor any employee of such insured, shall knowingly receive or accept, directly or indirectly, any such rebate, discount, abatement, or reduction of premium, or any such special favor or advantage or valuable consideration or inducement. Nothing herein contained shall be construed as prohibiting the payment of commissions or other compensation to regularly appointed and licensed agents and to brokers duly licensed by this State, nor as prohibiting a discount, abatement, or reduction in premium on policies issued to or on behalf of the State.

C. 17:29AA-15 Excess rate on specific risk.

15. (New section) Upon written application of an insurance company, broker or agent, which application shall include the signed consent of the applicant for insurance, the commissioner may approve, on any specific risk, a rate in excess of that provided by a rate filing which would otherwise be applicable.

C. 17:29AA-16 Rules and regulations.

16. (New section) a. The commissioner shall promulgate rules and regulations as to statistical plans, reasonably adapted to each of the rating systems on file with him, which may be modified from time to time and which shall be used thereafter by each insurer in the recording and reporting of its loss and countrywide expense experience, in order that the experience of all insurers may be made available at least annually in such form and detail as may be necessary to aid him in determining whether such rating systems comply with the standards set forth in this act. Such rules and regulations shall provide for the recording and reporting of loss experience of this State and of any combination of states where such combined experience is used in any manner for rate-making,

and may provide for the recording and reporting of expense experience of this State for items of expense which are especially applicable to this State. In promulgating such rules and regulations the commissioner shall give due consideration to the rating systems on file with him and in order that such rules and regulations may be as uniform as is practicable among the several states, to the rules and statistical plans used for such rating systems in other states. The commissioner shall designate the format in which such reports shall be prepared and he may require, in his discretion, that reports of experience be accompanied by punch cards or other means used for data processing, or such other source material as he deems appropriate.

b. The commissioner may designate one or more agencies to assist him in gathering such experience. The commissioner shall give preference in such designation to entities organized by and functioning on behalf of the insurance companies operating in this State for the kinds of insurance to which this act applies. If the commissioner, in his judgment, determines that one or more of such organizations designated as statistical agent is unable or unwilling to perform its statistical functions according to reasonable requirements established from time to time by him, he may, after consultation with such statistical agent and upon 20 days' notice to any affected companies, designate another person to act on his behalf in the gathering of statistical experience. The commissioner shall in such case establish the fee to be paid to such designated person by the affected companies in order to pay the total cost of gathering and compiling such experience. Agencies designated by the commissioner shall assist him in making compilations of the reported data, and such compilations shall be made available, subject to reasonable rules and regulations promulgated by the commissioner, to insurers, rating organizations and any other interested parties.

C. 17:29AA-17 Records subject to examination.

17. (New section) The underwriting files, loss and expense statistics, financial and other records with respect to special risks written by an insurer shall be maintained in such detail as may be required by the commissioner and shall be subject to examination by the commissioner or his designee in this State as often as deemed necessary by the commissioner.

C. 17:29AA-18 Subject to other law.

18. (New section) Any rating organization providing any service relating to the rates of any commercial lines insurance, and any

insurer utilizing the service of such organization for such purpose shall be subject to the provisions of sections 2, 3, 12, 13, 19, 20, and 21 of P. L. 1944, c. 27 (C. 17:29A-2, 17:29A-3, 17:29A-12, 17:29A-13, 17:29A-19, 17:29A-20 and 17:29A-21) to the extent applicable, provided that where the license of a rating organization is suspended under this act, such suspension shall have the same effect as a suspension under P. L. 1944, c. 27 (C. 17:29A-1 et seq.).

C. 17:29AA-19 No false or misleading information.

19. (New section) No insurer, and no officer, agent, or employee thereof, shall knowingly give false or misleading information to any rating organization of which it is a member or subscriber, or to the commissioner, which will in any manner affect the proper determination of compliance with the rating standards of this act.

C. 17:29AA-20 Suspension of license.

20. (New section) Any rating organization which knowingly violates any provision of this act shall be subject to suspension of its license. Failure of a rating organization to comply with the provisions of any order of the commissioner within the time limited by the order, or any extension thereof as the commissioner may grant, shall, if no proceeding in lieu of prerogative writ has been taken for review of the order, automatically suspend the license of the rating organization. No order suspending a license because of a violation of any provision of this act shall be made by the commissioner, except upon 10 days' notice to the rating organization, specifying the particular violation. If the rating organization shall make a request therefor in writing within the 10-day period, the commissioner shall name a time and place for a hearing, at which the rating organization shall be given opportunity to make its defense. At the conclusion of the hearing, the commissioner shall make such order as in his judgment the evidence shall warrant. A suspension of a license shall be effective until modified or rescinded by order of the commissioner upon proof that the violation of the provisions of this act no longer continues, or upon proof that the rating organization has complied with the terms of any prior order made by the commissioner, or until the order of the commissioner upon which the suspension is based is reversed or modified upon a review thereof by a proceeding in lieu of prerogative writ.

C. 17:29AA-21 Advisory organizations.

21. (New section) a. Every group, association or other organization of insurers, whether located within or outside this State, which assists insurers which make their own filings or rating

organizations, in rate-making, by the collection and furnishing of loss or expense statistics, or by the submission of recommendations, but which does not make filings under this act, shall be known as an advisory organization.

b. Every advisory organization shall file with the commissioner (1) a copy of its constitution, its articles of agreement or association or its certificate of incorporation and of its bylaws, rules and regulations governing its activities, (2) a list of its members, and (3) the name and address of a resident of this State upon whom notices or orders of the commissioner or process issued at his direction may be served.

c. If, after a hearing, the commissioner finds that the furnishing of information or assistance involves any act or practice which is unfair or unreasonable or otherwise inconsistent with the provisions of this act, he may issue a written order specifying in what respects the act or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this act, and requiring the discontinuance of the act or practice.

d. No insurer which makes its own filings nor any rating organization shall support its findings by statistics or adopt rate-making recommendations, furnished to it by an advisory organization which has not complied with this section or with an order of the commissioner involving such statistics or recommendations issued under subsection c. of this section. If the commissioner finds an insurer or rating organization to be in violation of this subsection he may issue an order requiring the discontinuance of the violation.

C. 17:29AA-22 Joint underwriting or reinsurance.

22. (New section) a. Every group, association, or other organization of insurers which engages in joint underwriting or joint reinsurance through such group, association or by standing agreement among the members thereof shall be subject to the provisions of this act and shall file with the commissioner: a copy of its constitution, articles of association and bylaws, a list of its members, and the name and address of a resident of this State upon whom notices or orders of the commissioner or process may be served. Every such group, association or other organization shall notify the commissioner promptly of any change in the documents required to be filed with him.

b. If, after a hearing, the commissioner finds that any activity or practice of any such group, association or other organization is unfair or unreasonable or otherwise inconsistent with the provisions of this act, he may issue a written order specifying in what

respects the activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this act, and requiring the discontinuance of the activity or practice.

C. 17:29AA-23 Examination by commissioner.

23. (New section) The commissioner may make or cause to be made an examination of the business, affairs, and method of operation of any group, association or other organization referred to in sections 21 and 22 of this act. The reasonable costs of the examination shall be determined and fixed by the commissioner, and shall be paid by the group, association or other organization examined upon presentation to it of a detailed account of the cost. The officers, managers, agents and employees of the group, association or other organization shall exhibit all its books, records, documents, or agreements, governing its method of operation, and its accounts for the purpose of the examination. The commissioner may, for the purpose of facilitating and furthering the examination, examine, under oath, the officers, managers, agents, and employees of the group, association or other organization. In lieu of an examination the commissioner may accept the report of an examination made by the insurance supervisory official of another state, pursuant to the laws of that state.

C. 17:29AA-24 No promise to use certain rates or rules.

24. (New section) No insurer shall promise, other than to a policyholder or other entities with which it is under common control or management or that are members of a joint underwriting or joint reinsurance organization, to use or adhere to certain insurance rates or rules, and no other person shall impose any penalty or other adverse consequence for failure of an insurer to adhere to certain rates or rules. This section shall not apply to apportionment agreements among insurers approved by the commissioner pursuant to section 25 of this act, and rates or rules approved for use by members of licensed rating organizations.

C. 17:29AA-25 Apportionment agreements.

25. (New section) Agreements may be made among insurers with respect to equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to but are unable to procure insurance through ordinary methods and the insurers may agree among themselves on the use of reasonable rate modifications for such insurance, provided that the agreements and rate modifications shall be effective only upon the prior approval of the commissioner.

C. 17:29AA-26 Penalties for violations.

26. (New section) In addition to any other penalty or forfeiture provided by law, the commissioner may, if he finds that any person, partnership, association, corporation, insurer, or rating organization has willfully violated any provision of this act, impose a penalty of not less than \$25.00 nor more than \$500.00 for each violation. No such penalty shall be imposed, except upon at least 10 days' written notice to such person, partnership, association, corporation, insurer, or rating organization, specifying the specific violation, and naming a date and place for a hearing on the violation so charged. If the commissioner shall find, upon the evidence placed before him at the hearing, that the person, partnership, association, corporation, insurer, or rating organization is guilty of any violation of the provisions of this act, he shall make an order briefly stating his findings, and specifying the penalty imposed. The imposition of such a penalty shall, in the case of a licensed broker, or agent, or in the case of a rating organization, automatically suspend the license of the broker or agent or rating organization until such time as the penalty shall be paid. The commissioner may file in the office of the Clerk of the Superior Court, a certificate stating the amount of any penalty assessed pursuant to the provisions of this section, and the name of the person, partnership, association, corporation, insurer, or rating organization against whom or which the penalty has been assessed, and thereupon the Clerk of the Superior Court shall enter upon his record of docketed judgments the certificate, or an abstract thereof, and shall duly index the same. From the time of the docketing, the certificate shall have the same effect as a judgment obtained in the Superior Court, Law Division, and the commissioner shall have all remedies and may take all the proceedings for the collection thereof which may be had or taken upon the recovery of such a judgment.

C. 17:29AA-27 Proceeding in lieu of prerogative writ.

27. (New section) Any order made by the commissioner pursuant to the provisions of this act shall be subject to review by the Superior Court in a proceeding in lieu of prerogative writ. Upon the institution of the proceeding, the court may stay the provisions of the order. Where the order of the commissioner provides for an increase or decrease in rates, any insurer affected thereby may, with leave of court, pending final disposition of the proceedings in the Superior Court, continue to charge rates which obtained prior to the order, on condition that the difference in the rates be deposited in a special account by the insurer affected, to be held

in trust by the insurer, and to be retained by the insurer or paid to the holders of policies issued after the order of the commissioner, as the court may determine.

C. 17:29AA-28 Delegation by commissioner.

28. (New section) Wherever, under the provisions of this act, the commissioner is authorized or required to do any act, he may designate a deputy commissioner, or any salaried employee of the Department of Insurance to act in his place who shall report to the commissioner and advise the commissioner on the nature of the matter delegated. The commissioner shall make such order, based upon the advice and report, as he shall determine, and the order shall have the same effect as if the commissioner had acted thereon personally.

C. 17:29AA-29 Regulations.

29. (New section) The commissioner shall promulgate regulations to implement and enforce the provisions of this act.

C. 17:29AA-30 Commercial lines insurance exempt.

30. (New section) Commercial lines insurance shall be exempt from the provisions of P. L. 1944, c. 27 (C. 17:29A-1 et seq.) except as specifically provided in this act.

31. Section 1 of P. L. 1954, c. 268 (C. 17:36-5.15) is amended to read as follows:

C. 17:36-5.15 Filing of policy form with commissioner.

1. No policy or contract of fire insurance on any property in this State, except fire insurance on risks subject to the "Commercial Insurance Deregulation Act of 1982," P. L. 1982, c. 114 (C. 17:29AA-1 et seq.), shall be made, issued or delivered by any insurer or by any agent or representative thereof until a copy of the form thereof has been filed with the Commissioner of Insurance. If the commissioner shall at any time notify any insurer of his disapproval of any such policy form because it contains provisions which are unjust, unfair, inequitable, misleading or contrary to law, it shall be unlawful for such insurer thereafter to issue any policy in the form so disapproved. Such disapproval by the commissioner may be reviewed by a proceeding in lieu of prerogative writ.

There shall be printed at the head of such policy the name of the insurer or insurers issuing the policy; the location of the home office thereof; a statement whether said insurer or insurers operate on a stock or mutual plan or are reciprocal insurers or Lloyd's

underwriters; provided, however, that a corporation organized under a special act of the Legislature of any state may so indicate upon its policy and may add a statement of the plan under which it operates in this State; and there may be added thereto such device or devices as the insurer or insurers shall desire.

If the policy is issued by a mutual insurer having special regulations with respect to the payment by the policyholder of assessments, such regulations shall be printed upon the policy, and any such insurer may print upon the policy such regulations as may be appropriate to or required by its form of organization.

32. Section 8 of P. L. 1954, c. 268 (C. 17:36-5.22) is amended to read as follows:

C. 17:36-5.22 Filing of forms of contracts, supplemental contracts, extended coverage endorsements.

8. Appropriate forms of contracts, or supplemental contracts, or extended coverage endorsements that will provide insurance in case of loss, damage or liability occasioned by any accident, incident, occurrence, or peril other than fire and lightning which the insurer is empowered to assume, also forms of endorsements whereby the insurer agrees to reimburse and indemnify the insured for the difference between the actual value of the insured property at the time any loss or damage occurs and the amount actually expended to repair, rebuild or replace with new materials of like size, kind and quality such property as has been damaged or destroyed by fire or other perils insured against may be filed with the Commissioner of Insurance for use with or as a part of such fire insurance policy, required to be filed pursuant to section 1 of P. L. 1954, c. 268 (C. 17:36-5.15), by a licensed rating organization on behalf of all its members or subscribers or on behalf of any individual member or subscriber, or by any insurer making its own filings.

Any insurer may present any such form for filing, if after a reasonable request, the rating organization of which it is a member or subscriber has failed or refused to present such form for filing.

Any such form filed as aforesaid shall be used by every insurer by whom or in whose behalf it was filed to the exclusion of any form or forms covering substantially the same agreement. Any such form may be withdrawn or it may be superseded by the filing of a new form or forms covering substantially the same agreement.

No such form of contract, supplemental contract, or extended coverage endorsement shall be made, issued or delivered by any

insurer or by any agent or representative thereof until after 30 days from the date of such filing.

The use of such contracts, supplemental contracts or extended coverage endorsements as have heretofore been filed with and approved by the commissioner under the provisions of P. L. 1944, c. 171 (C. 17:36-5.1 et seq.), may be continued until withdrawn, supplemented, or amended.

If the Commissioner of Insurance shall, at any time, notify any rating organization or any insurer of his disapproval of any such filed contract, supplemental contract or extended coverage endorsement because it contains provisions which are unjust, unfair, inequitable, misleading or contrary to law, it shall be unlawful for any insurer to issue any such contract, supplemental contract or extended coverage endorsement in the form so disapproved. Such disapproval by the commissioner may be reviewed by a proceeding in lieu of prerogative writ.

C. 17:29AA-31 Report to Legislature.

33. (New section) The commissioner shall monitor the implementation and effect of this act on the commercial lines marketplace and shall report to the Legislature no later than 3 years after the enactment of this act, and recommend whether the act should be continued, repealed or modified. In making his recommendation, the commissioner shall consider, among other things, whether a reasonable degree of competition exists among commercial lines insurers.

C. 17:29AA-32 Existing approved rates, forms.

34. (New section) Approved rates and forms for commercial lines insurance in effect on the effective date of this act pursuant to the provisions of P. L. 1944, c. 27 (C. 17:29A-1 et seq.) shall remain in effect until changed, amended or replaced pursuant to the provisions of this act.

35. This act shall take effect 90 days after enactment.

Approved August 20, 1982.

CHAPTER 115

AN ACT to validate certain proceedings at elections of fire districts, and any bonds or other obligations issued or to be issued pursuant to such proceedings.

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

1. All proceedings heretofore had or taken by any fire district or at any fire district election for the authorization or issuance of bonds of the fire district, and any bonds or other obligations of the fire district issued or to be issued pursuant to a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that civilian and military absentee ballot notices relating to such election were not published at least 41 days prior thereto as required by the provisions of section 7 of the "Absentee Voting Law (1953)," P. L. 1953, c. 211 (C. 19:57-7); provided, however, that such notices were published at least five days prior to the election; and provided, further, that any applications received by the clerk of the board of commissioners of the fire district for military service ballots or civilian absentee ballots for such election were forwarded to the clerk of the county in which such fire district is located; and provided, further, that no action, suit or other proceedings of any nature to contest the validity of such election has heretofore been instituted prior to the date on which this act takes effect.

2. This act shall take effect immediately.

Approved August 20, 1982.

CHAPTER 116

AN ACT concerning the Forensic Psychiatric Hospital and the Glen Gardner Center for Geriatrics in the Department of Human Services and amending R. S. 30:1-7 and R. S. 30:4-160.

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

1. R. S. 30:1-7 is amended to read as follows:

Charitable, hospital, relief, training institutions; non-institutional agencies.

30:1-7. The charitable, hospital, relief and training institutions and non-institutional agencies of this State, within the meaning of this Title, shall include the following, and, as well, any institution established hereafter for any similar purpose, as now established and as the same are to be hereafter maintained and operated pursuant to law:

Trenton Psychiatric Hospital,
Greystone Park Psychiatric Hospital,
Marlboro Psychiatric Hospital,
Ancora Psychiatric Hospital,
Glen Gardner Center for Geriatrics,
The Forensic Psychiatric Hospital,
New Jersey Neuropsychiatric Institute,
North Jersey Training School at Totowa,
New Lisbon State School,
Woodbine State School,
Vineland State School,
Woodbridge State School,
Hunterdon State School,
New Jersey Memorial Home for Disabled Soldiers at Menlo Park,
New Jersey Memorial Home for Disabled Soldiers, Sailors,
Marines and their Wives and Widows at Vineland,
Diagnostic Center at Menlo Park,
Arthur Brisbane Child Center at Allaire,
Board of Public Welfare,
Commission for the Blind and Visually Impaired.

The correctional institutions of this State, within the meaning of this Title, shall include the following and, as well, any institution established hereafter for any similar purpose, as now established and as the same are to be hereafter maintained and operated pursuant to law:

State Prison, Trenton,
State Prison, Rahway,
State Prison, Leesburg,
Youth Reception and Correction Center, Yardville,
Youth Correctional Institution, Bordentown,
Correctional Institution for Women, Clinton,
Youth Correctional Institution, Annandale,
Training School for Boys, Jamesburg,

Training School for Girls, Trenton,
Training School for Boys, Skillman.

2. R. S. 30:4-160 is amended to read as follows:

New Jersey State Hospitals.

30:4-160. The New Jersey State Hospitals, designated in R. S. 30:1-7 as psychiatric hospitals, shall include the existing buildings and lands of Ancora Psychiatric Hospital, Greystone Park Psychiatric Hospital, Marlboro Psychiatric Hospital, Trenton Psychiatric Hospital and The Forensic Psychiatric Hospital, and all grounds or places where the patients thereof may from time to time be maintained, kept, housed or employed.

3. This act shall take effect immediately.

Approved August 20, 1982.

CHAPTER 117

AN ACT concerning the collection of debts owed to the New Jersey
Higher Education Assistance Authority.

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

C. 18:72-23 Deduction of overdue note payments from wages of State employees.

1. Whenever any officer or employee of the State of New Jersey has failed to make scheduled payments to the New Jersey Higher Education Assistance Authority on any note held by that authority pursuant to N. J. S. 18A:72-16, upon showing that such payments are more than 60 days overdue, the Department of the Treasury may deduct from the wages of said employee the full amount of both any arrears payment and any scheduled payment due to the Higher Education Assistance Authority until such time as the note is fully satisfied. The Department of the Treasury shall retain an amount not to exceed 1% of the moneys collected to defray the cost of the collection effort.

C. 18A:72-24 Promulgation of regulations.

2. The Department of the Treasury shall promulgate regulations concerning the procedures and methods to be employed for the implementation of this act. The regulations shall be consistent with all federal requirements or limitations regarding any information

utilized in any collection, and shall in addition provide for due notice to the employee and opportunity for a hearing upon request prior to any collection.

C. 18A:72-25 Not an execution against wages.

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

4. This act shall take effect immediately.

Approved August 20, 1982.

CHAPTER 118

AN ACT concerning school elections and amending sections 18A:14-50, 18A:14-51, 18A:14-53, 18A:14-54, 18A:14-61, and 18A:14-62 of the New Jersey Statutes and P. L. 1944, c. 230.

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

1. N. J. S. 18A:14-50 is amended to read as follows:

Signature of voter.

18A:14-50. The voter shall, previous to the receipt of an official ballot, sign his name without assistance and state his address in an appropriate column of the poll list and the election officer in charge of the poll list shall record therein, opposite the voter's name, the number of the official ballot furnished to the voter for voting.

2. N. J. S. 18A:14-51 is amended to read as follows:

Comparison of signature.

18A:14-51. After the voter shall have so signed and before an official ballot shall be given to him, one of the election officers shall compare the signature made in the poll list with the signature theretofore made by the voter in the signature copy register, and if the signature thus written in the poll list is the same or sufficiently similar to the signature in the signature copy register, the voter shall be eligible to receive a ballot.

3. N. J. S. 18A:14-53 is amended to read as follows:

Paper ballots.

18A:14-53. In all school districts using paper ballots, after the election officers shall have ascertained that a voter is properly registered and qualified to vote, the election officers shall furnish to the voter one official ballot numbered to correspond with the number entered opposite the voter's name in the poll list, allowing for spoiled ballots, if any.

No ballot shall be handed to a voter until there is a booth ready for occupancy and until the voter shall have signed the poll list. The election officers shall not allow a voter to mark his ballot outside of an election booth unless the voter is unable to enter the booth by reason of his physical disability.

The election officers shall instruct the voter how to fold the ballot and shall crease the ballot so as to indicate the point where the voter shall fold the ballot, but before handing the ballot to the voter the election officers shall see that the face of the ballot including the coupon is exposed, and at the same time shall call off the ballot number to the official having charge of the poll list, who shall make certain that the ballot number and number entered opposite agree, allowing for spoiled ballots, if any.

If the number of the ballot does not follow consecutively, the missing number or numbers shall be written on a blank sheet of paper signed by the election officers and placed on the string with the coupons in its or their proper place or places.

Every voter to whom a ballot is given shall thereupon retire into the polling booth. Not more than one voter shall be permitted to enter or be in the same booth at one time. The voter shall prepare his ballot in the booth secretly and screened from the observation of others.

Any person or voter who shall intentionally violate the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00, or by imprisonment not exceeding 1 year or both at the discretion of the court.

4. N. J. S. 18A:14-54 is amended to read as follows:

Spoiled or unfit ballots.

18A:14-54. Should any voter to whom any paper ballot has been handed spoil or render it unfit for use, he may return it and obtain another from the election officer but no more than two ballots shall

be furnished to any voter except at the discretion of the election officer. The election officer shall preserve all spoiled or unfit ballots with the coupons attached and after proper correction has been made in the poll list, the same shall be placed upon the same string with the coupons.

5. N. J. S. 18A:14-61 is amended to read as follows:

Board secretary to certify count.

18A:14-61. The tally sheets, poll list and ballots shall be placed by the inspector of the election at each polling place in a sealed package endorsed with the address of the polling place and the date on which the election was held and the judge of the election shall deliver the same immediately to the secretary of the board of education of the district, together with a statement of the result of the election signed by all of the election officers. The secretary of the board of education shall add to the statements the result of the canvass of the military service and civilian absentee ballots as certified to him by the county board of elections and shall thereupon canvass the entire vote in the school district and combine the reports from all polling places and announce the result of the election. The secretary shall fill out and certify to the correctness of the count upon any statement which may be required by one or more school officials as provided for in this chapter.

6. N. J. S. 18A:14-62 is amended to read as follows:

County superintendent to preserve records for one year.

18A:14-62. The secretary of the board of education shall, within 5 days after the date of the election, forward a sealed package containing a statement of the canvass of the votes in the school district, the ballots, including the irregular ballots, the poll lists and the tally sheets to the county superintendent who shall preserve them for 1 year.

All poll lists forwarded to the county superintendent under this section shall be made available for public inspection during the year in which they are to be preserved.

7. Section 1 of P. L. 1944, c. 230 (C. 19:31A-7) is amended to read as follows:

C. 19:31A-7 Signature comparison record.

1. The commissioner of registration shall have printed on the back of the duplicate permanent registration and voting form a signature comparison record, which record shall have in the left-hand side one-half inch from the top, a line upon which the voter

when registering shall place his signature. Directly underneath this line shall be printed the words "sample signature."

The signature comparison record shall be printed so as to leave a margin one and one-half inches on the left-hand side for the purpose of binding. The remainder of the space shall be ruled to provide a record of registrants' signatures as made for comparison purposes before receiving a ballot at any election. The form shall be sufficient to record signatures for a period of 20 years and shall be subdivided into seven columns.

At the top of the first column at the left-hand side shall appear the word "year." This column shall be approximately three-quarters of an inch wide.

At the top of the second column shall appear the abbreviation for the words "signature compared by." In this column the district election board official shall place his initials certifying that he has compared the signature of the voter placed in third column with the sample signature at the top of the signature comparison record. This column shall be approximately one-half inch in width.

At the top of the third column shall appear the word "primary." Upon the line in this column opposite the particular year the voter shall place his signature when voting in the primary election for the general election in the year as stated in the first column. This column shall be approximately three and one-fourth inches wide.

At the top of the fourth column shall appear the abbreviation of the words "signature compared by." In this column the district election board official shall place his initials certifying that he has compared the signature of voter placed in the fifth column, with the sample signature at the top of the signature comparison record. This column shall be approximately one-half inch in width.

At the top of the fifth column shall appear the word "general." Upon the line in said column opposite the particular year the voter shall place his signature when voting in the general election in the year as stated in the first column. This column shall be approximately three and one-fourth inches wide.

At the top of the sixth column shall appear the abbreviation of the words "signature compared by." In this column the district election board official shall place his initials certifying that he has compared the signature of voter placed in the seventh column, with the sample signature at the top of the signature comparison record. This column shall be approximately one-half inch in width.

At the top of the seventh column shall appear the words "any other election." Upon the line in this column opposite the particular year the voter shall place his signature when voting in any election other than a primary election for a general election or a general election. The signature shall be placed on the line opposite the year stated in the first column which corresponds with the year during which such other election shall be held. This column shall be three and one-fourth inches wide.

At the time the voter registers, in addition to obtaining the signature on the original and duplicate registration forms the commissioner of registration shall also require the registrant to sign the signature comparison record on the back of the duplicate registration form above the line below which are the words "sample signature."

The signature comparison record shall be in substantially the following form:

SIGNATURE COMPARISON RECORD						
YEAR	SAMPLE SIGNATURE					
	SIG. COMP. BY	PRIMARY	SIG. COMP. BY	GENERAL	SIG. COMP. BY	ANY OTHER ELECTIONS
1941						
1942						
1943						
1944						
1945						
1946						
1947						
1948						
1949						
1950						
1951						
1952						

8. This act shall take effect immediately.

Approved August 25, 1982.

CHAPTER 119

AN ACT concerning mandatory minimum terms of imprisonment for commission of certain crimes with a firearm, amending N. J. S. 2C:43-6 and supplementing Title 2C of the New Jersey Statutes.

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

1. N. J. S. 2C:43-6 is amended to read as follows:

Sentence of imprisonment for crime; ordinary terms; mandatory terms.

2C:43-6. Sentence of Imprisonment for Crime; Ordinary Terms; Mandatory Terms.

a. Except as otherwise provided, a person who has been convicted of a crime may be sentenced to imprisonment, as follows:

(1) In the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 10 years and 20 years;

(2) In the case of a crime of the second degree, for a specific term of years which shall be fixed by the court and shall be between 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 any crime, where the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors, as set forth in subsections a. and b. of 2C:44-1, the court may fix a minimum term not to exceed one-half of the term set pursuant to subsection a., or one-half of the term set pursuant to a maximum period of incarceration for a crime set forth in any statute other than this code, during which the defendant shall not be eligible for parole; provided that no defendant shall be eligible for parole at a date earlier than otherwise provided by the law governing parole.

c. A person who has been convicted under 2C:39-4a. of possession of a firearm with intent to use it against the person of another, or of a crime under any of the following sections: 2C:11-3,

2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-2a., 2C:14-3a., 2C:15-1, 2C:18-2, 2C:29-5, who, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a firearm as defined in 2C:39-1f., shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or 3 years, whichever is greater, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

The minimum terms established by this section shall not prevent the court from imposing presumptive terms of imprisonment pursuant to 2C:44-1f. (1) except in cases of crimes of the fourth degree.

A person who has been convicted of an offense enumerated by this subsection and who used or possessed a firearm during its commission, attempted commission or flight therefrom and who has been previously convicted of an offense involving the use or possession of a firearm as defined in 2C:44-3d., shall be sentenced by the court to an extended term as authorized by 2C:43-7c., notwithstanding that extended terms are ordinarily discretionary with the court.

d. The court shall not impose a mandatory sentence pursuant to subsection c. of this section, 2C:43-7c. or 2C:44-3d., unless the ground therefor has been established at a hearing. At the hearing, which may occur at the time of sentencing, the prosecutor shall establish by a preponderance of the evidence that the weapon used or possessed was a firearm. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.

C. 2C:43-6.1 Review of mandatory sentence.

2. (New section) Any person who, on the effective date of this amendatory and supplementary act, is serving a minimum mandatory sentence as provided for by N. J. S. 2C:43-6c. solely as a result of his conviction under subsection a. of N. J. S. 2C:39-4 for the possession of a firearm with intent to use it against the property of another, and has not had his sentence suspended or been paroled or discharged, may move to have his sentence reviewed by the sentencing court. For good cause shown, the court

may impose any sentence which would have otherwise been available for such person.

3. This act shall take effect immediately.

Approved August 31, 1982.

CHAPTER 120

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 \$170,000,000.00 for correctional facilities, their planning, erection, acquisition, improvement, construction, reconstruction, development, extension, rehabilitation, demolition and equipment; providing the ways and means to pay the interest of said 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 "Correctional Facilities Construction Bond Act of 1982."

2. The Legislature finds that:

a. A rapidly expanding inmate population in the correctional facilities of this State is causing serious problems of overcrowding in State and county correctional facilities;

b. Projections indicate an increase in that population of over 100% in this decade;

c. The State of New Jersey has an urgent need to construct additional facilities for the incarcerated;

d. The plan of action to address the problem of prison overcrowding will require a bond issue of \$170,000,000.00 to finance the construction of new medium security prisons, a program of county assistance and renovations and modifications required to convert existing State facilities to meet the forecasted need.

3. As used in this act:

a. "Commission" means the New Jersey Commission on Capital Budgeting and Planning;

b. "Commissioner" means the Commissioner of the Department of Corrections;

c. "Construction" means the planning, erection, acquisition, improvement, construction, reconstruction, development, extension, rehabilitation, demolition and equipment of correctional facilities, including all equipment and facilities necessary to the operation thereof, and includes the acquisition of land necessary for said purposes;

d. "Correctional facilities" means:

(1) buildings, structures and facilities under the supervision and control of the Department of Corrections; and

(2) buildings, structures and facilities necessary for the operation of county jails, workhouses or penitentiaries;

e. "Cost" means the cost of acquisition or construction of all or any part of a project and of all or any real or personal property, agreements and franchises deemed by the department to be necessary or useful and convenient therefor or in connection therewith, including interest or discount of bonds, costs of issuance of bonds, administrative costs, geological and hydrological services, engineering and inspection costs and legal expenses, costs of financial, professional and other estimates and advice, organization, operating and other expenses prior to and during such acquisition or construction, and all such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of such project or part thereof and the placing of the same in operation, and also such provisions for a reserve fund, or reserves for working capital, operating, maintenance or replacement expenses and for payment or security of principal of or interest on bonds during or after such acquisition or construction as the Comptroller of the Treasury may determine;

f. "Department" means the Department of Corrections;

g. "Project" means any work relating to correctional facilities.

4. The commissioner shall issue and promulgate rules and regulations necessary and appropriate to carry out the provisions of this act. The commissioner 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 \$170,000,000.00 are authorized for the purpose of capital expenditure for the cost of construction of correctional facilities as defined herein. Of such total, not less than \$36,000,000.00 shall be allocated

for county correctional facilities. To the maximum extent feasible and possible, public lands should be given preferential status for utilization for the construction of any correctional facility.

6. The bonds shall be serial bonds or term bonds or a combination thereof and known as "Correctional Facilities Construction Bonds." They shall be subject to redemption prior to maturity and 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. Said bonds shall be issued from time to time as the issuing officials herein named shall determine.

7. 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.

8. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest on such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

9. The bonds shall be signed in the name of the State by 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.

10. a. The 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 this act was submitted to the people

of the State at the general election held in the month of November, 1982, 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 therewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

b. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

11. When the bonds are issued from time to time the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest as may be determined by the issuing officials, which interest shall be payable semiannually; provided that the first and last periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

12. The bonds shall be issued and sold at such price or prices and under such terms, conditions and regulations as the issuing officials may prescribe, after notice of 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 New Jersey or the city of New York, the first notice to be at least five 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 or prices and under such terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the Federal Government or any agency thereof, at private sale, without advertisement.

13. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of the permanent bonds temporary bonds in such form and with such privileges as to regis-

tration and exchange for permanent bonds as may be determined by the issuing officials.

14. The proceeds from the sale of the bonds shall be paid to the State Treasurer 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 "Correctional Facilities Construction Fund."

15. a. The moneys in said "Correctional Facilities Construction Fund" are hereby specifically dedicated and shall be applied to the cost of the purposes set forth in section 5 of this act, and all such moneys are hereby appropriated for such purposes, and no such moneys shall be expended for such purposes (except as otherwise hereinbelow authorized) without the specific appropriation thereof by the Legislature, but bonds may be issued as herein provided notwithstanding the Legislature shall not have then adopted an act making specific appropriation of any said moneys. Any act appropriating moneys from the "Correctional Facilities Construction Fund" shall identify the particular project or projects to be funded by such 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 "Correctional Facilities Construction Fund" such sum as he may deem necessary. 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 "Correctional 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 State Fund.

16. 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.

17. 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.

18. The bonds shall mature, including any sinking fund redemptions, at such times, not more than 35 years following the date of issuance thereof, and in such amounts as the issuing officials shall determine. The issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

19. 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.

20. 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.)

as amended and supplemented, 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 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 a. of this section shall thereon be considered and treated as part of the General State Fund, available for general purposes.

21. 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 revenue 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.

22. 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, 1982, 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.	CORRECTIONAL FACILITIES CONSTRUCTION BOND ISSUE Should the "Correctional Facilities Construction Bond Act of 1982," which authorizes the State to issue bonds in the amount of \$170,000,000.00 for the planning, erection, acquisition, improvement, construction, reconstruction, development, extension, rehabilitation, demolition and equipping of correctional facilities; and to provide the means to pay the principal and interest on these bonds, be approved?
	No.	INTERPRETIVE STATEMENT Approval of this act will authorize the sale of \$170,000,000.00 in bonds to be used for construction and improvement of correctional facilities to alleviate present and anticipated serious problems of overcrowding in State and county prisons.

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 election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

23. There is appropriated the sum of \$5,000.00 to the Department of State for expenses in connection with the publication of notice pursuant to section 22.

24. The commissioner shall submit to the State Treasurer and the commission with the department's annual budget request a plan for the expenditure of funds from the "Correctional 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 whole, by funds from the "Correctional 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 commissioner shall submit to the relevant standing committees of the Legislature, as designated by the President of the Senate and the Speaker of the General Assembly, and to 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 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. All appropriations from the bond fund shall be by specific allocation for each major project, and any transfer of any funds so appropriated shall require the approval of the Joint Appropriations Committee's Subcommittee on Transfers or its successor.

28. This section and sections 22 and 23 shall take effect immediately and the remainder of the act shall take effect as and when provided in section 22.

Approved August 31, 1982.

CHAPTER 121

AN ACT concerning taxation and supplementing P. L. 1982, c. 36 (C. 54:4-5a).

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

C. 54:4-5b "County institution" defined.

1. For the purposes of P. L. 1982, c. 36 (C. 54:4-5a), "county institution" means any institution as defined in R. S. 30:4-23 or Article II of P. L. 1956, c. 178 (C. 30:7B-2) which is owned, operated or maintained by a county in the State.

2. This act shall take effect immediately and shall be retroactive to January 1, 1982.

Approved September 1, 1982.

CHAPTER 122

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 7 of P. L. 1976, c. 141 (C. 58:10-23.11f) is amended to read as follows:

C. 58:10-23.11f Removal of hazardous substance discharge.

7. a. Whenever any hazardous substance is discharged, the department may, in its discretion, act to remove or arrange for the removal of such discharge or may direct the discharger to remove, or arrange for the removal of, such discharge. If the discharge occurs at any hazardous or solid waste disposal facility, the department may order the facility closed for the duration of the removal operations. The department may monitor the discharger's compliance with any such directive. Any discharger who fails to comply with such a directive shall be liable to the department in an amount equal to three times the cost of such removal, and shall be subject to the revocation or suspension of any license or permit he holds

authorizing him to operate a hazardous or solid waste disposal facility.

Removal of hazardous substances and actions to minimize damage from discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan for removal of oil and hazardous substances established pursuant to section 311 (c) (2) of the Federal Water Pollution Control Act Amendments of 1972 (P. L. 92-500, 33 U. S. C. 1251 et seq.).

Whenever the department acts to remove a discharge or contracts to secure prospective removal services, it is authorized to draw upon the money available in the fund. Such moneys shall be used to pay promptly for all cleanup costs incurred by the department in removing or in minimizing damage caused by such discharge.

Nothing in this section is intended to preclude removal and cleanup operations by any person threatened by such discharges, provided such persons coordinate and obtain approval for such actions with ongoing State or federal operations. No action taken by any person to contain or remove a discharge shall be construed as an admission of liability for said discharge. No person who renders assistance in containing or removing a discharge shall be liable for any civil damages to third parties resulting solely from acts or omissions of such person in rendering such assistance except for acts or omissions of gross negligence or willful misconduct. In the course of cleanup operations, no person shall discharge any detergent into the waters of this State without prior authorization of the commissioner.

b. Notwithstanding any other provisions of P. L. 1976, c. 141 (C. 58:10-23.11 et seq.), the department, after notifying the administrator and subject to the approval of the administrator with regard to the availability of funds therefor, may remove or arrange for the removal of any hazardous substance which:

(1) Has not been discharged from a grounded or disabled vessel, if the department determines that such removal is necessary to prevent an imminent discharge of such hazardous substance;

(2) Has not been discharged, if the department determines that such substance is not satisfactorily stored or contained and said substance possesses any one or more of the following characteristics:

- (a) explosiveness;
- (b) high flammability;

(c) radioactivity;

(d) chemical properties which in combination with any discharged hazardous substance at the same storage facility would create a substantial risk of imminent damage to public health or safety or an imminent and severe damage to the environment;

(e) is stored in a container from which its discharge is imminent as a result of contact with a hazardous substance which has already been discharged and such additional discharge would create a substantial risk of imminent damage to public health or safety or imminent and severe damage to the environment; or

(f) high toxicity and is stored or being transported in a container or motor vehicle, truck, railcar or other mechanized conveyance from which its discharge is imminent as a result of the significant deterioration or the precarious location of the container, motor vehicle, truck, railcar or other mechanized conveyance, and such discharge would create a substantial risk of imminent damage to public health or safety or imminent and severe damage to the environment; or

(3) Has been discharged prior to the effective date of P. L. 1976, c. 141, if such discharge poses a substantial risk of imminent damage to the public health or safety or imminent and severe damage to the environment.

c. If and to the extent that he determines that funds are available, the administrator shall approve and make payments for any cleanup and removal costs incurred by the department for the removal of a hazardous substance other than petroleum as authorized by subsection b. of this section; provided that in determining the availability of funds, the administrator shall not include as available funds revenues realized or to be realized from the tax on the transfer of petroleum to the extent that such revenues result from a tax levied at a rate in excess of \$0.01 per barrel, pursuant to subsection 9b. of P. L. 1976, c. 141 (C. 58:10-23.11h), unless the administrator determines that the sum of claims paid by the fund on behalf of petroleum discharges or removals plus pending reasonable claims against the fund on behalf of petroleum discharges or removals is greater than 30% of the sum of all claims paid by the fund plus all pending reasonable claims against the fund.

d. The administrator may only approve and make payments for any cleanup and removal costs incurred by the department for the

removal of a hazardous substance discharged prior to the effective date of P. L. 1976, c. 141, pursuant to subsection b. of this section, if, and to the extent that, he determines that adequate funds from another source are not or will not be available; and further provided, with regard to the cleanup and removal costs incurred for discharges which occurred prior to the effective date of P. L. 1976, c. 141, the administrator may not during any 1 year period pay more than \$3,000,000.00 in total or more than \$1,500,000.00 for any discharge or related set or series of discharges.

e. Notwithstanding any other provisions of P. L. 1976, c. 141, the administrator, upon the approval of the department after considering, among any other relevant factors, its priorities for spending funds pursuant to P. L. 1976, c. 141, and within the limits of available funds, shall make payments for the restoration or replacement of, or connection to an alternative water supply for, any private residential well destroyed, contaminated, or impaired as a result of a discharge prior to the effective date of P. L. 1976, c. 141, provided however total payments for said purpose shall not exceed \$500,000.00 for the period between the effective date of this subsection e. and January 1, 1983, and in any calendar year thereafter.

f. Any expenditures made by the administrator pursuant to this act shall constitute a first priority claim and lien paramount to all other claims and liens upon the revenues and all real and personal property of the discharger, whether or not the discharger is insolvent.

2. This act shall take effect immediately.

Approved September 1, 1982.

CHAPTER 123

AN ACT to amend the "Solid Waste Management Act," approved May 6, 1970 (P. L. 1970, c. 39), 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*:

1. Section 9 of P. L. 1970, c. 39 (C. 13:1E-9) is amended to read as follows:

C. 13:1E-9 Codes, rules, regulations to have force and effect of law.

9. a. All codes, rules and regulations adopted by the department related to solid waste collection and disposal shall have the force and effect of law. Such codes, rules and regulations shall be observed throughout the State and shall be enforced by the department and by every local board of health, or county health department, as the case may be.

Any county health department may charge and collect from the owner or operator of any sanitary landfill facility within its jurisdiction such fees for enforcement activities as may be established by ordinance or resolution adopted by the governing body of any such county. Such fees shall be established in accordance with a fee schedule regulation to be adopted by the department, pursuant to law, within 60 days of the effective date of this amendatory act and shall be utilized exclusively to fund such enforcement activities.

All enforcement activities undertaken by county health departments pursuant to this subsection shall conform to all applicable performance and administrative standards adopted pursuant to section 10 of the "County Environmental Health Act," P. L. 1977, c. 443 (C. 26:3A2-28).

b. The commissioner may institute an action or proceeding in the Superior Court for injunctive and other relief, including the appointment of a receiver for any solid waste collection or disposal facility or operation, which is established or operated in violation of this act, or of any code, rule or regulation promulgated pursuant to this act and said court may proceed in the action in a summary manner. In any such proceeding the court may grant temporary or interlocutory relief notwithstanding the provisions of R. S. 48:2-24.

Such relief may include, singly or in combination:

- (1) A temporary or permanent injunction;
- (2) Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and litigating the case under this subsection;
- (3) Assessment of the violator for any cost incurred by the State in removing, correcting or terminating the adverse effects upon water and air quality resulting from any violation of any provision of this act or any rule, regulation or condition of approval for which the action under this subsection may have been brought;
- (4) Assessment against the violator of compensatory damages for any loss or destruction of wildlife, fish or aquatic life, and for

any other actual damages caused by any violation of this act or any rule, regulation or condition of approval established pursuant to this act for which the action under this subsection may have been brought. Assessments under this subsection shall be paid to the State Treasurer, or to the local board of health, or to the county health department, as the case may be, except that compensatory damages may be paid by specific order of the court to any persons who have been aggrieved by the violation.

c. Any person who violates the provisions of this act or any code, rule or regulation promulgated pursuant to this act shall be liable to a penalty of not more than \$25,000.00 per day to be collected in a civil action commenced by a local board of health, a county health department, or the commissioner by a summary proceeding under The Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.) in the Superior Court, county district court, or a municipal court, all of which shall have jurisdiction to enforce said Penalty Enforcement Law in connection with this act. If the violation is of a continuing nature, each day during which it continues after the date given by which the violation must be eliminated in accordance with the order of the department shall constitute an additional, separate and distinct offense.

d. 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, including a rebate of any such penalty paid up to 90% thereof where such person satisfies the department within 1 year or such other period as the department may deem reasonable that such violation has been eliminated or removed or that such order or injunction has been met or satisfied, as the case may be.

e. Any person who knowingly:

(1) Transports any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(2) Generates and causes or permits to be transported any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(3) Disposes, treats, stores or transports hazardous waste without authorization from the department;

(4) Makes any false or misleading statement to any person who prepares any hazardous waste application, label, manifest, record,

report, design or other document required to be submitted to the department; or

(5) Makes any false or misleading statement on any hazardous waste application, label, manifest, record, report, design or other document required to be submitted to the department shall, upon conviction, be guilty of a crime of the third degree and, notwithstanding the provisions of N. J. S. 2C:43-3, shall be subject to a fine of not more than \$25,000.00 for the first offense and not more than \$50,000.00 for the second and each subsequent offense and restitution of not more than \$100,000.00 for the first and each subsequent offense, in addition to any other appropriate disposition authorized by subsection b. of N. J. S. 2C:43-2.

f. Any person who recklessly:

(1) Transports any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(2) Generates and causes or permits to be transported any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(3) Disposes, treats, stores or transports hazardous waste without authorization from the department;

(4) Makes any false or misleading statement to any person who prepares any hazardous waste application, label, manifest, record, report, design or other document required to be submitted to the department; or

(5) Makes any false or misleading statement on any hazardous waste application, label, manifest, record, report, design or other document required to be submitted to the department, shall, upon conviction, be guilty of a crime of the fourth degree.

g. Any person who, regardless of intent, generates and causes or permits any hazardous waste to be transported, transports, or receives transported hazardous waste without completing and submitting to the department a hazardous waste manifest in accordance with the provisions of this act or any rule or regulation adopted pursuant hereto shall, upon conviction, be guilty of a crime of the fourth degree.

2. This act shall take effect immediately.

Approved September 1, 1982.

CHAPTER 124

AN ACT to authorize the city of Bridgeton in the county of Cumberland to appoint Charles Erianne to the full-time position of chief of the fire department of the city of Bridgeton.

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

1. The city of Bridgeton in the county of Cumberland authorized to appoint Charles Erianne to the full-time position of chief of the fire department of the city of Bridgeton notwithstanding that the age of Charles Erianne is greater than the maximum age limit for appointment thereto as set forth in N. J. S. 40A:14-12.

2. The Board of Trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any person otherwise eligible for membership, appointed pursuant to this act; provided there is paid into the retirement system, in such manner as the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. This act shall take effect upon due adoption and publication of an ordinance of the city of Bridgeton for the purpose of adopting same.

Approved September 1, 1982.

CHAPTER 125

AN ACT concerning State aid for certain county improvement authority projects, amending and supplementing P. L. 1947, c. 71, and amending P. L. 1980, c. 105.

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

1. Section 3 of P. L. 1947, c. 71 (C. 40:48-8.17) is amended to read as follows:

C. 40:48-8.17 Tax rate.

3. Any such ordinance may impose such tax at a rate not to exceed 3% from July 1, 1981 through December 31, 1981; and at a rate not to exceed 7% from January 1, 1982 through August 31, 1982; and at a rate not to exceed 9% on and after September 1, 1982; except that the sale of alcoholic beverages shall continue to be taxed under subsection (1) of section 2 of P. L. 1947, c. 71 (C. 40:48-8.16) at a rate not to exceed 3% on and after January 1, 1982.

C. 40:48-8.25b Ordinance sufficient.

2. (New section) In any municipality in which the provisions of P. L. 1947, c. 71 (C. 40:48-8.15 et seq.) are presently operative pursuant to an ordinance and referendum thereon approving the same heretofore adopted and held in accordance with the provisions of that act, any ordinance to adopt the provisions of this amendatory and supplementary act shall, upon adoption, become operative within the municipality without any requirement to submit the same to the voters for their approval or disapproval. Such municipality may also provide and covenant by ordinance that the ordinance authorizing such tax will not be amended so as to repeal or reduce such tax while bonds entitled to the benefits of this amendatory and supplementary act are outstanding with the holders of such bonds, unless the resolution authorizing such bonds shall provide otherwise. Such covenant shall constitute a valid and legally binding contract between such municipality and such holders.

3. Section 7 of P. L. 1947, c. 71 (C. 40:48-8.21) is amended to read as follows:

C. 40:48-8.21 Apportionment of revenues.

7. All revenues collected under any such ordinance by the Director of the Division of Taxation pursuant to section 1 of P. L. 1980, c. 60 (C. 54:32B-24.1) shall be apportioned according to the following schedule:

(a) Through June 30, 1981, all such revenues shall be deposited in the general fund of the municipality and may be used for general municipal purposes, including the reduction and liquidation of bonded indebtedness, the payment of salaries, construction, reconstruction, maintenance and repair of municipal buildings, installations and properties, and for such other purposes as may be provided by existing ordinances or ordinances hereafter enacted for general municipal purposes;

(b) For revenues collected during the period from July 1, 1981 through February 28, 1982, 66 $\frac{2}{3}$ % of such revenues shall be paid

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to the municipality and deposited and used as provided in subsection (a) of this section and $33\frac{1}{3}\%$ of such revenues shall be retained by the State Treasurer for deposit in the fund established pursuant to the provisions of section 5 of P. L. 1979, c. 273 (C. 40:48-8.30), to be used and distributed according to the terms herein provided;

(c) For revenues collected during the period from March 1, 1982 through June 30, 1982, $\frac{2}{7}$ of such revenues shall be paid to the municipality and deposited and used as provided in subsection (a) of this section, and $\frac{5}{7}$ of such revenues shall be retained by the State Treasurer for deposit in the fund established pursuant to section 5 of P. L. 1979, c. 273 (C. 40:48-8.30) and be distributed according to the terms of this act;

(d) For revenues collected during the period from July 1, 1982 through August 31, 1982, all such revenues shall be retained by the State Treasurer for deposit in the fund established pursuant to section 5 of P. L. 1979, c. 273 (C. 40:48-8.30) and distributed according to the terms of P. L. 1981, c. 461 (C. 40:48-8.16a et al.);

(e) For revenues collected during the period from September 1, 1982 through December 31, 1982, $\frac{2}{9}$ of such revenues shall be paid to the municipality and deposited and used as provided in subsection (a) of this section, and $\frac{7}{9}$ of such revenues shall be retained by the State Treasurer for deposit in the fund established pursuant to section 5 of P. L. 1979, c. 273 (C. 40:48-8.30) and be distributed according to the terms of P. L. 1981, c. 461 (C. 40:48-8.16a et al.);

(f) On and after January 1, 1983, all such revenues shall be retained by the State Treasurer for deposit in the fund established pursuant to section 5 of P. L. 1979, c. 273 (C. 40:48-8.30) and distributed according to the terms herein provided.

C. 40:48-8.21a Payment of deficiency in operating expense budget.

4. (New section) Notwithstanding the provisions of P. L. 1981, c. 461 (C. 40:48-8.16a et al.), the State Treasurer may apply an amount not to exceed $\frac{1}{6}$ of the revenues collected by the State Treasurer pursuant to P. L. 1947, c. 71 (C. 40:48-8.15 et seq.) on or after January 1, 1983, to the payment of any deficiency between the operating expense budget and the anticipated operating revenues available for the operation of a convention hall facility located in a municipality which has adopted an ordinance pursuant to P. L. 1947, c. 71. The payment shall be made upon the approval by the State Treasurer of an application therefor by the county improvement authority or other public agency operating the

facility. The State Treasurer shall limit the amount of payment to be made under this section, if such limitation is necessary to ensure the payment of principal and interest on any bonds or other obligations issued by, or any lease payments of, the county improvement authority with respect to that facility. The State Treasurer may, in approving an application pursuant to this section, attach such conditions thereto, including the reduction or limitation of items included in the operating expense budget of the facility, as the State Treasurer shall deem appropriate.

The State Treasurer may promulgate such rules and regulations as may be necessary to effectuate the provisions of this section.

5. Section 31 of P. L. 1980, c. 105 (C. 54:32B-8.19) is amended to read as follows:

C. 54:32B-8.19 Exemption from sales and use tax.

31. Receipts from sales of tangible personal property and services taxable under any municipal ordinance which was adopted pursuant to P. L. 1947, c. 71 (C. 40:48-8.15 et seq.) and was in effect on April 27, 1966 are exempt from the tax imposed under the Sales and Use Tax Act subject to the following conditions:

a. To the extent that the tax is or would be imposed under section 3 of P. L. 1966, c. 30 (C. 54:32B-3) is greater than the tax imposed by such ordinance, such sales shall not be exempt under this section; and

b. To the extent permitted in the following schedule, irrespective of the rate of tax imposed by such ordinance:

(1) From July 1, 1981 through December 31, 1981, such sales shall not be exempt from this act;

(2) From January 1, 1982, through August 31, 1982, such sales shall be exempt only to the extent that the rate of taxation imposed by the ordinance exceeds the rate of taxation otherwise imposed pursuant to P. L. 1966, c. 30 (C. 54:32B-1 et seq.); and

(3) From September 1, 1982 and thereafter, such sales shall be exempt only to the extent that the rate of taxation imposed by the ordinance exceeds 7%, except that the combined rate of taxation imposed under the ordinance and under this section shall not exceed 12%.

6. This act shall take effect immediately.

Approved September 2, 1982.

CHAPTER 126

AN ACT concerning eligibility of certain employees of the New Jersey College of Medicine and Dentistry for the alternate benefit program and amending P. L. 1969, c. 242.

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

1. Section 4 of P. L. 1969, c. 242 (C. 18A:66-170) is amended to read as follows:

C. 18A:66-170 Eligibility of employees for alternate benefit program.

4. All full-time officers and all full-time members of the faculty of the New Jersey College of Medicine and Dentistry, Rutgers, The State University, the Newark College of Engineering, the State and county colleges and all regularly appointed teaching and administrative staff members in applicable academic positions, as determined by the Board of Higher Education, shall be eligible and shall participate in the alternate benefit program, except those persons appointed in a part-time or temporary capacity, physicians and dentists holding employment in positions titled intern, resident or fellow on or after the effective date of this amendatory act, persons compensated on a fee basis, persons temporarily in the United States under an F or J visa and members of the Teachers' Pension and Annuity Fund, the Public Employees' Retirement System, the Police and Firemen's Retirement System or the Group Annuity Plan, who did not elect to transfer to the alternate benefit program in accordance with the provisions of chapter 64C or 65 of Title 18A of the New Jersey Statutes, P. L. 1967, c. 278 or c. 281, or P. L. 1968, c. 181.

Any person participating in the alternate benefit program shall be ineligible for membership in the Teachers' Pension and Annuity Fund, the Public Employees' Retirement System, the Police and Firemen's Retirement System or the Group Annuity Plan and any person electing to participate in the alternate benefit program shall thereby waive all rights and benefits provided by the Teachers' Pension and Annuity Fund, the Public Employees' Retirement System, the Police and Firemen's Retirement System or the Group Annuity Plan as a member of said fund, system or plan, except as herein and otherwise provided by law or under terms of the Group Annuity Plan.

Any person required to participate in the alternate benefit program by reason of employment, who at the time of such employment is a member of the Teachers' Pension and Annuity Fund, shall be permitted to transfer his membership in said fund to the Public Employees' Retirement System, by waiving all rights and benefits which would otherwise be provided by the alternate benefit program. Any such new employee who is a member of the Public Employees' Retirement System will be permitted to continue his membership in that system, by waiving all rights and benefits which would otherwise be provided by the alternate benefit program. Such waivers shall be accomplished by filing forms satisfactory to the Division of Pensions within 30 days of the beginning date of employment.

Any person receiving a benefit by reason of his retirement from any retirement or pension system of the State of New Jersey or any political subdivision thereof shall be ineligible to participate in the alternate benefit program.

No person eligible for participation in the alternate benefit program shall be eligible for, or receive, benefits under chapters 4 and 8B of Title 43 of the Revised Statutes.

The alternate benefit programs established pursuant to this act are deemed to be pension funds or retirement systems for purposes of chapter 23 of the Laws of 1968 (C. 43:3C-1).

2. Section 5 of P. L. 1969, c. 242 (C. 18A:66-171) is amended to read as follows:

C. 18A:66-171 Higher education employees to be enrolled in retirement system.

5. Those faculty members, who are ineligible for participation in the alternate benefit program, and all other employees of all of the public institutions of higher education in the State, except physicians and dentists holding employment in positions titled intern, resident or fellow on or after the effective date of this amendatory act, shall be enrolled in the Public Employees' Retirement System if they are otherwise eligible. Such eligibility shall extend to all part-time faculty members whose services have been renewed for the succeeding school year.

3. This act shall take effect immediately.

Approved September 2, 1982.

CHAPTER 127

AN ACT regulating the sale and possession of nitrous oxide, and supplementing Subtitle 1 of Title 24 of the Revised Statutes.

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

C. 24:6G-1 Permit required for possession of nitrous oxide.

1. It shall be unlawful for any person or persons, except a duly licensed physician, dentist, veterinarian, nurse, hospital, sanitarium or other medical institution, or a resident physician or intern of a hospital, sanitarium or other medical institution, to have under control or possess nitrous oxide in any form unless the person obtains a written permit issued by the Department of Health; except that no person under 19 years of age shall have under his control or possess nitrous oxide.

C. 24:6G-2 Sale for nonmedical use.

2. When nitrous oxide is sold for nonmedical use, both the seller and buyer shall obtain a written permit issued by the Department of Health; except that if the seller is registered with the Department of Health as a distributor or wholesaler of nitrous oxide, the seller does not have to obtain a permit. A permit shall contain the name, address and other location of the person who requests the permit and a registration number assigned by the Department of Health. The buyer shall state the intended use of the nitrous oxide on the permit.

Notwithstanding the provisions of sections 1 and 2 of this act, no person shall sell, distribute or dispense nitrous oxide to any person under 19 years of age.

C. 24:6G-3 Records of sales.

3. Every person who sells or furnishes nitrous oxide shall retain a record of the sale for a period of 2 years. The record of the sale shall contain the name and address of the buyer, number of the buyer's permit, date of sale and amount of nitrous oxide purchased. Records shall be open to inspection by any public officer or employee engaged in the enforcement of this section.

C. 24:6G-4 Issuance of permits authorized.

4. The Commissioner of Health is authorized to issue permits for the acquisition of nitrous oxide for the purposes enumerated in section 1 of this act.

C. 24:6G-5 Administration, enforcement of act.

5. The Commissioner of Health shall administer and enforce the provisions of this act and shall issue all rules necessary to effectuate the purposes of this act.

C. 24:6G-6 Penalties.

6. The penalties for violating any provisions of this act shall be as provided in chapter 17 of Title 24 of the Revised Statutes. Such penalties shall be recovered and enforced in the same manner and in accordance with the procedure detailed in chapter 17 of Title 24 of the Revised Statutes. In addition, any person violating the provisions of this act may be sentenced to imprisonment for a definite term which shall be fixed by the court and shall not exceed 6 months.

7. This act shall take effect immediately.

Approved September 3, 1982.

CHAPTER 128

AN ACT authorizing the construction of certain facilities for disabled veterans without the commitment of federal matching funds, amending section 5 of the "New Jersey Public Purpose Buildings Construction Bond Act of 1980" (P. L. 1980, c. 119), providing for the submission of this act to the people at a general election and providing an appropriation therefor.

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

1. Section 5 of P. L. 1980, c. 119 is amended to read as follows:

5. Bonds of the State of New Jersey in the sum of \$159,000,000.00 are hereby authorized for the construction of public purpose buildings as defined herein. Of such total, the proceeds from the sale of bonds shall be allocated, to the maximum extent practicable and feasible, according to the following estimates of costs:

a. For construction and improvement of public buildings for the mentally retarded in conjunction with the Federal Program for Intermediate Care Facilities/Mentally Retarded, to be implemented by the Department of Human Services—\$50 million.

b. For improvements and additions to facilities for the mentally ill, to be implemented by the Department of Human Services—\$21.5 million.

c. For improvements and additions to facilities for children in need of supervision, to be implemented by the Department of Human Services—\$3.5 million.

d. For construction of additional long-term care facilities for disabled veterans, to be implemented by the Department of Human Services—\$7 million.

e. For the establishment of a loan guarantee fund to encourage the construction of long-term care facilities which will provide additional Medicaid beds, to be implemented by the Department of Human Services pursuant to agreements with public authorities, which agreements provide for the guarantee of obligations issued by such public authorities to finance the construction of such long-term care facilities. Any long-term care facility participating in the loan guarantee program shall agree, through contracts with the Department of Human Services, to allocate no fewer than 75% of its beds for Medicaid recipients—\$10 million.

f. For repair, renovation and construction of facilities for the incarcerated, to be implemented by the Department of Corrections—\$67 million.

2. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, 1982, 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 takes effect, and at least 15 days prior to that election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively, in accordance with the instructions of the Secretary of State, shall cause to be printed on each of the said ballots, the following:

If you approve the act entitled below, make a cross (×), 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.	ELIMINATION OF THE COMMITMENT OF FEDERAL MATCHING FUNDS REQUIREMENT FOR CONSTRUCTION OF CERTAIN FACILITIES FOR DISABLED VETERANS Shall section 5 of the "New Jersey Public Purpose Buildings Construction Bond Act of 1980" be amended so as to remove the requirement of having a commitment of federal matching funds prior to beginning construction of long-term care facilities for disabled veterans?
	No.	INTERPRETIVE STATEMENT Approval of this question will remove the requirement in the 1980 Public Purpose Buildings Construction Bond Act that federal matching funds be committed prior to beginning construction of nursing home facilities for disabled veterans. The 1980 bond act did not anticipate the federal budget freeze on moneys earmarked for the matching funds and it was not the original intention that these facilities should not go forward to the degree possible without the federal funds.

No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

The votes cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of 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 election in favor of the approval of this act, then the provisions of section 1 of this act shall take effect forthwith.

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

4. This section and sections 2 and 3 of this act shall take effect immediately and section 1 of this act shall take effect as and when provided in section 2.

Approved September 7, 1982.

CHAPTER 129

AN ACT appropriating moneys from the Water Supply Fund for State projects or local projects to rehabilitate, repair or consolidate antiquated, damaged or inadequately operating water supply facilities, as recommended by the New Jersey Statewide Water Supply Plan.

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

1. There is appropriated to the Department of Environmental Protection from the Water Supply Fund created by the "Water Supply Bond Act of 1981" (P. L. 1981, c. 261), the following sum of money for State projects or local projects to rehabilitate, repair or consolidate antiquated, damaged or inadequately operating water supply facilities, as recommended by the New Jersey Statewide Water Supply Plan:

Interconnection testing and loans for priority improvements including Great Notch and New Brunswick-South River area	\$7,500,000.00
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2. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P. L. 1981, c. 261, and shall include administrative costs. Any sums loaned to a public utility shall also be subject to the provisions of the "Local Public Contracts Law," P. L. 1971, c. 198 (C. 40A:11-1 et seq.).

3. All funds made available from the Water Supply Fund to local water supply purveyors for improvements to water supply systems shall be used by the department for loans.

4. Any funds made available to local water supply purveyors shall be in the form of loans with principal payments due to be repaid into the Water Supply Fund and interest payments due to be repaid into the General Fund in accordance with terms of a written loan agreement. The form of the loan agreement shall be specified by the State Treasurer. Loan agreements shall be executed after the department has awarded the loan and prior to the disbursement of any funds. Loans made to water supply systems subject to the jurisdiction of the Board of Public Utilities shall require the approval of the board prior to the disbursement of any funds.

5. This act shall take effect immediately.

Approved September 8, 1982.

CHAPTER 130

AN ACT appropriating funds from the "Natural Resources Fund" for the purposes of planning, designing, acquiring, and constructing sewage treatment facilities; and providing for precedures relating to the expenditure of these funds.

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

1. There is appropriated to the Department of Environmental Protection from the "Natural Resources Fund" created pursuant to the "Natural Resources Bond Act of 1980" (P. L. 1980, c. 70), the sum of \$14,865,714.00 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 "Sewerage Facilities Aid Program," ss. 11-20 of P. L. 1979, c. 321 (C. 58:25-1 to 58:25-10):

Federal I. D. No.	Municipality or Authority	Amount of State Grant
365-03	Wayne Township	\$14,723
376-02	Morristown Town	223,344
380-04	Western Monmouth U. A.	525,200
382-01	Bernards Twp. S. A.	1,343,306

Federal I. D. No.	Municipality or Authority	Amount of State Grant
398-02	Ocean County U. A.	\$ 27,200
398-03	Manasquan River Regional S. A.	2,015,757
406-05	Sussex County M. U. A.	248,056
416-07	Trenton City	163,395
416-09	Trenton City	34,566
423-02	Monroe Twp. M. U. A.	392,481
424-01	Bergen Co. U. A.	62,507
427-03	East Hanover Twp.	1,242,659
440-01	Flemington Borough	2,696
443-02	Edgewater Borough	87,323
466-02	Denville Township	30,460
480-02	Pequannock Township	30,056
482-02	Wyckoff Township	178,310
486-03	North Haledon Borough	403,255
486-04	North Haledon Borough	386,849
505-02	Pine Beach Borough	16,934
524-02	Camden County M. U. A.	275,722
533-01	Verona Borough	15,500
535-02	Readington-Lebanon S. A.	457,982
577-04	Readington Township	116,537
577-05	Readington Township	425,002
579-02	Little Egg Harbor M. U. A.	133,702
589-02	Eagleswood Township	78,849
604-01	Green Brook Township	7,422
605-01	Helmetta Borough	2,560
609-02	Jackson Twp. M. U. A.	3,200
622-02	Wall Township	13,050
639-04	Ridgewood Village	11,810
644-02	Sussex County M. U. A.	25,895
651-01	Haledon Borough	18,440
656-01	Stony Brook Regional S. A.	10,716
660-02	Cape May Co. M. U. A.	1,535,529
661-02	Cape May Co. M. U. A.	266,738
661-03	Cape May Co. M. U. A.	677,025
692-01	Wood-Ridge Borough	8,800
697-01	Bayshore Regional S. A.	31,600
703-02	Florham Park Sewerage Authority ...	43,024
704-02	Stony Brook Regional S. A.	950,492
705-03	Carlstadt Sewerage Authority	9,300
708-03	Camden County U. A.	154,888

Federal I. D. No.	Municipality or Authority	Amount of State Grant
708-04	Camden County U. A.	\$ 1,277,917
717-01	Cedar Grove Township	18,374
732-01	Cape May Co. M. U. A.	216,710
738-02	Wyckoff Township	25,437
739-01	Wyckoff Township	34,366
750-01	Ocean Township S. A.	7,834
763-01	Tri-Borough Wastewater Facilities Plan Study Group	21,212
769-01	Western Monmouth U. A.	4,537
781-01	Raritan Borough	881
781-02	Raritan Borough	12,816
785-02	Livingston Township	49,172
788-02	Monmouth Co. Board of Chosen Freeholders	1,910
799-01	Gloucester County U. A.	332,055
800-01	Pequannock, Lincoln Park and Fairfield S. A.	1,359
800-02	Pequannock, Lincoln Park and Fairfield S. A.	2,828
801-01	Somerset-Raritan Valley S. A.	2,012
803-01	Hackettstown M. U. A.	2,494
804-01	Salem Co. Board of Chosen Freeholders	24,455
805-01	Milford Borough	7,062
806-01	Parsippany-Troy Hills Twp.	3,232
808-01	Bass River Township	5,526
809-01	Atlantic Co. S. A.	8,208
811-01	Burlington Co. Board of Chosen Freeholders	13,651
817-01	Mt. Holly S. A.	6,467
818-01	Burlington Co. Board of Chosen Freeholders	32,000
819-01	Mt. Holly S. A.	6,282
820-01	Long Branch Sewerage Authority	13,600
821-01	Rockaway Valley Regional S. A.	30,457
		\$14,865,714

2. There is appropriated \$230,000.00 to the Waterford Township Municipal Utilities Authority from the "Natural Resources Fund"

as a State match to the Farmers' Home Administration for a collection system and treatment plant.

3. There is appropriated \$23,250.00 to the Ringwood Borough Sewerage Authority as a State match to the Environmental Protection Agency sewerage grant No. 483-03.

4. In order to provide flexibility in administering this act directing utilization of moneys from the "Natural Resources Fund," the Commissioner of the Department 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 the appropriation. Upon approval of an application by the director and by the Legislative Budget Officer, in writing, the director shall make the transfer.

5. The funds directed to be utilized pursuant to this act are subject to the provisions and conditions of the "Sewerage Facilities Aid Program," ss. 11-20 of P. L. 1979, c. 321 (C. 58:25-1 to 58:25-10) and P. L. 1980, c. 70.

6. This act shall take effect immediately.

Approved September 8, 1982.

CHAPTER 131

AN ACT appropriating moneys from the "Water Supply Fund" for State projects or local projects to rehabilitate, repair or consolidate antiquated, damaged or inadequately operating water supply facilities and to plan, design, acquire and construct various State water supply facilities, all as recommended by the New Jersey Statewide Water Supply Plan.

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

1. There are appropriated to the Department of Environmental Protection from the "Water Supply Fund" created by the "Water Supply Bond Act of 1981" (P. L. 1981, c. 261), the following sums of money for State projects or local projects to rehabilitate, repair or consolidate antiquated, damaged or inadequately operating water supply facilities and to plan, design, acquire and construct

various State water supply facilities, all as recommended by the New Jersey Statewide Water Supply Plan:

a. Loans for high priority rehabilitation and consolidation of inadequate water supply systems	\$25,000,000.00
b. Conservation program	500,000.00
c. Watershed and aquifer protection including groundwater development:	
(1) State programs, including aquifer analyses of Atlantic City, Camden, South River and other areas	3,400,000.00
(2) County demonstration projects, including aquifer protection, wastewater systems and maintenance of stormwater retention basins and watershed pollution protection	1,300,000.00
(3) Municipal and county stormwater management programs	1,000,000.00
d. Development of special water treatment analysis	500,000.00
e. Feasibility studies for additional water supply projects, including the Camden Metropolitan Area Water Supply, the safe yield and deficit analysis, the South River Regional Water Project, the Delaware River Low Flow Augmentation Project and Contaminated Well Field Evaluations	3,650,000.00
Total	\$35,350,000.00

2. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P. L. 1981, c. 261. Any sums loaned to a public utility shall also be subject to the provisions of the "Local Public Contracts Law" (P. L. 1971, c. 198, C. 40A:11-1 et seq.).

All funds made available from the "Water Supply Fund" to local water supply purveyors for improvements to water supply systems shall be used by the department for loans.

3. There is appropriated to the State Treasurer from the "Water Supply Fund" created by the "Water Supply Bond Act of 1981" (P. L. 1981, c. 261) any sums as may be necessary to meet any expenses 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.

4. a. In order to provide flexibility in administering this act appropriating moneys from the "Water Supply 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 the appropriation. Upon the approval of an application by the director and by the Legislative Budget Officer in writing, the director shall make the transfer as provided by law.

b. From the sums appropriated by this act, there may be allocated whatever sums as the commissioner may determine for personal service by contract or, in lieu thereof, by State employees for the purposes of planning, engineering, design, research, construction, property acquisition, or other costs related to construction, except that the expenditure of any of these sums shall be subject to approval as transfers as prescribed in subsection a. herein.

c. In order that all costs, whether direct or indirect, of implementing the purposes of the "Water Supply Bond Act of 1981" (P. L. 1981, c. 261) shall be paid from the "Water Supply Fund" established therein, the Director of the Division of Budget and Accounting, whenever appropriate and practicable, shall charge to the "Water Supply Fund" and credit to the General Fund or appropriate expenditure source whatever sums that may have been expended from other State appropriations for the direct or indirect costs related to the "Water Supply Bond Act of 1981" (P. L. 1981, c. 261).

5. Any funds made available to local water supply purveyors shall be in the form of loans with principal payments due to be repaid into the Water Supply Fund and interest payments due to be repaid into the General Fund in accordance with terms of a written loan agreement. The form of the loan agreement shall be specified by the State Treasurer. Loan agreements shall be executed after the department has awarded the loans and prior to the disbursement of any funds. Loans made to water supply systems subject to the jurisdiction of the Board of Public Utilities shall require the approval of the board prior to the disbursement of any funds.

6. State projects shall be constructed by the New Jersey Water Supply Authority, and any funds made available to the authority pursuant to this act shall be in the form of loans with principal to be paid to the Water Supply Fund and interest to be paid to the General Fund as reimbursement for principal and interest payments on the Water Supply Bonds. The authority shall set

rates and charges for the water supplied from its facilities sufficient to make semi-annual payments of principal and interest on loans from the Water Supply Fund according to a schedule agreed upon with the State Treasurer before loans are advanced.

7. This act shall take effect immediately.

Approved September 8, 1982.

CHAPTER 132

AN ACT to amend the "Agent Orange Act," approved February 21, 1980 (P. L. 1979, c. 443).

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

1. Section 6 of P. L. 1979, c. 443 is amended to read as follows:

6. The commission shall report annually to the Legislature on its findings with recommendations for further legislation.

2. This act shall take effect immediately.

Approved September 9, 1982.

CHAPTER 133

AN ACT concerning sheriff's officers.

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

C. 40A:9-117.6 Sheriff's officers.

1. The sheriff of each county shall, subject to any personnel policies established by the governing body of the county, appoint such persons as may be necessary, to the position of sheriff's officer, pursuant to the provisions of Title 11 of the Revised Statutes, where applicable, to perform the duties involved in attending the courts heretofore performed by court attendants, or in serving court processes, or in the investigation and apprehension of violators of the law, or in criminal identification, or in ballistics, or

in any related work which the sheriff shall, from time to time, prescribe and as shall be determined to be appropriate by the Civil Service Commission. Except as provided herein, no such officer shall be assigned to any penal institution, jail, penitentiary, county correction center, or workhouse for the purpose of guarding, having custody of, or being charged with the rehabilitation of any inmate housed therein, except upon emergency conditions. Any sheriff's officer who, on the effective date of this act, is assigned to any penal institution, jail, penitentiary, county correction center, or workhouse for the purpose of guarding, having custody of, or being charged with the rehabilitation of any inmate housed therein, may continue to serve in such capacity until such officer is re-assigned or terminated, at which time the position shall be filled with an individual in a title appropriate to the duties to be performed.

C. 40A:9-117.7 Appointments after effective date.

2. Any person who is appointed on or after the effective date of this act to perform the duties set forth in section 1 of this act shall be appointed as a sheriff's officer.

C. 40A:9-117.8 Applications by employees.

3. Every duly appointed employee holding permanent civil service status in a title the functions of which encompass the performance of duties set forth in section 1 of this act, may apply to the sheriff for appointment as a sheriff's officer within 30 days after the effective date of this act, and shall be so appointed to the corresponding level sheriff's officer title and be granted permanent civil service status upon meeting the training qualifications for the position of sheriff's officer. Training shall be waived if the applicant has graduated from a police training school or has ten or more years in the position of court attendant.

If no application is made, the employee's title shall remain in effect, together with all duties, benefits, privileges and powers pertaining thereto. If application is made and the applicant shall fail to meet the qualifications for sheriff's officer within a reasonable period as the Civil Service Commission shall prescribe, the employee's title shall remain in effect as if no application had been made.

C. 40A:9-117.9 Seniority.

4. Seniority for employees appointed as sheriff's officers pursuant to this act shall be calculated so as to include permanent time in grade in their former titles for civil service purposes. All employees

who, on the effective date of this act, held provisional civil service status in a title the functions of which encompass duties set forth in section 1 of this act, shall be reclassified by the Civil Service Commission under the appropriate level sheriff's officer title and may continue in a provisional status pending the regular civil service examination process.

C. 40A:9-117.10 Duties, benefits, powers; compensation.

5. Sheriff's officers appointed under the provisions of this act shall have the duties, benefits and powers conferred by law on sheriff's officers, and their compensation shall be as recommended by the sheriff and approved by the governing body of the county, pursuant to the budgetary procedures established for the county.

C. 40A:9-117.11 No decrease of compensation.

6. Nothing in this act shall permit the decrease of compensation paid to persons employed as of the effective date of the act, who shall receive appointments as sheriff's officers pursuant to this act.

C. 40A:9-117.12 Retirement system membership.

7. Any person who is over 35 years of age on the effective date of this act, and who is subsequently appointed as a sheriff's officer pursuant to this act, shall remain a member of the retirement system of which he is a member on that date.

C. 40A:9-117.13 Transfer to Police and Firemen's Retirement System.

8. a. Any person who is 35 years of age or younger on the effective date of this act, and who is subsequently appointed as a sheriff's officer pursuant to this act, shall be permitted to transfer his membership in the Public Employees' Retirement System of New Jersey under P. L. 1954, c. 84 (C. 43:15A-1 et seq.), or in a county pension fund created under P. L. 1943, c. 160 (C. 43:10-18.1 et seq.) or P. L. 1948, c. 310 (C. 43:10-18.50 et seq.) or article 1 of chapter 10 of Title 43 of the Revised Statutes (R. S. 43:10-1 et seq.) to the Police and Firemen's Retirement System of New Jersey established by P. L. 1944, c. 255 (C. 43:16A-1 et seq.) by waiving all rights and benefits which would otherwise be provided by the Public Employees' Retirement System of New Jersey or county pension fund and making a lump sum payment into the Police and Firemen's Retirement System of New Jersey annuity savings fund of the amount of the difference between the contribution which was paid as a member of the Public Employees' Retirement System of New Jersey or county pension fund and the contribution that would have been required if he had been a member of the Police and Firemen's Retirement System of New Jersey since the date of last enrolling

in the Public Employees' Retirement System of New Jersey or a county pension fund. In addition, the employee shall be liable for any payment to the retirement system that the employer would have been required to make on behalf of the member for the purchase of such credit; this payment may be made in regular monthly installments or in a lump sum, as the employee may elect, and pursuant to rules and regulations as may be promulgated by the Division of Pensions. He may also be permitted to continue his membership in the Public Employees' Retirement System of New Jersey or county pension fund by waiving all rights and benefits which would otherwise be provided by the Police and Firemen's Retirement System of New Jersey. Any waiver shall be accomplished by filing forms satisfactory to the Division of Pensions, which is responsible for the administration of the Police and Firemen's Retirement System of New Jersey, within 90 days following the date of appointment. In the absence of a filing of a timely waiver by the person, his pension status shall remain unchanged and his membership shall not be transferred to the Police and Firemen's Retirement System of New Jersey.

b. The transfer of membership from the Public Employees' Retirement System of New Jersey or county pension fund to the Police and Firemen's Retirement System of New Jersey shall be done in accordance with the provisions of P. L. 1973, c. 156 (C. 43:16A-62 et seq.) and this act. Whenever in P. L. 1973, c. 156 a period of time is set which is to be calculated from the effective date of that act, the time shall be calculated from the date of appointment as sheriff's officer pursuant to this act for the purposes hereof.

9. This act shall take effect immediately.

Approved September 14, 1982.

CHAPTER 134

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, 1983, and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. In addition to the amounts appropriated by P. L. 1982, c. 49, there is appropriated the following sum for the following purpose:

DIRECT STATE SERVICES

DEPARTMENT OF LABOR

Economic Planning, Development and Security

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation	
Services	\$75,000
Total Appropriation, Manpower and Employment	
Services	\$75,000
Special Purpose:	
Governor's Office on the	
Disabled	(\$75,000)

2. This act shall take effect immediately and be retroactive to July 1, 1982.

Approved September 15, 1982.

CHAPTER 135

AN ACT establishing an "Educational Opportunity Loan Fund," supplementing the "Higher Education Assistance Authority Law," N. J. S. 18A:72-1 et seq., and amending P. L. 1969, c. 135.

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

C. 18A:72-26 Educational Opportunity Loan Fund.

1. (New section) There is established within the New Jersey Higher Education Assistance Authority a special fund called the "Educational Opportunity Loan Fund."

C. 18A:72-27 Eligible students.

2. (New section) The "Educational Opportunity Loan Fund" shall be used to make loans to: (1) students who are eligible for loans under the terms and conditions of applicable federal law

and the “Higher Education Assistance Authority Law,” N. J. S. 18A:72-1 et seq., but have been unable to secure them; or (2) students who do not meet the program eligibility requirements for a loan guaranteed by the Federal Government.

C. 18:72-28 Amount not limited to federal guarantee; security.

3. (New section) Loans made by lenders through the “Educational Opportunity Loan Fund” shall not be limited in any given year or in total amount by the amount which is guaranteed by the Federal Government; however, the loans shall be secured by any endorsement, co-maker’s collateral or other security as may be required by rules and regulations established by the Higher Education Assistance Authority.

C. 18A:72-29 Contracts with lenders.

4. (New section) The authority may contract with lenders authorized to make loans under N. J. S. 18A:72-9 to purchase loans made pursuant to this act under terms and conditions and at the rate or rates of interest as are determined by the authority. The contract may include an incentive fee to the lender as provided under N. J. S. 18A:72-12 (3).

C. 18A:72-30 Payment of interest, principal.

5. (New section) Interest on each loan shall accrue and be payable from the date of the making of the loan; however, the payment of the principal may be deferred until a time determined by the authority.

C. 18A:72-31 Issuance of bonds.

6. (New section) In order to purchase loans made by eligible lenders pursuant to section 4 of this act, the authority shall issue its bonds or bond anticipation notes under the terms and conditions currently provided by law; however, any resolution or resolutions authorizing bonds or bond anticipation notes shall indicate the fund or funds to which the proceeds of the sale shall be applied.

C. 18A:72-32 Power not limited.

7. (New section) Nothing in this act shall be construed to limit the power of the authority to establish and maintain the “Higher Education Assistance Fund” or to alter the terms and conditions of loans made to students under that fund.

C. 18A:72-33 Statutes, rules, regulations apply.

8. (New section) All federal and State statutes or rules and regulations pertaining to or issued by the Higher Education Assistance Authority shall apply to the Educational Opportunity Loan Fund unless exempted by this act.

9. Section 7 of P. L. 1969, c. 135 (C. 18A:72-10.3) is amended to read as follows:

C. 18A:72-10.3 Bonds and bond anticipation notes; general provisions.

7. Bonds and bond anticipation notes; general provisions.

Except as may otherwise be expressly provided by the Higher Education Assistance Authority, every issue of its bonds or notes shall be general obligations of the authority payable from any revenues or moneys of the authority, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues or moneys. Notwithstanding that bonds and notes may be payable from a special fund, they shall be fully negotiable within the meaning of Title 12A, the Uniform Commercial Code, of the New Jersey Statutes, subject only to the provisions of the bonds and notes for registration. The bonds may be issued as serial bonds or as term bonds, or the authority, in its discretion, may issue bonds of both types. The bonds shall be authorized by resolution of the members of the authority and shall bear such date or dates, mature at such time or times, not exceeding 25 years from their respective dates, bear interest at such rate or rates, be payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption, as such resolution or resolutions may provide. The bonds or notes may be sold at public or private sale for such price or prices as the authority shall determine. Pending preparation of the definitive bonds, the authority may issue interim receipts or certificates which shall be exchanged for such definitive bonds.

10. This act shall take effect immediately.

Approved September 15, 1982.

CHAPTER 136

AN ACT concerning certain members of county boards of taxation and supplementing chapter 3 of Title 54 of the Revised Statutes.

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

1. Notwithstanding any provisions of R. S. 54:3-2 to the contrary, a member of a county board of taxation serving on January 1, 1980, who had less than 18 months remaining in his term and who has been reappointed prior to the effective date of this act, shall furnish proof that he has received certificates indicating satisfactory completion of training courses designated in section 4 of P. L. 1967, c. 44 (C. 54:1-35.28) or possession of an assessor's certificate issued pursuant to P. L. 1967, c. 44, by July 1, 1982.

2. This act shall take effect immediately.

Approved September 15, 1982.

CHAPTER 137

AN ACT to amend "An act concerning public higher education and supplementing Title 18A of the New Jersey Statutes," approved February 22, 1979 (P. L. 1979, c. 31).

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

1. Section 1 of P. L. 1979, c. 31 (C. 18A:62-3) is amended to read as follows:

C. 18A:62-3 Tuition waiver for those over 65.

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; 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 September 16, 1982.

CHAPTER 138

AN ACT to amend "An act authorizing municipalities and counties to make voluntary monetary contributions to nonprofit corporations operating a senior citizens center," approved June 18, 1964 (P. L. 1964, c. 126).

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

1. Section 1 of P. L. 1964, c. 126 (C. 40:48-9.4) is amended to read as follows:

C. 40:48-9.4 Contributions to senior citizens' centers.

1. Any municipality or county may make an annual, voluntary contribution to any nonprofit corporation, which operates a senior citizens' center anywhere in the State, in support of the educational, cultural, recreational and personal assistance programs conducted by it for senior citizens of such municipality or county.

2. This act shall take effect immediately.

Approved September 16, 1982.

CHAPTER 139

AN ACT concerning utility cost relief for certain tenants, and amending P. L. 1981, c. 210.

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

1. Section 4 of P. L. 1981, c. 210 (C. 48:2-29.33) is amended to read as follows:

C. 48:2-29.33 Tenants' assistance payments.

4. Any residential tenant found eligible for the "Tenants' Life-line Assistance Program" shall be entitled to an annual tenant's assistance payment, except as otherwise provided herein, at his principal residence. No household or rental unit, as appropriate, shall receive more than one tenant's assistance payment for any fiscal year. No household shall receive during the same fiscal year

both a tenant's assistance payment and a lifeline credit allowed pursuant to P. L. 1979, c. 197 (C. 48:2-29.15 et seq.). The annual tenant's assistance payment shall be \$175.00. Subject to the availability of appropriations, the level of assistance shall be increased to \$200.00 beginning in October, 1983.

2. This act shall take effect July 1, 1982.

Approved September 16, 1982.

CHAPTER 140

AN ACT concerning utility bill credits, and amending P. L. 1979, c. 197.

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

1. Section 3 of P. L. 1979, c. 197 (C. 48:2-29.17) is amended to read as follows:

C. 48:2-29.17 "Lifeline Credit Program."

3. The "Lifeline Credit Program" shall consist of an annual credit 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 of each year 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 one annual credit. In the event that electric and gas are provided to the same customer by the same utility, the total annual credit 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, half of the total annual credit shall be applied to the bills from each such utility. The annual credit shall be \$175.00. Subject to the availability of appropriations, the level of credit shall be increased to \$200.00 beginning in October, 1983.

2. This act shall take effect July 1, 1982.

Approved September 16, 1982.

CHAPTER 141

AN ACT concerning day care centers and amending N. J. S.
18A:70-1.

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

1. N. J. S. 18A:70-1 is amended to read as follows:

Child care centers.

18A:70-1. The term "child care center," as used in this chapter, shall include every private, nonsectarian child care center, day nursery school, boarding school, or other establishment of similar character in which children are cared for less than 24 hours a day and in which more than five children under the age of six years are cared for, but it shall not include:

- a. The Department of Human Services, or
- b. Any aid society of a properly organized and accredited church or fraternal society organized for aid and relief of its members, or
- c. Any children's home, orphan asylum, children's aid society, or society for the prevention of cruelty to children, incorporated under the laws of this State and subject to visitation or supervision by the State Department of Human Services, except in the conduct of a philanthropic day nursery, or
- d. Any child care center operated by a county, city, municipality or school district, or
- e. Any child care center that is an integral part of a private educational institution or system offering elementary education in grades K through 6.

2. This act shall take effect 180 days after enactment.

Approved September 20, 1982.

CHAPTER 142

AN ACT concerning county detectives and amending N. J. S.
2A:157-4.

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

1. N. J. S. 2A:157-4 is amended to read as follows:

Appointment of county detectives.

2A:157-4. a. In counties of the second class having a population in excess of 580,000 there may be appointed not in excess of 40 county detectives, of whom one may be designated chief of county detectives, one deputy chief of county detectives, one captain of county detectives, six lieutenants of county detectives and four sergeants of county detectives.

b. In counties of the second class having a population between 500,000 and 580,000 there may be appointed not in excess of 28 county detectives, of whom one may be designated chief of county detectives, one deputy chief of county detectives, one captain of county detectives, six lieutenants of county detectives and four sergeants of county detectives.

c. In counties of the second class having a population between 460,000 and 500,000, there may be appointed not in excess of 28 county detectives, of whom one may be designated chief of county detectives, one deputy chief of county detectives, four captains of county detectives, and six lieutenants of county detectives.

d. In the counties of the second class having a population between 400,000 and 460,000 there may be appointed not in excess of 24 county detectives of whom one may be designated chief of county detectives, one captain of county detectives, four lieutenants of county detectives and two sergeants of county detectives.

e. In the counties of the second class having a population of 400,000 or under, there may be appointed not in excess of 12 county detectives of whom one may be designated chief of county detectives, one captain of county detectives, and three lieutenants of county detectives.

f. Their annual salaries shall be fixed as follows: chief of county detectives, not less than \$9,500.00; deputy chief of county detectives, not less than \$9,000.00; captain of county detectives, not

less than \$8,000.00; lieutenant of county detectives, not less than \$7,000.00; sergeant of county detectives, not less than \$6,500.00; and other county detectives, not less than \$6,000.00.

2. This act shall take effect immediately.

Approved September 20, 1982.

CHAPTER 143

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, 1983, and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. In addition to the amounts appropriated by P. L. 1982, c. 49, there is appropriated the following sum for the following purpose:

DIRECT STATE SERVICES

THE JUDICIARY

Public Safety and Criminal Justice

15 Judicial Services

07-9740 General Support Services \$50,000.00

Special Purpose:

Implementation of the Child

Placement Review Act (\$50,000.00)

2. This act shall take effect immediately and be retroactive to July 1, 1982.

Approved September 23, 1982.

CHAPTER 144

AN ACT concerning unemployment compensation and extended benefits, and amending R. S. 43:21-5; sections 5, 7, 9, and 10 of chapter 324 of the Laws of 1970; section 2 of chapter 90 of the Laws of 1981, and supplementing chapter 21 of Title 43 of the Revised Statutes.

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

1. Section 5 of P. L. 1970, c. 324 (C. 43:21-24.11) is amended to read as follows:

C. 43:21-24.11 Extended benefit program definitions.

5. For the purposes of the extended benefit program and as used in this act, unless the context clearly requires otherwise:

a. "Extended benefit period" means a period which

(1) Begins with the third week after a week for which there is a state "on" indicator; and

(2) Ends with either of the following weeks, whichever occurs later:

(a) The third week after the first week for which there is a state "off" indicator; or

(b) The thirteenth consecutive week of such period; provided, that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this State; and provided further, that no extended benefit period may become effective in this State prior to the effective date of this act.

b. (Deleted by amendment.)

c. (Deleted by amendment.)

d. There is a "state 'on' indicator" for this State for a week if the division determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of the respective week and the immediately preceding 12 weeks, the rate of insured unemployment (not seasonally adjusted) under the Unemployment Compensation Law (R. S. 43:21-1 et seq.):

(1) Equalled or exceeded 120% of the average of these rates for the corresponding 13-week period during each of the preceding

2 calendar years, and equaled or exceeded 4%; provided that for weeks beginning after September 25, 1982, the rate equaled or exceeded 5%; or

(2) With respect to benefits for weeks of unemployment beginning after March 30, 1977, equaled or exceeded 5%; provided that for weeks beginning after September 25, 1982, the rate equaled or exceeded 6%.

e. There is a "state 'off' indicator" for this State for a week if the division determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of the respective week and the immediately preceding 12 weeks, neither subparagraph (1) or (2) of paragraph d. was satisfied.

f. "Rate of insured unemployment," for purposes of subsections d. and e. means the percentage derived by dividing

(1) the average weekly number of individuals filing claims for regular benefits in this State for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the division on the basis of its reports to the United States Secretary of Labor, by

(2) the average monthly covered employment for the specified period.

g. "Regular benefits" means benefits payable to an individual under the Unemployment Compensation Law (R. S. 43:21-1 et seq.) or under any other State law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits.

h. "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under the provisions of this act for weeks of unemployment in his eligibility period.

i. "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within the extended benefit period, any weeks thereafter which begin in the period.

j. "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(1) has received prior to the week, all of the regular benefits that were available to him under the Unemployment Compensation Law or any other State law (including dependents' allowances and benefits payable to federal civilian employees and ex-service-

men under 5 U.S.C. chapter 85) in his current benefit year that includes such week, provided, that for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages and/or employment that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(2) his benefit year having expired prior to such week, has no, or insufficient, wages and/or employment on the basis of which he could establish a new benefit year that would include such week; and

(3) (a) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and

(b) has not received and is not seeking unemployment benefits under the Unemployment Compensation Law of Canada; but if he is seeking these benefits and the appropriate agency finally determines that he is not entitled to benefits under that law he is considered an exhaustee if the other provisions of this definition are met.

k. "State law" means the unemployment insurance law of any state approved by the United States Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.

2. Section 7 of P. L. 1970, c. 324 (C. 43:21-24:13) is amended to read as follows:

C. 43:21-24.13 Eligibility.

7. An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the division finds that with respect to that week:

a. he is an "exhaustee" as defined in paragraph j. of section 5;

b. he has satisfied the requirements of this act for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits; and

c. he, for any initial claim for extended benefits effective after September 25, 1982, has established entitlement for his applicable benefit year based on the alternative earnings requirement specified in subsection (e) of R. S. 43:21-4, and was paid wages during

the base year of his applicable benefit year which equaled or exceeded forty times his weekly benefit rate.

3. Section 9 of P. L. 1970, c. 324 (C. 43:21-24.15) is amended to read as follows:

C. 43:21-24.15 Total amount.

9. The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be the lesser of the following amounts:

a. 50% of the total of regular benefits which were payable to him under the Unemployment Compensation Law (R. S. 43:21-1 et seq.) in his applicable benefit year; or

b. Thirteen times his weekly benefit amount which was payable to him under the Unemployment Compensation Law (R. S. 43:21-1 et seq.) for a week of total unemployment in the applicable benefit year.

c. Notwithstanding any other provisions of the Unemployment Compensation Law (R. S. 43:21-1 et seq.), if the benefit year of an adversely affected worker covered by a certification under subchapter A, chapter 2, Title II of the Trade Act of 1974, P. L. 93-618, 5 U. S. C. 5312 et seq. as amended, ends within an extended benefit period, the remaining balance of extended benefits that the individual would, but for this section, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced (but not below zero) by the product of the number of weeks for which the individual received any amounts as trade readjustment allowances within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits.

4. Section 10 of P. L. 1970, c. 324 (C. 43:21-24.16) is amended to read as follows:

C. 43:21-24.16 Public announcement.

10. a. Whenever an extended benefit period is to become effective in this State as a result of a state "on" indicator, or an extended benefit period is to be terminated in this State as a result of a state "off" indicator, the division shall make an appropriate public announcement.

b. Computations required by the provisions of paragraph f. of section five shall be made by the division, in accordance with regulations prescribed by the United States Secretary of Labor.

5. Section 2 of P. L. 1981, c. 90 (C. 43:21-24.19) is amended to read as follows:

C. 43:21-24.19 Ineligibility.

2. a. Notwithstanding the provisions of section 6 of P. L. 1970, c. 324 (C. 43:21-24.12) an individual shall be ineligible for payment of extended benefits for any week of unemployment in his eligibility period if it is determined during such period:

(1) The individual failed to accept any offer of suitable work as defined in paragraph c. or failed to apply for any suitable work to which the individual was referred to by the employment service or the director; or

(2) The individual failed to actively engage in seeking work as prescribed under paragraph e.

b. Any individual who has been found ineligible for extended benefits by reason of the provisions in paragraph a. of this section shall also be denied benefits beginning with the first day of the week following the week in which the failure occurred and until the individual has been employed in each of 4 subsequent weeks (whether or not consecutive) and has earned remuneration equal to not less than four times the individual's weekly extended benefit rate.

c. For purposes of this section the term suitable work means, with respect to any individual, any work which is within such individual's capabilities; this work shall be held to be suitable only:

(1) If the gross average weekly remuneration payable for the work exceeds the sum of: the individual's weekly extended benefit rate as determined under section 8 of P. L. 1970, c. 324 (C. 43:21-24.14), plus the amount, if any, of supplemental unemployment benefits (as defined in Section 501(c)(17) of the Internal Revenue Code of 1954) payable to the individual for the respective week;

(2) If the position pays wages not less than the higher of

(a) The minimum wage provided by Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U. S. C. § 206), without regard to any exemption; or

(b) The applicable State or local minimum wage;

(3) Provided, however, that no individual shall be denied extended benefits for failure to accept an offer of or apply for any job which meets the definition of suitable work as described above if:

(a) The position was not offered to the individual in writing or was not listed with the employment service;

(b) The failure could not result in a denial of benefits under the definition of suitable work for regular benefits as provided

under subsection (c) of R. S. 43:21-5 to the extent that the criteria of suitability in that section are not inconsistent with the provisions of this paragraph c.;

(c) The individual furnishes satisfactory evidence to the division that his prospects for obtaining work in his customary occupation within a reasonably short period are good. If the evidence is deemed satisfactory for this purpose, the determination of whether any work is suitable with respect to the individual shall be made in accordance with the definition of suitable work for regular benefit claimants as provided under subsection (c) of R. S. 43:21-5 without regard to the definition specified by this paragraph c.

d. Notwithstanding the provisions of section 6 of P. L. 1970, c. 324 (C. 43:21-24.12) to the contrary, no work shall be deemed to be suitable work for an individual which does not accord with the labor standard provisions required by Section 3304(a)(5) of the Internal Revenue Code of 1954 and subsection (c) of R. S. 43:21-5.

e. For the purposes of subparagraph (2) of paragraph a. of this section, an individual shall be treated as actively engaged in seeking work during any week if

(1) The individual has engaged in a systematic and sustained effort to obtain work during the week, and

(2) The individual furnishes tangible evidence that he has engaged in this effort during the week.

f. The employment service shall refer any claimant entitled to extended benefits under this act to any suitable work which meets the criteria prescribed in paragraph c.

g. An individual who has been disqualified for regular benefits under the provisions of subsection (b) or (c) of R. S. 43:21-5 will not meet the eligibility requirements for the payment of extended benefits unless the individual has had employment subsequent to the effective date of disqualification for regular benefits and has earned in employment remuneration equal to not less than four times the individual's weekly benefit rate.

h. (1) An individual claiming extended benefits who is an exhaustee, as defined under paragraph j. of section 5 of P. L. 1970, c. 324 (C. 43:21-24.11), and who is subsequently discharged or suspended for misconduct connected with his work as provided in subsection (b) of R. S. 43:21-5, shall be disqualified for extended benefits for the week in which the separation occurs and for each week thereafter until he has earned in employment remuneration

equal to at least four times his weekly extended benefit rate, notwithstanding the disqualifying period for regular benefits for misconduct imposed under the provisions of subsection (b) of R. S. 43:21-5.

(2) An individual claiming extended benefits who is an exhaustee, as defined under paragraph j. of section 5 of P. L. 1970, c. 324 (C. 43:21-24.11), but has satisfied the requirements of subparagraph c. (3)(c) of this section concerning prospects for employment, and who subsequently fails without good cause either to apply for available, suitable work when so directed by the employment office or the director or to accept suitable work as defined in subsection (c) of R. S. 43:21-5 when offered to him, or to return to his customary self-employment when directed by the director, shall be disqualified for extended benefits. The disqualification shall be only for the week in which the refusal occurs and for each week thereafter, until he has earned in employment remuneration equal to at least four times his weekly extended benefit rate, notwithstanding the disqualifying period for regular benefits for the refusal normally imposed under the provisions of subsection (c) of R. S. 43:21-5 or the disqualification imposed in paragraph b. of this section for individuals who have not satisfied the requirements of subparagraph c. (3)(c) of this section.

6. R. S. 43:21-5 is amended to read as follows:

Disqualifications.

43:21-5. An individual shall be disqualified for benefits:

(a) For the week in which the individual has left work voluntarily without good cause attributable to such work, and for each week thereafter until the individual has earned in employment (which may be with an employing unit having in employment one or more individuals) at least four times the individual's weekly benefit rate, as determined in each case.

(b) For the week in which the individual has been suspended or discharged for misconduct connected with work, and for the 5 weeks which immediately follow that week (in addition to the waiting period), as determined in each case. In the event discharge should be rescinded by the employer voluntarily or as a result of mediation or arbitration this subsection (b) shall not apply, provided, however, an individual who is restored to employment with back pay shall return any benefits received under this chapter for any week of unemployment for which the individual is subsequently compensated by the employer.

(c) If it is found that the individual has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the director or to accept suitable work when it is offered, or to return to the individual's customary self-employment (if any) when so directed by the director. The disqualification shall continue for the week in which the failure occurred and for the 3 weeks which immediately follow that week (in addition to the waiting period), as determined:

(1) In determining whether or not any work is suitable for an individual, consideration shall be given to the degree of risk involved to health, safety and morals, the individual's physical fitness and prior training, experience and prior earnings, the individual's length of unemployment and prospects for securing local work in the individual's customary occupation, and the distance of the available work from the individual's residence.

(2) Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(d) If it is found that this unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment or other premises at which the individual is or was last employed. No disqualification under this subsection shall apply if it is shown that:

(1) The individual is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(2) The individual does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute; provided, that if in any case in which (1) or (2) above applies separate

branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each department shall for the purpose of this subsection, be deemed to be a separate factory, establishment, or other premises.

(e) For any week with respect to which the individual is receiving or has received remuneration in lieu of notice.

(f) For any week with respect to which or a part of which the individual has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States; provided, that if the appropriate agency of the other state or of the United States finally determines that the individual is not entitled to unemployment benefits, this disqualification shall not apply.

(g) (1) For a period of 17 weeks from the date of the discovery by the division of the illegal receipt of benefits contrary to the provisions of this chapter as the result of any false or fraudulent representation and the individual's maximum total benefits shall be reduced by an amount equal to 17 times the individual's weekly benefit rate in the benefit year in existence at the time of the discovery and in a benefit year established within 1 year thereafter, but the maximum reduction shall not exceed 17 times the weekly benefit rate; provided, that any disqualification may be appealed in the same manner as any other disqualification imposed hereunder; and, provided further, that a conviction in the courts of this State arising out of the illegal receipt of these benefits in any proceeding instituted against the individual under the provisions of this chapter or any other law of this State, shall be conclusive upon the appeals tribunal and the board of review.

(2) A disqualification under this subsection shall not preclude the prosecution of any civil, criminal or administrative action or proceeding to enforce other provisions of this chapter for the assessment and collection of penalties or the refund of any amounts collected as benefits under the provisions of R. S. 43:21-16, or to enforce any other law where an individual obtains or attempts to obtain by theft or robbery or false statements or representations any money from any fund created or established under this chapter or any negotiable or nonnegotiable instrument for the payment of money from these funds, or to recover money erroneously or illegally obtained by an individual from any fund created or established under this chapter.

(h) (1) Notwithstanding any other provisions of this chapter (R. S. 43:21-1 et seq.), no otherwise eligible individual shall be denied benefits for any week because the individual is in training approved under Section 236 (a) (1) of the Trade Act of 1974, P. L. 93-618, 19 U. S. C. 2296, nor shall the individual be denied benefits by reason of leaving work to enter this training, provided the work left is not suitable employment, or because of the application to any such week in training of provisions in this chapter (R. S. 43:21-1 et seq.) or any applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work.

(2) For purposes of this subsection (h) the term "suitable" employment means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the Trade Act of 1974, P. L. 93-618, 19 U. S. C. 2102 et seq.), and wages for this work at not less than 80% of the individual's average weekly wage as determined for the purposes of the Trade Act of 1974.

C. 43:21-6.1 Deduction of child support obligations.

7. (New section) a. An individual filing a new claim for unemployment compensation with an effective date on or after October 1, 1982 shall, at the time of filing the claim, disclose whether or not the individual owes child support obligations as defined under paragraph g. If any individual discloses that he or she owes child support obligations, and is determined to be eligible for unemployment compensation, the division shall notify the State or local child support enforcement agency enforcing this obligation that the individual has been determined to be eligible for unemployment compensation.

b. The division shall deduct and withhold from any unemployment compensation to an individual that owes child support obligations as defined under paragraph g.,

(1) the amount specified by the individual to the division to be deducted and withheld under this section, or

(2) the amount (if any) determined pursuant to an agreement submitted to the division under Section 454(20)(B)(i) of the Social Security Act, P. L. 97-35, 42 U.S.C. 654, by the State or local child support enforcement agency, or

(3) any amount otherwise required to be so deducted and withheld from unemployment compensation pursuant to legal process

(as that term is defined by the Commissioner of Labor in regulations, which definition shall be identical to the definition of legal process in Section 462(e) of the Social Security Act, P. L. 95-30, Title V, 42 U.S.C. 662) properly served upon the division.

c. Any amount deducted and withheld under paragraph b. shall be paid by the division to the appropriate State or local child support enforcement agency.

d. Any amount deducted and withheld under paragraph b. shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the State or local child support enforcement agency in satisfaction of the individual's child support obligations.

e. For purposes of paragraphs a. through d., the term "unemployment compensation" means any compensation payable under the Unemployment Compensation Law (R. S. 43:21-1 et seq.) (including amounts payable by the division pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment).

f. This section applies only if appropriate arrangements have been made for reimbursement by the State or local child support enforcement agency for the administrative costs incurred by the division under this section which are attributable to child support obligations being enforced by the State or local child support enforcement agency.

g. The term "child support obligations" is defined for purposes of these provisions as including only obligations which are being enforced pursuant to a plan described in Section 454 of the Social Security Act, P. L. 97-35, 42 U.S.C. 654, which has been approved by the Secretary of Health and Human Services under Part D of Title IV of the Social Security Act.

h. The term "State or local child support enforcement agency" as used in these provisions means any agency of a State or a political subdivision thereof operating pursuant to a plan described in paragraph g.

8. This act shall take effect immediately.

Approved September 24, 1982.

CHAPTER 145

AN ACT concerning municipal initiative and referendum procedures and revising parts of the statutory law.

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

1. Section 17-35 of P. L. 1950, c. 210 (C. 40:69A-184) is amended to read as follows:

C. 40:69A-184 Initiative procedure.

17-35. The voters of any municipality may propose any ordinance and may adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the municipal council by a petition signed by a number of the legal voters of the municipality equal in number to at least 15% of the total votes cast in the municipality at the last election at which members of the General Assembly were elected. An initiated ordinance may be submitted to the municipal council by a number of the legal voters of the municipality equal in number to at least 10% but less than 15% of the total votes cast in the municipality at the last election at which members of the General Assembly were elected, subject to the restrictions set forth in section 17-43 (C. 40:69A-192) of this act.

2. Section 17-36 of P. L. 1950, c. 210 (C. 40:69A-185) is amended to read as follows:

C. 40:69A-185 Power of referendum.

17-36. The voters shall also have the power of referendum which is the power to approve or reject at the polls any ordinance submitted by the council to the voters or any ordinance passed by the council, against which a referendum petition has been filed as herein provided. No ordinance passed by the municipal council, except when otherwise required by general law or permitted by the provisions of section 17-32 (b) of this act, shall take effect before 20 days from the time of its final passage and its approval by the mayor where such approval is required. If within 20 days after such final passage and approval of such ordinance a petition protesting against the passage of such ordinance shall be filed with the municipal clerk and if the petition shall be signed by a number of the legal voters of the municipality equal in number to at

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

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

3. Section 17-42 of P. L. 1950, c. 210 (C. 40:69A-191) is amended to read as follows:

C. 40:69A-191 Submission to voters.

17-42. If within 20 days of the submission of a certified petition by the municipal clerk the council shall fail to pass an ordinance requested by an initiative petition in substantially the form requested or to repeal an ordinance as requested by a referendum petition, the municipal clerk shall submit the ordinance to the voters unless, within 10 days after final adverse action by the council or after the expiration of the time allowed for such action, as the case may be, a paper signed by at least four of the five members of the Committee of the Petitioners shall be filed with the municipal clerk requesting that the petition be withdrawn. Upon the filing of such a request, the original petition shall cease to have any force or effect.

4. Section 17-43 of P. L. 1950, c. 210 (C. 40:69A-192) is amended to read as follows:

C. 40:69A-192 Time for submission.

17-43. Any ordinance to be voted on by the voters in accordance with section 17-36 or section 17-42 of this act (C. 40:69A-185 or C. 40:69A-191) shall be submitted at the next general or regular municipal election occurring not less than 40 days after the final date for withdrawal of the petition as provided for in section 17-42 of this act (C. 40:69A-191), provided that if no such election is to be held within 90 days the council shall provide for a special election to be held not less than 40 nor more than 60 days from the final date for withdrawal of the petition as provided for in section 17-42 (C. 40:69A-191) of this act.

In the case of an initiated petition signed by not less than 10% nor more than 15% of the legal voters, the ordinance shall be submitted at the next general or regular municipal election occurring

not less than 40 days after the final date of withdrawal of the petition as provided for in section 17-42 (C. 40:69A-191) of this act. In any instance where a referendum election is to be held as a result of an ordinance of the council which by its terms or by law cannot become effective in the municipality unless submitted to the voters, or which by its terms authorizes a referendum in the municipality concerning the subject matter thereof, the time for submission of the question to the voters shall be calculated for the purposes of this section and section 17-44 of P. L. 1950, c. 210 (C. 40:69A-193) from the date of final passage and approval of the ordinance.

5. Section 17-44 of P. L. 1950, c. 210 (C. 40:69A-193) is amended to read as follows:

C. 40:69A-193 Only one special election per 6 months.

17-44. Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this article, but there shall not be more than one special election in any period of 6 months for such purpose.

During that 6 month period, any ordinance which would otherwise be submitted to the voters at a special election if one were not already scheduled, shall be submitted at the scheduled special election if at least 30 days shall remain prior thereto from the final date for withdrawal of the petition, otherwise, the ordinance shall be submitted at the next general election or regular municipal election, whichever shall first occur.

6. Section 17-47 of P. L. 1950, c. 210 (C. 40:69A-196) is amended to read as follows:

C. 40:69A-196 No amendment or repeal for 3 years.

17-47. If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the municipality and be published as in the case of other ordinances. No such ordinance shall be amended or repealed within three years immediately following the date of its adoption by the voters, except by a vote of the people. The council may, within three years immediately following the date of adoption of the ordinance, submit a proposition for the repeal or amendment of that ordinance to the voters at any succeeding general election or regular municipal election. If the proposition submitted shall receive a majority of the votes cast at that election, the ordinance shall be repealed or amended accordingly. If the provisions of two or more measures

approved or adopted at the same election conflict then the measure receiving the greatest affirmative vote shall control.

7. R. S. 40:70-2 is amended to read as follows:

Definitions.

40:70-2. As used in chapters 70 to 76 of this Title (R. S. 40:70-1 et seq.):

“General election” means the annual election held on the first Tuesday after the first Monday in November.

“Regular municipal election” means the election held pursuant to R. S. 40:75-2 on the second Tuesday in May in any year in which such an election is required.

“Electors” mean such citizens of the municipality as were registered as voters at the last general election or regular municipal election, whichever occurred last in the municipality.

“Voters” mean such citizens of the municipality as were registered as voters at the last general election or regular municipal election, whichever occurred last in the municipality, and also those citizens who may register in time to vote at the special election.

“Municipal clerk” means the officer acting under the provisions hereof as the clerk of the municipality.

“Agent” or “agents” mean a person or persons designated in a petition to file the petition and to act on behalf of the petitioners.

“Municipality” means any city, town, township, borough, village or other municipality which has heretofore adopted the provisions of the act entitled “An act relating to, regulating and providing for the government of cities, towns, townships, boroughs, villages and municipalities governed by boards of commissioners or improvement commissioners in this State” (title as amended), approved April 25, 1911, or which shall hereafter adopt the provisions of said chapters 70 to 76 of this Title.

“Majority of ballots cast” means more than one-half of the total number of valid ballots cast at such election.

8. R. S. 40:74-4 is amended to read as follows:

Ordinances not to take effect for 20 days.

40:74-4. No ordinance, except when otherwise required by the general laws of the State or the provisions of chapters 70 to 76 of this Title (R. S. 40:70-1 et seq.), and except an ordinance for the immediate preservation of the public peace, health or safety which contains a statement of its urgency and is passed by a two-thirds vote

of the board of commissioners, shall take effect before 20 days from the time of its final passage.

9. R. S. 40:74-5 is amended to read as follows:

Petition protesting passage of ordinance.

40:74-5. If within 20 days after the final passage of an ordinance, except ordinances, or any portion thereof, fixing the salaries, wages or compensation of the employees of the municipality, as defined in section 3 of the New Jersey Employer-Employee Relations Act, P. L. 1941, c. 100 (C. 34:13A-3), or ordinances authorizing an improvement or the incurring of an indebtedness, other than for current expenses, where other requirements are made by law, or ordinances which by their terms or by law cannot become effective in the municipality unless submitted to the voters, or which by its terms authorizes a referendum in the municipality concerning the subject matter thereof, a petition signed by electors of the municipality equal in number to at least 15% of the entire vote cast at the last preceding general election at which members of the General Assembly were elected protesting against the passage of such ordinance, be presented to the board, it shall thereupon be suspended from going into operation and the board of commissioners shall reconsider the ordinance within 20 days of the presentation of the petition to the board. If the ordinance is not entirely repealed, the board shall submit it, in the manner provided in paragraph b. of R. S. 40:74-14 and R. S. 40:74-15 to R. S. 40:74-18 to the vote of the electors of the municipality. The ordinance shall be submitted either at the next general election or regular municipal election, whichever shall first occur, not less than 40 days from the final date for withdrawal of the petition as provided for in this section, except that if no such election is to be held within 90 days of that date, a special municipal election shall be called for that purpose, and be held not less than 40 nor more than 60 days from the final date for withdrawal of the petition as provided for in this section. An ordinance so submitted shall not become operative unless a majority of the qualified electors voting on the ordinance shall vote in favor thereof.

The names and addresses of five voters, designated as the Committee of the Petitioners, shall be included in the petition. If within 10 days after final adverse action by the board or after the expiration of the time allowed for board action, as the case may be, a written request, signed by at least four of the five members of the Committee of the Petitioners, is filed with the municipal clerk re-

questing that the petition be withdrawn, the petition shall have no effect.

10. R. S. 40:74-7 is amended to read as follows:

Submission on motion of board.

40:74-7. Any ordinance or measure, except an ordinance, or portion thereof, fixing the salaries, wages or compensation of the employees of the municipality, that the board of commissioners or the qualified electors of the municipality shall have authority to enact, the board may on its own motion submit to the electors for adoption or rejection at a general election, regular municipal election, or special municipal election in the same manner and with the same effect as is herein provided for ordinances or measures submitted on petition. At any special election called under the provisions of chapters 70 to 76 of this Title (R. S. 40:70-1 et seq.), there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures provided for in this section and R. S. 40:74-5 and R. S. 40:74-9, if the other questions are such as may legally be submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

11. R. S. 40:74-10 is amended to read as follows:

Filing of petition.

40:74-10. A petition signed by electors equal in number to the percentage provided by R. S. 40:74-14 requesting that the proposed ordinance be submitted to the board of commissioners, or to the vote of the people if not passed by the board, shall be filed with the municipal clerk. The names and addresses of five voters, designated as the Committee of the Petitioners, shall be included in the petition.

12. R. S. 40:74-12 is amended to read as follows:

Certification of clerk.

40:74-12. Within 20 days after the filing of the petition, the municipal clerk shall examine the same and ascertain whether or not it is signed by the requisite number of qualified electors as hereinafter provided, and shall attach his certificate thereto showing the result of such examination. If by the clerk's certificate the petition is shown to be insufficient he shall forthwith notify at least two members of the Committee of the Petitioners of his

findings. The petition may be amended and refiled within 10 days after the receipt thereof from the clerk.

13. R. S. 40:74-13 is amended to read as follows:

Examination of amended petition.

40:74-13. The clerk shall, within five days after such refiling, make a similar examination of the amended petition and if his certificate shall show the same to be insufficient he shall forthwith return it to the Committee of the Petitioners, without prejudice to the filing of a new petition to the same effect. If the petition or amended petition shall be deemed to be sufficient the clerk shall submit the same to the board of commissioners without delay.

14. R. S. 40:74-14 is amended to read as follows:

Board's alternatives.

40:74-14. If the petition accompanying the proposed ordinance be signed by electors equal in number to at least 15% of the votes cast at the last preceding general election at which members of the General Assembly were elected, and contains a request that the ordinance be submitted to a vote of the people if not passed by the board of commissioners, the board shall within 20 days after attachment of the clerk's certificate to the accompanying petition either:

a. Pass the ordinance without alteration; or

b. Forthwith, upon the expiration of that 20 day period, call a special election to be held not less than 40 nor more than 60 days from the final date for withdrawal of the petition as provided for in this section, unless a general election or regular municipal election is to be held not less than 40 days nor more than 90 days thereafter, and at such election such ordinance shall be submitted without alteration to the vote of the electors of the municipality.

If the petition is signed by not less than ten nor more than 15% of the electors, as above defined, then the board of commissioners shall, within 20 days, pass said ordinance without change or submit the same at the next general election or regular municipal election occurring not less than 40 days after the clerk's certificate of sufficiency is attached to the petition.

If, within 10 days after final adverse action by the board or after the expiration of the time allowed for board action, as the case may be, a written request, signed by at least four of the five members of the Committee of the Petitioners, is filed with the municipal clerk requesting that the petition be withdrawn, the petition shall have no effect.

15. R. S. 40:74-15 is amended to read as follows:

No limit on number of ordinances.

40:74-15. Any number of proposed ordinances submitted by the board or pursuant to R. S. 40:74-5 or R. S. 40:74-9 may be voted upon at the same election in accordance with the provisions of this article, but there shall not be more than one special election in any period of 6 months for such purpose. During that 6 month period, any ordinance which would otherwise be submitted to the voters at a special election if one were not already scheduled, shall be submitted at the scheduled special election, if at least 30 days shall remain prior thereto from the final date for withdrawal of the petition; otherwise the ordinance shall be submitted at the next general election or regular municipal election, whichever shall first occur.

16. R. S. 40:74-18 is amended to read as follows:

Valid and binding ordinance.

40:74-18. If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the municipality. Any ordinance proposed by petition, or which shall be adopted by a vote of the people, shall not be repealed or amended within three years of the date of adoption by the voters, except by a vote of the people.

17. R. S. 40:74-19 is amended to read as follows:

Proposition for repeal or amendment.

40:74-19. The board of commissioners may, within three years immediately following the adoption of any ordinance submitted by initiative or referendum and ratified by the voters, submit a proposition for the repeal or amendment of any such ordinance to the voters at any succeeding general election or regular municipal election. If the proposition so submitted shall receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly.

18. This act shall take effect immediately, but shall not affect or invalidate any initiative or referendum petition which has been submitted to the municipal clerk for inspection and certification prior to that date, nor affect any action of the municipal governing body to be taken, or any election to be held, pursuant to any petition so submitted.

Approved September 28, 1982.

CHAPTER 146

AN ACT concerning the establishment of a Marine Academy of Science and Technology 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:54C-1 Marine Academy establishment authorized.

1. Upon the request by a board of education of a regional school district that includes two constituent municipalities with a student population in excess of 3,500 pupils in any county of the fifth class having a population of not less than 450,000 according to the 1980 federal census, the State Board of Education is authorized to establish a Marine Academy of Science and Technology under the local area vocational-technical school for the purpose of providing education to students throughout the State of New Jersey in the fields of marine sciences, marine trades, marine technologies and related courses, as well as academic courses.

C. 18A:54C-2 Powers of board.

2. The board of education of a school district that has been given the approval to establish a Marine Academy of Science and Technology shall be permitted to:

a. Acquire, obtain and provide physical facilities, equipment, and all other resources necessary to accommodate the needs of the institution;

b. Enter into contracts and agreements with accredited institutions, governmental bodies, authorities and agencies at the local, county, State, and federal levels to carry out the purposes of this act; and

c. Discharge such financial transactions as are necessary to carry out the purposes of this act.

3. State aid for the Marine Academy of Science and Technology for the 1981-82 school year shall be calculated according to the actual enrollment on September 30, 1981, including both resident and nonresident students of the regional district, however, such an amount shall not exceed \$100,000.00.

C. 18A:54C-3 State aid calculation.

4. State aid for the Marine Academy of Science and Technology shall be calculated according to the resident and nonresident

enrollment count on September 30 of the prebudget year, except State aid for the 1982-83 school year shall be calculated according to the number of students estimated to be enrolled in the Marine Academy of Science and Technology as of September 30, 1982.

5. Any adjustments to be made in Statewide calculation of State aid as a consequence of the provisions set forth in sections 3 and 4 of this act shall be made in the 1983-84 school year.

6. Aid payments under this act for the 1982-83 school year shall be made from available State aid balances in the same year.

7. In the event that funds are not available for the payments for State aid contained in this act, any balances remaining unpaid shall be included as an adjustment to State aid for the 1983-84 school year.

8. This act shall take effect immediately but shall remain inoperative until the enactment into law of Assembly Bill No. 1735 of 1982.

Approved September 28, 1982.

CHAPTER 147

AN ACT to authorize the city of Burlington in the county of Burlington to allow the retail sale of alcoholic beverages on Sunday by restaurants.

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

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.) and R. S. 1:6-1, under which a petition for a special law has been filed with the Legislature, the governing body of the city of Burlington in the county of Burlington may authorize, by ordinance, the Sunday retail sale of alcoholic beverages by the glass or other receptacle for on-premise consumption in conjunction with the serving of full course meals at tables in the dining areas of restaurants located in the municipality holding plenary retail consumption licenses to the exclusion of other holders of these licenses.

As used in this act:

a. "Full course meals" means meals in which the courses of appetizer, soup, salad, entree and dessert are offered.

b. "Restaurant" means an enclosed area or a series of enclosed connected areas, with or without an adjacent outdoor dining area, and with a kitchen and dining area adequately equipped for the preparing, cooking and serving of meals for consumption therein, that are regularly and principally used for the purpose of providing meals to the public.

2. This act shall take effect upon the adoption of an ordinance of the city of Burlington for the purpose of adopting the same.

Approved September 29, 1982.

CHAPTER 148

AN ACT to amend and supplement 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 70 of P. L. 1977, c. 110 (C. 5:12-70) is amended to read as follows:

C. 5:12-70 Required regulations.

70. Required Regulations. The commission shall, without limitation on the powers conferred in the preceding section, include within its regulations the following specific provisions in accordance with the provisions of this act:

a. Prescribing the methods and forms of application which any applicant shall follow and complete prior to consideration of his application by the commission;

b. Prescribing the methods, procedures and form for delivery of information concerning any person's family, habits, character, associates, criminal record, business activities and financial affairs;

c. Prescribing procedures for the fingerprinting of an applicant, employee of a licensee, or registrant, or other methods of identification which may be necessary in the judgment of the commission to accomplish effective enforcement of restrictions on access to the casino floor and other restricted areas of the casino hotel complex;

d. Prescribing the manner and procedure of all hearings conducted by the commission or any hearing examiner, including special rules of evidence applicable thereto and notices thereof;

e. Prescribing the manner and method of collection of payments of taxes, fees, and penalties;

f. Defining and limiting the areas of operation, the rules of authorized games, odds, and devices permitted, and the method of operation of such games and devices;

g. Regulating the practice and procedures for negotiable transactions involving patrons, including limitations on the circumstances and amounts of such transactions, and the establishment of forms and procedures for negotiable instrument transactions, redemptions, and consolidations;

h. Prescribing grounds and procedures for the revocation or suspension of operating certificates and licenses;

i. Governing the manufacture, distribution, sale, and servicing of gaming devices and equipment;

j. Prescribing the procedures, forms and methods of management controls, including employee and supervisory tables of organization and responsibility, and minimum security standards, including security personnel structure, alarm and other electrical or visual security measures;

k. Prescribing the qualifications of, and the conditions pursuant to which, engineers, accountants, and others shall be permitted to practice before the commission or to submit materials on behalf of any applicant or licensee; provided, however, that no member of the Legislature, nor any firm with which said member is associated, shall be permitted to appear or practice or act in any capacity whatsoever before the commission or division regarding any matter whatsoever, nor shall any member of the family of the Governor or of a member of the Legislature be permitted to so practice or appear in any capacity whatsoever before the commission or division regarding any matter whatsoever;

l. Prescribing minimum procedures for the exercise of effective control over the internal fiscal affairs of a licensee, including provisions for the safeguarding of assets and revenues, the recording of cash and evidence of indebtedness, and the maintenance of reliable records, accounts, and reports of transactions, operations and events, including reports to the commission;

m. Providing for a minimum uniform standard of accountancy methods, procedures and forms; a uniform code of accounts and accounting classifications; and such other standard operating

procedures, including those controls listed in section 99 a. hereof, as may be necessary to assure consistency, comparability, and effective disclosure of all financial information, including calculations of percentages of profit of games, tables, gaming devices and slot machines;

n. Requiring periodic financial reports and the form thereof, including an annual audit prepared by a certified public accountant licensed to do business in this State, attesting to the financial condition of a licensee and disclosing whether the accounts, records and control procedures examined are maintained by the licensee as required by this act and the regulations promulgated hereunder;

o. Governing the advertising of casino licensees, their employees and agents, with the view toward assuring that such advertisements are in no way deceptive; provided, however, that such regulations shall not prohibit the advertisement of casino location, hours of operation, or types of games and other amenities offered, but in no circumstance shall permit the advertisement of information about odds, the number of games, or the size of the casino; and provided further, however, that such regulations shall require the words "Bet with your head, not over it" to appear on all billboards, signs, and other on-site advertising of a casino operation;

p. Governing entertainment presented by casino licensees in accordance with the prevailing community standards as determined by the commission;

q. Concerning the distribution and consumption of alcoholic beverages on the premises of the licensee, which regulations shall be insofar as possible consistent with Title 33 of the Revised Statutes, and shall deviate only insofar as necessary because of the unique character of the hotel casino premises and operations; and

r. Limiting signs and other on-site advertising, with a view toward minimizing solicitation for gaming purposes from the public thoroughfares or otherwise dominating or despoiling the architecture or environment of the city.

2. Section 103 of P. L. 1977, c. 110 (C. 5:12-103) is amended to read as follows:

C. 5:12-103 Alcoholic beverages in casino hotel facilities.

103. Alcoholic Beverages in Casino Hotel Facilities. a. Notwithstanding any law to the contrary, the authority to grant any license for, or to permit or prohibit the presence of, alcoholic beverages in, on, or about any premises licensed as part of a casino hotel shall exclusively be vested in the commission.

b. Unless otherwise stated, and except where inconsistent with the purpose or intent of this act or the common understanding of usage thereof, definitions contained in Title 33 of the Revised Statutes shall apply to this section. Any definition contained therein shall apply to the same word in any form.

c. Notwithstanding any provision of Title 33 of the Revised Statutes, the rules, regulations and bulletins promulgated by the director of the Division of Alcoholic Beverage Control, or any provision promulgated by any local authority, the authority to issue, renew, transfer, revoke or suspend a Casino Hotel Alcoholic Beverage License or any portion, location, privilege or condition thereof; to fine or penalize a Casino Hotel Alcoholic Beverage Licensee; to enforce all statutes, laws, rulings, or regulations relating to such license; and to collect license fees and establish application standards therefor, shall be, consistent with this act, exclusively vested in the commission or the division.

d. Except as otherwise provided in this section, the provisions of Title 33 of the Revised Statutes and the rules, regulations and bulletins promulgated by the director of the Division of Alcoholic Beverage Control shall apply to a Casino Hotel and Casino Hotel Alcoholic Beverage Licensee licensed under this act.

e. Notwithstanding any provision to the contrary, the commission may promulgate any regulations and special rulings and findings as may be necessary for the proper enforcement, regulation, and control of alcoholic beverages in casino hotels when the commission finds that the uniqueness of casino operations and the public interest require that such regulations, rulings, and findings are appropriate. Regulations of the commission may include but are not limited to: designation and duties of enforcement personnel; all forms necessary or convenient in the administration of this section; inspections, investigations, searches, seizures; licensing and disciplinary standards; requirements and standards for any hearings or disciplinary or other proceedings that may be required from time to time; the assessment of fines or penalties for violations; hours of sale; sales in original containers; sales on credit; out-of-door sales; limitations on sales; gifts and promotional materials; locations or places for sale; control of signs and other displays; identification of licensees and their employees; employment of aliens and minors; storage, transportation and sanitary requirements; records to be kept by the Casino Hotel Alcoholic Beverage Licensees and availability thereof; practices unduly designed to increase consumption of alcoholic beverages; and such other

matters whatsoever as are or may become necessary and consistent with the administration of this act.

f. (1) It shall be unlawful for any casino licensee, or any of its lessees, agents or employees to expose for sale, solicit or promote the sale of, possess with intent to sell, sell, give, dispense, or otherwise transfer or dispose of alcoholic beverages in, on or about any portion of the premises of a casino hotel, unless said person possesses an appropriate Casino Hotel Alcoholic Beverage License.

(2) It shall be unlawful for any person issued a Casino Hotel Alcoholic Beverage License to expose, possess, sell, give, dispense, transfer, or otherwise dispose of alcoholic beverages, other than within the terms and conditions of the Casino Hotel Alcoholic Beverage License issued, the provisions of Title 33 of the Revised Statutes, the rules and regulations promulgated by the director of the Division of Alcoholic Beverage Control, and, when applicable, the regulations promulgated pursuant to this act.

g. In issuing a Casino Hotel Alcoholic Beverage License the commission shall describe the scope of the particular license and the restrictions and limitations thereon as it deems necessary and reasonable. The commission may, in a single Casino Hotel Alcoholic Beverage License, permit the holder of such a license to perform any or all of the following activities, subject to applicable laws, rules and regulations:

(1) To sell any alcoholic beverage by the glass or other open receptacle, but not in an original container, for on-premise consumption within a casino; provided, however, that no food or alcoholic beverage, other than nonalcoholic beverages or garnishments used in the preparation of alcoholic beverages for consumption by the glass, shall be sold, given or be available for consumption; offered, delivered or otherwise brought to a patron; or consumed at a gaming table unless so requested by the patron.

(2) To sell any alcoholic beverage by the glass or other open receptacle for on-premise consumption within an enclosed cabaret or entertainment room not in a casino.

(3) To sell any alcoholic beverage by the glass or other open receptacle for on-premise consumption within an enclosed restaurant or banquet room or a series of enclosed connected rooms, with or without an adjacent outdoor dining area, not in a casino.

(4) To sell any alcoholic beverage by the glass or other open receptacle for on-premise consumption within a pub room not in a casino, or from one fixed location outside a building or structure containing a casino but on a casino hotel premises.

(5) To sell any alcoholic beverage in original containers for consumption outside the licensed area from one enclosed package room not in a casino; provided, however, that no food shall be made available for consumption in a package room and no direct access to or from a casino may exist in a package room.

(6) To sell any alcoholic beverage from one fixed room service location within an enclosed room not in a casino; provided, however, that the licensed room service room has no direct access to or from a casino and any sale of alcoholic beverages is delivered only to a guest room or to any other room in the casino hotel authorized by the commission, other than any room authorized by the commission pursuant to paragraph (1), (2), (3), (4), or (5) of this subsection.

(7) To possess or to store alcoholic beverages intended but not actually exposed for sale in an area, room or location so licensed. The holder of a Casino Hotel Alcoholic Beverage License permitting such possession and storage shall be entitled, subject to applicable laws, rules, and regulations, to store any alcoholic beverage intended for sale at a fixed location on a casino hotel premises, not in a casino, and not otherwise licensed under this section; and to transfer or deliver such alcoholic beverages only to a licensed location for which such licensee is licensed; provided, however, that no access to or from a licensed storage location shall be permitted except during the normal course of business by employees or agents of the licensee, or by licensed employees or agents of wholesalers or distributors licensed pursuant to Title 33 of the Revised Statutes and any applicable rules and regulations; and provided further, however, that no provision of this section shall be construed to prohibit a Casino Hotel Alcoholic Beverage Licensee from obtaining an off-site storage license from the Division of Alcoholic Beverage Control.

h. (1) No Casino Hotel Alcoholic Beverage License which authorizes the sale of alcoholic beverages within a casino pursuant to subsection g. (1) of this section shall issue to any applicant who does not hold a casino license issued pursuant to this act.

(2) No Casino Hotel Alcoholic Beverage License which authorizes the possession, sale or storage of alcoholic beverages pursuant to subsection g. (2), (3), (4), (5), (6), or (7) of this section shall issue to any applicant who would not qualify under the standards for licensure of a casino employee as defined under this act, except that such applicant need not be an employee of the casino licensee.

(3) No Casino Hotel Alcoholic Beverage License which authorizes the possession or storage of alcoholic beverages pursuant to subsection g. (7) of this section shall issue to any applicant who does not hold a Casino Hotel Alcoholic Beverage License, permitting any activity pursuant to subsection g. (1), (2), (3), (4), (5) or (6) of this section.

i. The commission may revoke, suspend, refuse to renew or refuse to transfer any Casino Hotel Alcoholic Beverage License, or fine or penalize any Casino Hotel Alcoholic Beverage Licensee for violations of any provision of Title 33 of the Revised Statutes, the rules and regulations promulgated by the director of the Division of Alcoholic Beverage Control, and the regulations promulgated by the commission.

j. Jurisdiction over all alcoholic beverage licenses previously issued with respect to the casino hotel facility is hereby vested in the commission, which in its discretion may by regulation provide for the conversion thereof into a Casino Hotel Alcoholic Beverage License as provided in this section.

3. (New section) Any license held by a Casino Hotel Alcoholic Beverage Licensee on the effective day of this amendatory and supplementary act shall continue in effect until its expiration date unless revoked, suspended, or otherwise altered pursuant to the "Casino Control Act," P. L. 1977, c. 110 (C. 5:12-1 et seq.). The conversion to a single Casino Hotel Alcoholic Beverage License, as provided by this amendatory and supplementary act, shall occur upon the expiration of the existing license.

4. This act shall take effect 90 days following enactment.

Approved October 8, 1982.

CHAPTER 149

AN ACT concerning narcotic and drug abuse treatment centers and supplementing P. L. 1971, c. 136.

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

C. 26:2H-11.1 Treatment center near school.

1. In the case of an application for a certificate of need for a narcotic and drug abuse treatment center to be located within 500

feet from any building in this State used for the instruction of children between the ages of five and 18 years, the applicant shall notify the governing body of the municipality within which he proposes to locate the treatment center of his intention to apply for the certificate of need and the proposed location of the center. Documentation of such notice shall be filed with the certificate of need application. The Commissioner of Health is hereby authorized to adopt reasonable rules and regulations, in accordance with the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), to effectuate the purposes of this act. For the purposes of this act, the definition of "narcotic and drug abuse treatment center" shall be identical to the definition in subsection (a) of section 2 of P. L. 1970, c. 334 (C. 26:2G-22(a)). This act shall not apply to any such narcotic and drug abuse treatment center for which an application was filed prior to the effective date of this act.

2. This act shall take effect immediately.

Approved October 8, 1982.

CHAPTER 150

AN ACT establishing a Division of Commercial Recording in the Department of State and delineating its functions and making an appropriation.

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

C. 52:16A-35 Division of Commercial Recording established.

1. There is established in the Department of State a division which shall be known as the Division of Commercial Recording.

C. 52:16A-36 Director, deputies, assistants; functions of bureau transferred.

2. a. The Division of Commercial Recording shall be under the immediate supervision of a director who shall administer the work of the division under the direction of the Secretary of State.

b. There shall be such deputy directors and assistant directors as are necessary to administer the Division of Commercial Recording as the Secretary of State may prescribe.

c. All functions, powers and duties of the Bureau of Commercial Recording in the Department of State are transferred to the

Division of Commercial Recording in the Department of State and, except as otherwise provided in this act, the provisions of the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq.) shall apply to the transfer.

d. Such employees of the Bureau of Commercial Recording, as the Secretary of State may determine are needed for the proper performance of the functions and duties imposed upon the Division of Commercial Recording, are hereby transferred to the Division of Commercial Recording. Persons thus transferred shall be assigned to such duties as the Secretary of State determines.

C. 52:16A-37 Telephone service.

3. In addition to continuing to perform all the functions, duties and responsibilities performed by the Bureau of Commercial Recording, the Division of Commercial Recording shall provide information by telephone to any person who makes a telephone request for the following information:

- a. The availability of a corporate name under N. J. S. 14A:2-2;
- b. Whether or not a corporation's certificate of incorporation or authority has been voided or revoked;
- c. The name and address of the registered agent of a corporation;
- d. The date of incorporation of a domestic corporation or the date of qualification of a foreign corporation;
- e. The name and address of a corporation which has filed a fictitious name certificate pursuant to P. L. 1973, c. 366, s. 3 (C. 14A:2-2.1); and
- f. Any other information contained in documents filed with the Secretary of State, which, in the discretion of the Secretary, is readily available.

The Secretary of State shall confirm in writing any of the information provided by telephone if the person so requests.

C. 52:16A-38 Expedited over the counter corporate service.

4. a. The Division of Commercial Recording shall provide for and establish an expedited over the counter corporate service. The processing of requests and information and documents shall be a priority same day service effected in a fast and efficient manner.

b. The Division of Commercial Recording shall provide expedited over the counter corporate service for the following requests:

- (1) Any information contained in the annual report of a corporation;
- (2) A certificate of standing;

(3) A certified or uncertified copy of any document filed with the Division of Commercial Recording;

(4) A certificate as to the existence or nonexistence of any facts on record with the Division of Commercial Recording;

(5) The availability of a corporate name under N. J. S. 14A:2-2;

(6) Filing a certificate of incorporation;

(7) Whether or not a corporation's certificate of incorporation or authority has been voided or revoked;

(8) The name and address of the registered agent of a corporation;

(9) The date of incorporation of a domestic corporation or the date of qualification of a foreign corporation;

(10) The name and address of a corporation which has filed a fictitious name certificate pursuant to P. L. 1973, c. 366, s. 3 (C. 14A:2-2.1);

(11) A financing statement filing (UCC-1) pursuant to N. J. S. 12A:9-401 et seq.;

(12) A change of record filing (UCC-3) pursuant to N. J. S. 12A:9-401 et seq.;

(13) A request for information or copies of filed financing statements (UCC-11) pursuant to N. J. S. 12A:9-401 et seq.;

(14) Any other information contained in the documents filed with the Division of Commercial Recording, which in the discretion of the Secretary of State is readily available.

C. 52:16A-39 Method of payment.

5. The Secretary of State shall provide for the establishment and administration of a method of payment by any person for telephone and expedited over the counter corporate services. Such method may include prepaid deposit accounts.

C. 52:16A-40 \$5 additional fee.

6. The Secretary of State shall charge a \$5.00 fee for use of telephone and expedited over the counter corporate services, which shall be in addition to the fee for the service provided by law. The statutory fee and the additional fee shall be paid by the person requesting the information and documents by the method of payment as established by the Secretary of State.

C. 52:16A-41 Rules and regulations.

7. The Secretary of State may promulgate rules and regulations necessary to establish guidelines for the use of telephone and expedited over the counter corporate services and the use of

electronic data processing for direct access to the information provided under this act by persons so authorized and for the method of payment for the use of telephone and expedited over the counter corporate services. The Secretary of State shall establish fees for electronic data processing services which cover the cost of those services.

C. 52:16A-42 Additional fees dedicated and pledged.

8. a. There is created a fund held by the State Treasurer, but not to exist in the State Treasury, to be the repository for additional fees for electronic data processing, telephone and expedited over the counter corporate services charged to persons pursuant to this act.

b. For the current fiscal year and in each fiscal year thereafter the additional fees shall be held in the fund and disbursed in such amounts as may be requested by the Secretary of State, to meet the costs of operation of the electronic data processing, telephone and expedited over the counter corporate services as provided for in this act.

c. The additional fees are dedicated and pledged to those uses and purposes.

9. There is appropriated to the fund created under section 8 of this act the sum of \$450,000.00 for the purpose of establishing and maintaining the costs of electronic data processing, telephone and expedited over the counter corporate services in the Department of State, Division of Commercial Recording, as provided by this act. Any amount expended from this appropriation shall be repaid to the General State Fund by the end of the 1985 fiscal year from fees deposited in the fund created under section 8 of this act.

10. This act shall take effect immediately.

Approved October 13, 1982.

CHAPTER 151

AN ACT concerning the appointment of certain commissioners and amending the "Parking Authority Law," approved July 2, 1948 (P. L. 1948, c. 198; C. 40:11A-1 et seq.).

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

1. Section 4 of P. L. 1948, c. 198 (C. 40:11A-4) is amended to read as follows:

C. 40:11A-4 Creation of parking authority.

4. The governing body of any county or municipality may, by resolution or ordinance, as appropriate, create a public body corporate and politic and a political subdivision of the State to be known as the "Parking Authority of the," inserting all or any significant part of the name of the municipality or county creating such authority. The creating resolution or ordinance, as the case may be, may provide that no real property shall be acquired by the power of eminent domain without the consent of the governing body. Such authority shall constitute an agency and instrumentality of the municipality or county creating it. Thereupon the governing body shall, by resolution or ordinance, as appropriate, appoint five persons as commissioners of the authority. The commissioners who are first appointed shall be designated to serve for terms of 1, 2, 3, 4 and 5 years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of 5 years, except that all vacancies shall be filled for the unexpired term.

The governing body of any county, or of any municipality with a population of 80,000 or more, may by resolution or ordinance, as appropriate, provide for the appointment of two additional commissioners who shall serve 1- and 2-year terms respectively, from the date of their appointment, but thereafter, such commissioners shall be appointed, in the case of a county, as aforesaid and, in the case of a municipality, by the mayor to terms of 5 years, except that all vacancies shall be filled for the unexpired term.

No municipality the area of which has been included (with its consent) within the area of operation of a parking authority created by a county shall thereafter create a parking authority.

Upon the creation of any such authority, the clerk shall certify a copy of the ordinance or resolution creating the parking authority, and also a copy of the resolution or ordinance appointing the first commissioners thereof, which documents shall be filed with the clerk of the county and be recorded in records of certificates of incorporation, and the clerk of the county shall cause duplicate certified copies of said documents to be filed forthwith with the Secretary of State.

2. This act shall take effect immediately.

Approved October 13, 1982.

CHAPTER 152

AN ACT providing for the permanent appointment of certain county police officers in certain counties and supplementing Title 11 of the Revised Statutes.

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

1. Notwithstanding any provision of law to the contrary relating to the qualifications required for appointment to a permanent position in accordance with the provisions of Title 11 of the Revised Statutes, a person having served for eight or more years as a sheriff's officer, holding, on the effective date of this act, a provisional position as a county police officer in a county of the first class having a population in excess of 850,000 according to the most recent federal decennial census, who:

a. Possesses at least the minimum job qualification requirements in the civil service approved job specifications;

b. Received, as a provisional county police officer, an overall job performance rating of at least "satisfactory" through an internal evaluation by his supervisors in accordance with the county's civil service approved employee performance evaluation program; and

c. Has passed the written civil service examination for the position of county police officer, shall be appointed to the permanent civil service title corresponding to his present employment, and shall be certified by the Civil Service Commission without further examination. Any person appointed and certified pursuant to the provisions of this act shall be recorded as having been

permanently appointed on the date of his appointment as a provisional county police officer.

2. This act shall take effect immediately and shall expire 90 days after enactment.

Approved October 15, 1982.

CHAPTER 153

AN ACT to validate certain proceedings for the issuance of bonds of municipalities and any bonds or other obligations issued or to be issued in pursuance of such proceedings.

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

1. All proceedings heretofore had or taken by any municipality or by any officials thereof for or in connection with the authorization or issuance of bonds 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 the 20 day statement required to be published after final passage of the ordinance and providing notice of the 20 day period within which a suit, action or proceeding questioning the validity of the bond ordinance may be commenced was not published as required by the provisions of N. J. S. 40A:2-17; provided, however, that a supplemental debt statement has heretofore been prepared and filed in the places required by N. J. S. 40A:2-10; and provided further that a notice of adoption of the bond ordinance was published following final passage of the ordinance; 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 October 26, 1982.

CHAPTER 154

AN ACT concerning firearms and amending N. J. S. 2C:39-6 and
N. J. S. 40A:14-146.

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

1. 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 of any penal institution in this State or his deputies, or an employee of the Department of Corrections engaged in the interstate transportation of convicted offenders, while in the performance of his duties, and when required to possess such a weapon by his superior officer, or a correction officer or keeper of a penal institution in this State at all times while in the State of New Jersey provided he annually passes an examination approved by the superintendent testing his proficiency in the handling of firearms;

(6) A civilian employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located in this State who is required, in the performance of his official duties, to carry

firearms, and who is authorized to carry such firearms by said commanding officer, while in the actual performance of his official duties;

(7) A 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 any special policeman authorized to carry a revolver or other similar weapons while off duty within the municipality where he is employed, as provided in N. J. S. 40A:14-146, or a special policeman or airport security officer appointed by the governing body of any county or municipality, except as provided in this paragraph, or by the commission, board or other body having control of a county park or airport or boulevard police force, while engaged in the actual performance of his official duties and when specifically authorized by the governing body to carry weapons; or

(8) A paid member of a paid or part-paid fire department or force of any municipality who is assigned full-time to an arson investigation unit created pursuant to section 1 of P. L. 1981, c. 409 (C. 40A:14-7.1), while engaged in the actual performance of arson investigation 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 special agent of the Division of Taxation who has passed an examination in an approved police training program testing proficiency in the handling of any firearm which he may be required to carry or 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 of any municipal court or other court of this State, while in the actual performance of his official duties;

(5) A guard in the employ of any railway express company, banking or building and loan or savings and loan institution of this State, while in the actual performance of his official duties;

(6) A member of a legally recognized military organization while actually under orders or while going to or from the prescribed place of meeting and carrying the weapons prescribed for drill, exercise or parade;

(7) An officer of the Society for the Prevention of Cruelty to Animals, while in the actual performance of his duties; 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 dwelling and his place of business, between one place of business or residence and another when moving, or between his dwelling or place of business and place where such firearms are repaired, for the

purpose of repair. For the purposes of this section, a place of business shall be deemed to be a fixed location.

f. Nothing in subsections b., c. and d. of 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 pursuant to this section shall be transported in the manner specified in subsection 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.

h. Nothing in subsection d. of section 2C:39-5 shall be construed to prevent any employee of a public utility, as defined in R. S. 48:2-13, doing business in this State or any United States Postal Service employee, while in the actual performance of duties which specifically require regular and frequent visits to private premises, from possessing, carrying or using any device which projects, releases or emits any substance specified as being noninjurious to canines or other animals by the Commissioner of Health and which immobilizes only on a temporary basis and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the sole purpose of repelling canine or other animal attacks.

The device shall be used solely to repel only those canine or other animal attacks when the canines or other animals are not restrained in a fashion sufficient to allow the employee to properly perform his duties.

Any device used pursuant to this act shall be selected from a list of products, which consist of active and inert ingredients, permitted by the Commissioner of Health.

i. Nothing in subsection d. of 2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a felony, from possession for the purpose of personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than \$100.00.

2. N. J. S. 40A:14-146 is amended to read as follows:

Appointment of special police.

40A:14-146. The governing body of any municipality, whenever they shall deem it necessary, may appoint special policemen for

terms not exceeding 1 year and revoke such appointments without cause or hearing. They shall not be members of the police force, and their powers and duties shall cease at the expiration of the terms for which they were appointed or upon revocation of their appointments. They may be furnished with badges upon the deposit of sums to be fixed by the governing body, which may be refunded on the return of the badges. A fee to be fixed by the governing body may be charged for issuing to any such special policeman a certificate of appointment.

No person shall be appointed as a special policeman unless he:

- (1) Is a citizen of the United States;
- (2) Is able to read, write and speak the English language well and intelligently and possesses a high school diploma or its equivalent;
- (3) Is sound in body and mind and of good health;
- (4) Is of good moral character;
- (5) Has not been convicted of any criminal offense involving moral turpitude; and
- (6) Is capable of obtaining a passing grade in a course of study on firearms, powers of arrest, and criminal law and procedure, given by the appointing authority under the supervision and control of the local police department.

No such special policeman shall carry a revolver or other similar weapon when off duty; provided, however, that if any such special policeman appointed by the governing body of any municipality having a population in excess of 300,000, according to the 1980 federal census, who is a resident of the municipality and is employed as a special policeman at least 35 hours per week, or less at the discretion of the director of the municipal police force and mayor, shall, at the direction of the director of the municipal police force, have taken and successfully completed a firearms training course administered by the Police Training Commission, pursuant to P. L. 1961, c. 56 (C. 52:17B-66 et seq.) and has successfully completed within 3 years of the effective date of this act all other training courses required of the permanent police officers in that municipality, said special policeman shall be permitted to carry a revolver or other similar weapon when off duty within the municipality where he is employed. Specific authorization shall be in the form of a permit, which is subject to renewal annually and may be revoked at any time by the director. The permit shall be on the

person of the special policeman whenever a revolver or other similar weapon is carried off duty. No such permit shall be issued until the special police officer has successfully completed all training courses required under this section.

Every such special policeman shall have his fingerprints taken and they shall be filed with the Division of State Police and the Federal Bureau of Investigation. He shall be under the supervision and direction of the chief of police of the municipality wherein he is appointed and shall perform his duties only in such municipality unless in fresh pursuit of any person pursuant to chapter 156 (uniform act on intrastate fresh pursuit) of Title 2A of the New Jersey Statutes. He shall comply with the rules and regulations applicable to the conduct and decorum of the regular policemen of the municipality.

Before any such appointment is made the chief of police of the municipality shall ascertain the eligibility, character, integrity, psychological fitness and qualifications of the applicant for the position and make a report thereon to the governing body.

3. This act shall take effect immediately.

Approved October 26, 1982.

CHAPTER 155

AN ACT concerning the payment of tuition for persons attending public schools while residing on federal property and supplementing Chapter 38 of Title 18A of the New Jersey Statutes.

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

C. 18A:38-7.1 Contract for payment of tuition.

1. The State Department of Education shall be responsible for negotiating a contract with the appropriate federal agencies for the payment of tuition for those persons of school age who reside on federal property located wholly or partly within the geographical boundaries of a school district, in the event the per pupil amount of federal funds provided for under Pub. L. 81-874, 20 U. S. C. § 236 et seq. for the receiving school district in any one year is less than the average cost per pupil in the receiving district less any

State aid received and less the aid provided under Pub. L. 81-874 (20 U.S.C. § 236 et seq.).

This section shall not apply to children living on federal property where such federal property is exempt from taxes levied on real property because such property is used for either nonmilitary housing or for charitable, educational or religious purposes.

C. 18A:38-7.2 Charge by board of education.

2. Where a school district receives persons of school age who reside on federal property not covered by a contract negotiated under section 1 of this act, the board of education may charge the appropriate federal agencies tuition for those persons, if the per pupil amount of federal funds provided under Pub. L. 81-874, 20 U. S. C. § 236 et seq. for the receiving school district in any year is less than the average cost per pupil in the receiving district less any State aid received and less the aid provided under Pub. L. 81-874 (20 U.S.C. § 236 et seq.).

C. 18A:38-7.3 Maximum amount.

3. In no case shall the tuition charged pursuant to sections 1 and 2 of this act be greater than the actual cost per pupil as determined under rules prescribed by the commissioner and approved by the State board less any State aid received and less the aid provided under Pub. L. 81-874, 20 U. S. C. § 236 et seq.

C. 18A:38-7.4 Per pupil daily fine.

4. Where a contract provided for under section 1 of this act has not been entered into or tuition authorized under section 2 of this act has not been received, and after written notification as prescribed by the commissioner and State board, and the opportunity to request a hearing has been given to the appropriate federal agencies, a daily fine equal to .011787 multiplied by the Statewide average net current expense budget per pupil shall be levied for each pupil for each day after September 1 of each school year for which tuition payments have not been received. Such fines and tuition shall be collected by the Department of Education under the provisions of "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.).

C. 18A:38-7.5 Designation of district.

5. The commissioner shall designate the school district which shall receive the tuition or financial aid payments pursuant to this act. The school district so designated shall count such children as residents of the district for school funding purposes.

C. 18A:38-7.6 Notification by commissioner.

6. The commissioner shall notify each school district of the amount of tuition or other financial aid payable to the district pursuant to this act.

7. This act shall take effect immediately and be applicable to the 1982-83 school year.

Approved October 27, 1982.

CHAPTER 156

AN ACT regulating the granting, relocation, reopening, reactivation, or establishment of motor vehicle franchises and businesses on the retail level by motor vehicle franchisors, establishing a Motor Vehicle Franchise Committee and supplementing Title 56 of the Revised Statutes.

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

C. 56:10-16 Definitions.

1. As used in this act:

a. "Committee" means the Motor Vehicle Franchise Committee established in section 2 of this act;

b. "Franchise" means a written arrangement for a definite or indefinite period in which a motor vehicle franchisor grants a right or license to use a trade name, trademark, service mark or related characteristics and in which there is a community of interest in the marketing of new motor vehicles at retail, by lease agreement or otherwise;

c. "Franchisee" means a natural person, corporation, partnership or entity to whom a franchise is granted by a motor vehicle franchisor;

d. "Motor vehicle" or "new motor vehicle" means only a newly manufactured motor vehicle, except a nonconventional type of motor vehicle, and includes all such vehicles propelled otherwise than by muscular power, and motorcycles, trailers and tractors, excepting such vehicles as run only upon rails or tracks and motorized bicycles; a "nonconventional type of motor vehicle" means every vehicle not designed or used primarily for the transportation

of persons or property and only incidentally operated or moved over a highway;

e. "Motor vehicle franchisor" means a natural person, corporation, partnership or entity engaged in the business of manufacturing, assembling or distributing new motor vehicles, who will under normal business conditions during the year, manufacture, assemble or distribute at least 10 new motor vehicles;

f. "Relevant market area" means a geographic area 8 miles in radius from a proposed franchise or business, but if there are no existing franchisees in the same line make within an 8-mile radius of the proposed franchise or business, then the relevant market area includes the next closest existing franchisee in the same line make within a 14-mile radius.

C. 56:10-17 Motor Vehicle Franchise Committee established.

2. There is established in the Executive Branch of the State Government a committee which shall be known as the Motor Vehicle Franchise Committee. The committee shall consist of the Director of the Division of Motor Vehicles, the Commissioner of the Department of Commerce and Economic Development and the Director of the Division of Consumer Affairs. The Director of the Division of Motor Vehicles shall be the chairman of the committee. The committee shall meet from time to time at the call of the chairman, for the purpose of conducting hearings and rendering final determinations as provided for in this act. All papers required to be filed with the committee pursuant to this act shall be filed with the Director of the Division of Motor Vehicles. For purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the committee is allocated within the Department of Law and Public Safety, but notwithstanding that allocation, the committee shall remain independent of any supervision or control by the department or by any personnel thereof.

C. 56:10-18 Certain franchises banned.

3. No motor vehicle franchisor shall grant, relocate, reopen or reactivate a franchise or establish, relocate, reopen or reactivate a business, for the purpose of doing business on the retail level, if the franchise or business will be injurious as determined pursuant to section 8 of this act.

C. 56:10-19 Notice to existing franchisees.

4. A motor vehicle franchisor shall give its existing franchisees in the same line make within the relevant market area 90 days'

advance written notice of its intention to grant, relocate, reopen or reactivate a franchise of the same line make or establish, relocate, reopen or reactivate a business. Any franchisee who is entitled to receive the written notice may file with the committee a protest to the granting, relocating, reopening or reactivation of the franchise or the establishment, relocation, reopening or reactivation of the business within 30 days of receipt of the notice or 30 days after the end of any appeal procedure provided by the motor vehicle franchisor, whichever is later. A protest shall set forth all reasons for objecting to the granting, reopening, or reactivation of a franchise and shall be accompanied by a concise statement of the facts and supporting affidavits for all issues raised in the protest. When a protest is filed, the chairman of the committee shall notify the motor vehicle franchisor and the franchisee in writing that it has been filed and shall forthwith determine either to transmit the protest to the Office of Administrative Law for hearing or to conduct a hearing directly.

C. 56:10-20 2-mile exception.

5. The provisions of sections 3 and 4 of this act notwithstanding, a motor vehicle franchisor may:

- a. Permit an existing franchisee to relocate his franchise within 2 miles of the franchisee's existing franchise location; or
- b. Reopen or reactivate a franchise or business which has not been in operation for a period of 1 year or less at a site within 2 miles of the prior site.

C. 56:10-21 Hearing procedure.

6. The hearing referred to in section 4 of this act shall be conducted as a contested case in accordance with the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) and P. L. 1978, c. 67 (C. 52:14F-1 et seq.). The committee shall make its final determination within 120 days after the filing of the protest unless the time is extended by the committee for good cause shown. The testimony taken at the hearing shall be under oath and recorded verbatim, but the parties shall not be bound by the rules of evidence. True copies of any transcript and of any other record made of or at the hearing shall be furnished to any party upon request and at that party's expense. The committee may subpoena witnesses and compel their attendance, administer oaths and require the production for examination of any books or papers relating to any matter involved in the hearing. The committee, at the request of any party, may subpoena and com-

pel the attendance of such witnesses as the party may designate and require the production for examination of any books or papers relating to any matter involved in the hearing.

C. 56:10-22 Finding of prima facie case.

7. When a protest has been filed, as provided for in this act, the franchisee may move for a determination by the committee that a prima facie case has been made that the final determination will be in favor of the franchisee. If such a finding is made, the motor vehicle franchisor shall not grant, relocate, reopen or reactivate the proposed franchise or establish, relocate, reopen or reactivate the proposed business until the committee has made a final determination that that action does not violate this act.

C. 56:10-23 Factors for consideration.

8. In determining whether the grant, relocation, reopening or reactivation of a franchise or establishment, relocation, reopening or reactivation of a business will be injurious to existing franchisees and to the public interest, the committee may consider, but shall not be limited to considering the following:

a. The effect that the proposed franchise or business would have on the provision of stable, adequate and reliable sales and service to purchasers of vehicles in the same line make in the relevant market area;

b. The effect that the proposed franchise or business would have on the stability of existing franchisees in the same line make in the relevant market area;

c. Whether the existing franchisees in the same line make in the relevant market area are providing adequate and convenient consumer service for motor vehicles of the line make in the relevant market area, which shall include the adequacy of motor vehicle sales and service facilities, equipment, supply of motor vehicle parts and qualified service personnel;

d. The effect on a relocating dealer of a denial of its relocation into the relevant market area.

C. 56:10-24 Costs and attorney fees.

9. The committee shall award reasonable litigation costs and reasonable attorney fees to any person ultimately prevailing, either as petitioner or respondent, in any administrative proceeding under this act. The committee shall assess from the person ultimately not prevailing, and shall transfer to the Office of Administrative Law, the administrative hearing costs resulting from a protest filed pursuant to this act. Administrative hearing

costs shall be based on a billing rate established by the Office of Administrative Law and approved by the Director of Budget and Accounting.

C. 56:10-25 Rules and regulations.

10. The committee may promulgate such rules and regulations as are necessary to implement the provisions of this act.

11. This act shall take effect immediately.

Approved October 27, 1982.

CHAPTER 157

AN ACT to validate certain proceedings of school districts and any bonds or other obligations issued or to be issued pursuant to such proceedings.

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

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization 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 notices relating to such election were not published as required by the provisions of N. J. S. 18A:14-19; provided, however, that notices of such election were posted in accordance with N. J. S. 18A:14-19; and provided further, that no action, suit or other proceeding of any nature to contest the validity of such election has heretofore been instituted prior to the effective date of this act and within the time fixed therefor by or pursuant to law or rule of court, or, when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved October 27, 1982.

CHAPTER 158

AN ACT prohibiting the destruction of any animal through the use of decompression or gas chambers, amending P. L. 1941, c. 151 and R. S. 4:22-19 and supplementing Title 4 of the Revised Statutes.

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

1. Section 2 of P. L. 1979, c. 354 (C. 45:16-14) is amended to read as follows:

C. 45:16-14 Definitions.

2. As used in this act:

“Unretrieved animal” means an animal placed for confined treatment or boarding by its owner or an agent thereof in the care and custody of a veterinarian or boarding kennel, which animal is not retrieved by the owner or agent thereof from the veterinarian within 72 hours of being notified in any manner that the confined treatment is completed or from the boarding kennel within 72 hours of the last day the animal was to be boarded.

“Humane disposal” means euthanasia by or under the direct supervision of a veterinarian or placement in a suitable home or animal shelter which shall not include any home or shelter which engages in animal experimentation or, by sale or otherwise, makes animals available for the purpose of animal experimentation. Humane disposal shall not include hypoxia induced by decompression or in any other manner or the administration of a lethal gas other than an inhalant anesthetic.

2. R. S. 4:22-19 is amended to read as follows:

Hypoxia induced by decompression prohibited.

4:22-19. A person who shall

a. Impound or confine, or cause to be impounded or confined, in a pound or other place, a living animal or creature, and shall fail to supply it during such confinement with a sufficient quantity of good and wholesome food and water; or

b. Destroy or cause to be destroyed any such animal by hypoxia induced by decompression or in any other manner, by the administration of a lethal gas other than an inhalant anesthetic, or in any other manner except by a method of euthanasia generally accepted

by the veterinary medical profession as being reliable, appropriate to the type of animal upon which it is to be employed, and capable of producing loss of consciousness and death as rapidly and painlessly as possible for such animal shall, in the case of a violation of subsection a., be guilty of a disorderly persons offense; or, in the case of a violation of subsection b., be subject to a penalty of \$25.00 for the first offense and \$50.00 for each subsequent offense. Each animal destroyed in violation of subsection b. shall constitute a separate offense. The penalty shall be collected in accordance with "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.) and all money collected shall be remitted to the State.

This section shall apply to kennels, pet shops, shelters and pounds as defined and licensed pursuant to P. L. 1941, c. 151 (C. 4:19-15.1 et seq.); to pounds and places of confinement owned and operated by municipalities, counties or regional governmental authorities; and to every contractual warden or impounding service, any provision to the contrary in this title notwithstanding.

C. 4:22-19.2 Dismantling of devices ordered.

3. (New section) Within 30 days of the effective date of this act, any chamber or device used to induce hypoxia through decompression or in any other manner and any gas chamber or similar device, except one which is used for the administration of an inhalant anesthetic, shall be dismantled and removed from the premises. The owner of any premises on which the chamber or device remains 30 days subsequent to the effective date of this act shall be guilty of a disorderly persons offense.

4. This act shall take effect immediately.

Approved October 27, 1982.

CHAPTER 159

AN ACT concerning the appointment of certain township officers and amending R. S. 40:145-12.

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

1. R. S. 40:145-12 is amended to read as follows:

Township officers.

40:145-12. The township committee may appoint and employ a township attorney, a township engineer, a township physician, a treasurer, so many poundkeepers as shall be deemed necessary, and such other officers as may be authorized by law. The township committee shall provide for an assessor, a tax collector, a municipal clerk and a construction official, all in the manner generally prescribed by law.

2. This act shall take effect immediately.

Approved October 27, 1982.

CHAPTER 160

AN ACT concerning reckless endangerment and amending N. J. S. 2C:12-2.

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

1. N. J. S. 2C:12-2 is amended as follows:

Recklessly endangering another person.

2C:12-2. Recklessly Endangering Another Person. a. A person who purposely or knowingly does any act, including putting up a false light, which results in the loss or destruction of a vessel commits a crime of the third degree.

b. A person commits a crime of the fourth degree if he:

(1) Manufactures or sells a golf ball containing acid or corrosive fluid substance; or

(2) Purposely or knowingly offers, gives or entices any person to take or accept any treat, candy, gift or food, which is poisonous, deleterious or harmful to the health or welfare of such person.

Notwithstanding the term of imprisonment provided under N. J. S. 2C:43-6, if a person is convicted of an offense under (2) of this subsection, the sentence imposed shall include a fixed minimum sentence of not less than six months during which the defendant shall not be eligible for parole. The court may not suspend or make any other noncustodial disposition of that person.

2. This act shall take effect immediately.

Approved October 28, 1982.

CHAPTER 161

AN ACT concerning electronic data processing contracts, amending N. J. S. 18A:18A-5 and supplementing chapter 18A 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:18A-14.1 "Electronic data processing" defined.

1. As used in this act "electronic data processing" means the storage, retrieval, combination or collation of items of information by means of electronic equipment involving the translation of words, numbers and other symbolic elements into electrical impulses or currents.

C. 18A:18A-14.2 Joint operation.

2. a. Any board of education may by contract or lease provide electronic data processing services for the board of education of another school district, and may undertake with such other board of education the joint operation of electronic data processing of their several official records and other information relative to their official activities, services and responsibilities.

b. The records and other information originating with any board of education participating in such a contract or lease may be combined, compiled, and conjoined with the records and other information of any and all other participating local units for the purposes of such electronic data processing; and any provisions of law requiring such records to be kept confidential or to be retained by any board of education or any officer or agency thereof shall be deemed to be isolated thereby.

C. 18A:18A-14.3 Charges.

3. A contract or lease entered into pursuant to this act shall set forth the charge for all services provided, or in the case of a joint undertaking the proportion of the cost each party thereto shall assume and specify all the details of the management of the joint undertaking, and any other matters that may be deemed necessary for insertion therein, and may be amended from time to time by the contracting parties.

C. 18A:18A-14.4 Agency.

4. For the purpose of carrying into execution a contract or lease for a joint enterprise under this act, any party to such contract may

act as agent for any or all the parties in acquiring, by lease, purchase or otherwise, any property, facilities or services, in appointing such officers and employees as may be necessary and directing its activities, to the same extent as a board of education is authorized to do separately.

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

Exceptions to requirement for advertising.

18A:18A-5. Exceptions to requirement for advertising. Any purchase, contract or agreement of the character described in N. J. S. 18A:18A-4 may be made, negotiated or awarded by the board of education by resolution at a public meeting without public advertising for bids and bidding therefor if

a. The subject matter thereof consists of:

- (1) Professional services;
- (2) Extraordinary unspecifiable services which cannot reasonably be described by written specifications, which exception as to extraordinary unspecifiable services shall be construed narrowly in favor of open competitive bidding where possible and the State Board of Education is authorized to establish rules and regulations limiting its use in accordance with the intention herein expressed; and the board of education shall in each instance state supporting reasons for its action in the resolution awarding the contract for extraordinary unspecifiable services;
- (3) The doing of any work by employees of the contracting unit;
- (4) The printing of all legal notices; and legal briefs, records and appendices to be used in any legal proceeding in which the contracting party may be a party;
- (5) Textbooks, copyrighted materials, kindergarten supplies, and student produced publications and services incidental thereto;
- (6) Food supplies, including food supplies for home economics classes, when purchased pursuant to rules and regulations of the State board and in accordance with the provisions of N. J. S. 18A:18A-6;
- (7) The supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utility Commissioners, in accordance with tariffs and schedules of charges made, charged and exacted, filed with said board;
- (8) The printing of bonds and documents necessary to the issuance and sale thereof by a board of education;

(9) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such services;

(10) Insurance, including the purchase of insurance coverage and consultant services;

(11) Publishing of legal notices in newspapers as required by law;

(12) The acquisition of artifacts or other items of unique intrinsic, artistic or historic character;

(13) Election expenses, including advertising expenses incidental thereto;

(14) Electronic data processing service obtained from another board of education.

b. It is to be made or entered into with the United States of America, the State of New Jersey, county or municipality or any board, body, officer, agency or authority or any other state or subdivision thereof.

c. The board of education has advertised for bids pursuant to N. J. S. 18A:18A-4 on two occasions and has received no bids in response to its advertisement and, after reasonable inquiry, it is determined that no board, body, officer, agency or authority of the United States, or of the State of New Jersey or of any county or municipality in which the board of education is located is willing and able to perform any work or furnish or hire any materials or supplies in conformity with the specifications of the board of education. Any such contract or agreement entered into pursuant to this subsection c. may be made, negotiated or awarded only upon adoption of a resolution by the affirmative vote of two-thirds of the full membership of the board of education at a meeting thereof authorizing such a contract or agreement. Any amendment or modification of the terms, conditions, restrictions and specifications which were the subject of the competitive bidding pursuant to N. J. S. 18A:18A-4 shall be stated in the resolution awarding the contract.

d. The board of education has advertised for bids pursuant to N. J. S. 18A:18A-4 on two occasions and has rejected such bids on each occasion because the board of education has determined that they are not reasonable as to price on the basis of cost estimates prepared for the board of education prior to the advertising therefor or have not been independently arrived at in open compe-

tition, but no such contract or agreement may be entered into after such rejection of bids, unless:

(1) Notification of the intention to negotiate and a reasonable opportunity to negotiate shall have been given by the board of education to each responsible bidder;

(2) The negotiated price is lower than the lowest rejected bid price of a responsible bidder who bid thereon and is the lowest negotiated price offered by any responsible supplier and is a reasonable price for such work, materials, supplies or services;

(3) Any amendment or modification of the terms, conditions, restrictions and specifications which were the subject of competitive bidding pursuant to N. J. S. 18A:18A-4 shall be stated in the resolution awarding the contract; and

(4) The negotiated price is lower than the price of the same or equivalent materials or supplies available from the State, county or municipality in which the board of education is located.

Whenever a board of education shall determine that a bid was not arrived at independently in open competition pursuant to this subsection d. of N. J. S. 18A:18A-5, it shall thereupon notify the county prosecutor of the county in which the board of education is located and the Attorney General of the facts upon which its determination is based, and when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

Any such contract or agreement entered into pursuant to this subsection d. may be made, negotiated or awarded only upon adoption of a resolution by the affirmative vote of two-thirds of the full membership of the board of education at a meeting thereof authorizing such a contract or agreement.

6. This act shall take effect immediately.

Approved October 28, 1982.

CHAPTER 162

AN ACT concerning basic child study teams and supplementing chapter 46 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:46-5.1 Basic child study teams.

1. Each board of education and State operated program shall separately or jointly with one or more boards of education or State agencies provide for basic child study team services. The basic child study team shall consist of a school psychologist, a learning disability teacher consultant and a school social worker, and for the purposes of evaluation and classification shall include pertinent information from certified school personnel making the referral. This information shall be considered in the evaluation and classification process as defined in N. J. A. C. 6:28-1.1 et seq.

The referring certified school personnel and the school principal, or his designee, may attend the classification conference as defined in N. J. A. C. 6:28-1.1 et seq. and participate in the classification decision.

C. 18A:46-5.2 Parent participation.

2. Any decision by the basic child study team concerning the evaluation, classification and placement of a student shall include the full participation of that student's parents or guardian as prescribed under N. J. A. C. 6:28-1.1 et seq.

3. This act shall take effect immediately.

Approved October 28, 1982.

CHAPTER 163

AN ACT concerning education, requiring the commissioner to monitor the incidence of violence in the public schools, supplementing Title 18A of the New Jersey Statutes and repealing P. L. 1978, c. 183 (C. 18A:4-29.1 et seq.).

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

C. 18A:17-46 Reports on acts of violence in schools.

1. Any school employee observing or having direct knowledge from a participant or victim of an act of violence shall, in accordance with standards established by the commissioner, file a report describing the incident to the school principal in a manner prescribed by the commissioner, and copy of same shall be forwarded to the district superintendent.

The principal shall notify the district superintendent of schools of the action taken regarding the incident. Annually, at a public meeting, the superintendent of schools shall report to the board of education all acts of violence and vandalism.

C. 18A:17-47 Discrimination prohibited.

2. It shall be unlawful for any board of education to discharge or in any manner discriminate against a school employee as to his employment because the employee had filed a report pursuant to section 1 of this act. Any employee discriminated against shall be restored to his employment and shall be compensated by the board of education for any loss of wages arising out of the discrimination; provided, however, if the employee shall cease to be qualified to perform the duties of his employment he shall not be entitled to restoration and compensation.

C. 18A:17-48 Annual report to legislative committees.

3. The Commissioner of Education shall each year submit a report to the Education Committees of the Senate and General Assembly detailing the extent of violence and vandalism in the public schools and making recommendations to alleviate the problem.

Repealer.

4. P. L. 1978, c. 183 (C. 18A:4-29.1 et seq.) is repealed.

5. This act shall take effect immediately.

Approved October 28, 1982.

CHAPTER 164

AN ACT to amend "An act concerning the disposition of fines in criminal matters, amending N. J. S. 2A:166-13, repealing sections 2A:8-33, 2A:166-10 and 2A:166-19 of the New Jersey Statutes, and supplementing Title 2C of the New Jersey Statutes," approved February 6, 1980 (P. L. 1979, c. 396).

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

1. Section 2 of P. L. 1979, c. 396 (C. 2C:43-3.1) is amended to read as follows:

C. 2C:43-3.1 Penalties to Violent Crimes Compensation Board.

2. a. (1) In addition to any disposition made pursuant to the provisions of N. J. S. 2C:43-2, any person convicted of a crime of violence resulting in the injury or death of another person shall be assessed a penalty of at least \$25.00, but not to exceed \$10,000.00 for each such crime for which he was convicted. In imposing this penalty the court shall consider factors such as the severity of the crime, the defendant's criminal record, the defendant's ability to pay and the economic impact of the penalty on the defendant's dependents.

(2) (a) In addition to any other disposition made pursuant to the provisions of N. J. S. 2C:43-2 or any other statute imposing sentences for crimes, any person convicted of any disorderly persons offense, any petty disorderly persons offense, violation of the "New Jersey Controlled Dangerous Substances Act," P. L. 1970, c. 226 (C. 24:21-1 et seq.), or any crime not resulting in the injury or death of any other person shall be assessed a penalty of \$25.00 for each such offense or crime for which he was convicted.

(b) In addition to any other disposition made pursuant to the provisions of section 20 of P. L. 1973, c. 306 (C. 2A:4-61) or any other statute indicating the dispositions that can be ordered for adjudications of delinquency, any juvenile adjudicated delinquent, according to the definition of "delinquency" established in section 3 of P. L. 1973, c. 306 (C. 2A:4-44), shall be assessed a penalty of at least \$10.00 for each such adjudication, but shall not exceed the amount which could be assessed if the offense was committed by an adult.

(3) All penalties provided for in this section shall be collected as provided for collection of fines and restitution in section 3 of this act and forwarded to the Violent Crimes Compensation Board as provided in paragraph (4) hereof.

(4) All moneys collected pursuant to paragraphs (1) and (2) shall be forwarded to the State Treasury to be deposited in a separate account for use by the Violent Crimes Compensation Board in satisfying claims and for related administrative costs, pursuant to the provisions of the "Criminal Injuries Compensation Act of 1971," P. L. 1971, c. 317 (C. 52:4B-1 et seq.).

b. All moneys, including fines and restitution, collected from a person convicted of any disorderly persons offense, any petty disorderly persons offense, violation of the "New Jersey Controlled Dangerous Substances Act," P. L. 1970, c. 226 (C. 24:21-1 et seq.), from any juvenile adjudicated delinquent or any crime shall be applied first to any penalty imposed pursuant to this section upon such a person.

2. This act shall take effect 90 days after enactment and shall apply to all convictions and sentencing occurring on or after the effective date.

Approved November 1, 1982.

CHAPTER 165

AN ACT concerning the New Jersey Marine Sciences Consortium and the Marine Academy of Science and Technology.

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

C. 18A:54C-2.1 Academy-consortium relationship authorized.

1. The Marine Academy of Science and Technology created pursuant to P. L. 1982, c. 146, is authorized to enter into a contractual relationship with the New Jersey Marine Sciences Consortium. The funds transmitted by the Academy to the Consortium may be considered to serve as the State match for federal funds that may be obtained by the Consortium through the Sea Grant Program or other programs.

2. This act shall take effect immediately.

Approved November 1, 1982.

CHAPTER 166

AN ACT concerning the sale of chilled malt alcoholic beverages, amending R. S. 33:1-11 and supplementing Title 33 of the Revised Statutes.

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

1. R. S. 33:1-11 is amended to read as follows:

Class B alcoholic beverage licenses; subdivisions, classifications.

33:1-11. Class B licenses shall be subdivided and classified as follows:

Plenary wholesale license. 1. The holder of this license shall be entitled, subject to rules and regulations, to sell and distribute alcoholic beverages to retailers and wholesalers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse and salesroom; provided, however, that the delivery of such alcoholic beverages by the holder of this license to retailers licensed under this Title shall be from inventory in a warehouse located in New Jersey which is operated under a plenary wholesale license. The fee for this license shall be \$7,000.00.

Limited wholesale license. 2a. The holder of this license shall be entitled, subject to rules and regulations, to sell and distribute brewed malt alcoholic beverages and naturally fermented wines to retailers and wholesalers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse and salesroom. The fee for this license shall be \$1,500.00.

Wine wholesale license. 2b. The holder of this license shall be entitled, subject to rules and regulations, to sell and distribute any naturally fermented, treated, blended, fortified and sparkling wines to retailers and wholesalers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse and salesroom; provided, however, that the delivery of such wines by the holder of this license to retailers licensed under this Title shall be from inventory in a warehouse located in New Jersey which is operated under a wine wholesale license. The fee for this license shall be \$3,000.00.

State beverage distributor's license. 2c. The holder of this license shall be entitled, subject to rules and regulations, to sell and distribute unchilled, brewed, malt alcoholic beverages in original containers only, in quantities of not less than 144 fluid ounces and chilled draught malt alcoholic beverages in kegs, barrels or other similar containers of at least one fluid gallon in capacity, to retailers licensed in accordance with this chapter, and to sell and distribute without this State to any person pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse and salesroom. The holder of this license may sell unchilled, brewed, malt alcoholic beverages in original containers only, in quantities of not less than 144 fluid ounces and chilled draught malt alcoholic beverages in kegs, barrels or other similar containers of at least 7.75 fluid gallons in capacity, at retail; provided, however, that such sales shall be made only for consumption off the licensed premises. This license shall not be issued to any person holding a plenary or limited brewery license, nor shall it be issued to any person directly or indirectly interested in any brewery within or without this State. This license shall not be issued for premises in or upon which any retail business, except the sale of malt alcoholic beverages and non-alcoholic beverages, is carried on. The fee for this license shall be \$825.

C. 33:1-11.6 Active use required for renewal.

2. (New section) No State beverage distributor's license, as defined in subsection 2c. of R. S. 33:1-11, shall be renewed if it has not been actively used in connection with the operation of a licensed premises within a period of 2 years prior to the commencement date of the license period for which the renewal application is filed, unless the director, for good cause and after a hearing, authorizes a further application for renewal; provided, however, that, if the licensee has been deprived of the use of the licensed premises as a result of eminent domain, fire or other casualty, and establishes by affidavit filed with the director that he is making a good faith effort to resume active use of the license in connection with the operation of a licensed premises, then the period of two years provided for in this section shall be automatically extended for an additional two years. Commencing on the effective date of this act, no additional State beverage distributors' licenses shall be issued to exceed the number in existence on the date this act takes effect.

3. This act shall take effect immediately.

Approved November 1, 1982.

CHAPTER 167

AN ACT concerning the dedication of certain lands as a wildlife sanctuary and supplementing Title 13 of the Revised Statutes.

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

C. 13:8-64 "Wildlife sanctuary" defined.

1. As used in this act, "wildlife sanctuary" means that portion of a State park dedicated to the preservation and protection of the animals inhabiting that portion of the park.

C. 13:8-65 "Ferber plot" to be designated.

2. The Commissioner of Environmental Protection shall designate as a wildlife sanctuary that portion of Wawayanda State Park commonly known as the "Ferber plot" and more accurately described as Block 247, part of Lot 3 and Block 249, all of Lot 4A and Lot 5, Tax Maps, West Milford township, Passaic county, N. J.

C. 13:8-66 Penalty for violation.

3. a. Any person who abuses, mutilates, injures, removes or destroys any animal inhabiting a wildlife sanctuary shall be liable to a penalty of not less than \$100.00 and not more than \$5,000.00, to be collected in a civil action instituted by the Department of Environmental Protection by a summary proceeding under "the penalty enforcement law," N. J. S. 2A:58-1 et seq. The Superior Court, county district court and municipal court shall have jurisdiction to enforce "the penalty enforcement law." If the prohibited activity is of a continuing nature, each day during which it continues constitutes an additional, separate and distinct offense.

b. Nothing in this section shall be construed to interfere with any action taken by the Department of Environmental Protection to protect the public health or promote animal welfare.

C. 13:8-67 Permitted release.

4. The release of animals onto the wildlife sanctuary by any person or group of persons for their protection and preservation shall be permitted as prescribed by the Commissioner of Environmental Protection.

C. 13:8-68 Rules and regulations.

5. The Commissioner of Environmental Protection may propose, in accordance with the provisions of the "Administrative Procedure

Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), necessary rules and regulations and prescribe procedures to effect and enforce compliance with this act.

6. This act shall take effect immediately.

Approved November 4, 1982.

CHAPTER 168

AN ACT concerning certain actions of local harbor and waterfront commissions, and amending P. L. 1940, c. 161.

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

1. Section 3 of P. L. 1940, c. 161 (C. 40:68-24) is amended to read as follows:

C. 40:68-24 \$2,500 exemption.

3. Any act by the commission so created involving an expenditure, lease or transfer of property to a value exceeding \$2,500.00 shall require the approval of the municipal governing body.

2. This act shall take effect immediately.

Approved November 5, 1982.

CHAPTER 169

AN ACT to amend "An act concerning security for deposits of governmental units in banks, savings banks and savings and loan associations," approved October 27, 1970 (P. L. 1970, c. 236).

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

1. Section 1 of P. L. 1970, c. 236 (C. 17:9-41) is amended to read as follows:

C. 17:9-41 Definitions.

1. In this act, unless the context otherwise requires:

"Association" means any State or federally chartered savings and loan association;

"Capital funds" means (a) in the case of a State bank or national bank, the aggregate of the capital stock, surplus and undivided profits of the bank; (b) in the case of a savings bank, the aggregate of the capital deposits, if any, and the surplus of the savings bank; and (c) in the case of an association, the aggregate of all reserves required by any law or regulation, and the undivided profits, if any, of the association;

"Commissioner" means the Commissioner of Banking;

"Defaulting depository" means a public depository as to which an event of default has occurred;

"Eligible collateral" means obligations of or guaranteed by the United States, obligations of or guaranteed by the State of New Jersey, obligations of governmental units, including, but not limited to, capital notes, bond anticipation notes, tax anticipation notes and temporary notes or loan bonds (mortgages insured or guaranteed by the United States of America or an instrumentality thereof as to payment of principal and interest to the extent of such insurance or guarantee), any other obligations now or hereafter authorized by law as security for public deposits, and all other bonds, notes, and obligations in which the State, political subdivisions of the State, their officers, boards, commissions, departments and agencies may invest, pursuant to an express authorization under any law authorizing the issuance of such bonds, notes, or obligations;

"Event of default" means issuance of an order of a supervisory authority or of a receiver restraining a public depository from making payments of deposit liabilities;

"Governmental unit" means any county, municipality, school district or any public body corporate and politic created or established under any law of this State by or on behalf of any one or more counties or municipalities, or any board, commission, department or agency of any of the foregoing having custody of funds;

"Maximum liability" of a public depository means, with respect to any event of default, a sum equal to 5% of the average daily balance of collected public funds held on deposit by the depository during the 6-month period ending on the last day of the month next preceding the occurrence of such event of default;

“Net deposit liability” means the deposit liability of a defaulting depository to a governmental unit after deduction of any deposit insurance with respect thereto;

“Public depository” means a State bank, a national bank, a savings bank or an association located in this State, the deposits of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, as the case may be, and which receives or holds public funds on deposit;

“Public funds” means the funds of any governmental unit, but does not include deposits held by the State of New Jersey Cash Management Fund;

“Valuation date” means December 31 and June 30.

2. This act shall take effect immediately.

Approved November 5, 1982.

CHAPTER 170

AN ACT concerning child labor and supplementing P. L. 1940, c. 153 (C. 34:2-21.1 et seq.).

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

C. 34:2-21.17a Junior achievement programs exempt from child labor law.

1. Section 17 of P. L. 1940, c. 153 (C. 34:2-21.17) shall not apply to minors under the age of 18 years who participate or work in any junior achievement program. As used in this act “junior achievement program” means any program under which minors under the age of 18 engage in business enterprises or activities pursuant to an economics education program conducted under the guidance of adult sponsors from private business and industry.

2. This act shall take effect immediately.

Approved November 5, 1982.

CHAPTER 171

AN ACT to include nurse-midwifery services as eligible for reimbursement under Medical Service Corporation insurance contracts and supplementing P. L. 1940, c. 74 (C. 17:48A-1 et seq.).

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

C. 17:48A-34 Nurse-midwifery services eligible for reimbursement.

1. Notwithstanding any other provision of P. L. 1940, c. 74 (C. 17:48A-1 et seq.), benefits shall not be denied to any eligible individual for eligible services when the services are performed or rendered those individuals by a certified nurse-midwife within the scope of his practice. The practice of nurse-midwifery shall be deemed to be within the provisions of P. L. 1940, c. 74 and duly certified nurse-midwives shall have such privileges and benefits in the scope of their practice under the act as are afforded thereunder to licensed physicians and surgeons in the scope of their practice.

2. This act shall take effect immediately.

Approved November 9, 1982.

CHAPTER 172

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*:

1. All proceedings heretofore had or taken by any school district at any school district election for the authorization or issuance of bonds of the school district issued or to be issued pursuant to a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the notice of such election was not published as required by the provisions of N. J. S. 18A:24-29; provided 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 rule of court, or when such time has not heretofore expired, is instituted within 15 days after the effective date of this act.

2. This act shall take effect immediately.

Approved November 9, 1982.

CHAPTER 173

AN ACT concerning firearms and amending N. J. S. 2C:39-6, N. J. S. 2C:58-3 and N. J. S. 2C:58-10.

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

1. 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 of any penal institution in this State or his deputies, or an employee of the Department of Corrections engaged in the interstate transportation of convicted offenders, while in the performance of his duties, and when required to possess

such a weapon by his superior officer, or a correction officer or keeper of a penal institution in this State at all times while in the State of New Jersey provided he annually passes an examination approved by the superintendent testing his proficiency in the handling of firearms;

(6) A civilian employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located in this State who is required, in the performance of his official duties, to carry firearms, and who is authorized to carry such firearms by said commanding officer, while in the actual performance of his official duties;

(7) A 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 any special policeman authorized to carry a revolver or other similar weapons while off duty within the municipality where he is employed, as provided in N. J. S. 40A:14-146, or a special policeman or airport security officer appointed by the governing body of any county or municipality, except as provided in this paragraph, or by the commission, board or other body having control of a county park or airport or boulevard police force, while engaged in the actual performance of his official duties and when specifically authorized by the governing body to carry weapons; or

(8) A paid member of a paid or part-paid fire department or force of any municipality who is assigned full-time to an arson investigation unit created pursuant to section 1 of P. L. 1981, c. 409 (C. 40A:14-7.1), while engaged in the actual performance of arson investigation 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 special agent of the Division of Taxation who has passed an examination in an approved police training program testing proficiency in the handling of any firearm which he may be required to carry or 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 of any municipal court or other court of this State, while in the actual performance of his official duties;

(5) A guard in the employ of any railway express company, banking or building and loan or savings and loan institution of this State, while in the actual performance of his official duties;

(6) A member of a legally recognized military organization while actually under orders or while going to or from the prescribed place of meeting and carrying the weapons prescribed for drill, exercise or parade;

(7) An officer of the Society for the Prevention of Cruelty to Animals, while in the actual performance of his duties; 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 dwelling and his place of business, between one place of business or residence and another when moving, or between his dwelling or place of business and place where such firearms are repaired, for the purpose of repair. For the purposes of this section, a place of business shall be deemed to be a fixed location.

f. Nothing in subsections b., c. and d. of 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 pursuant to this section shall be transported in the manner specified in subsection g. of this section;

(4) A person from keeping or carrying about a private or commercial aircraft or any boat, or from transporting to or from such vessel for the purpose of installation or repair a visual distress signalling device approved by the United States Coast Guard.

g. All weapons being transported under 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 in the course of travel shall include only such deviations as are reasonably necessary under the circumstances.

h. Nothing in subsection d. of section 2C:39-5 shall be construed to prevent any employee of a public utility, as defined in R. S. 48:2-13, doing business in this State or any United States Postal Service employee, while in the actual performance of duties which specifically require regular and frequent visits to private premises, from possessing, carrying or using any device which projects, releases or emits any substance specified as being noninjurious to canines or other animals by the Commissioner of Health and which immobilizes only on a temporary basis and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the sole purpose of repelling canine or other animal attacks.

The device shall be used solely to repel only those canine or other animal attacks when the canines or other animals are not restrained in a fashion sufficient to allow the employee to properly perform his duties.

Any device used pursuant to this act shall be selected from a list of products, which consist of active and inert ingredients, permitted by the Commissioner of Health.

i. Nothing in subsection d. of 2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a felony, from possession for the purpose of

personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than \$100.00.

2. N. J. S. 2C:58-3 is amended to read as follows:

Purchase of firearms.

2C:58-3. Purchase of Firearms. a. Permit to purchase a handgun. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section.

b. Firearms purchaser identification card. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire a rifle or shotgun, other than an antique rifle or shotgun, unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of subsection c. of this section and shall contain his name, address and firearms purchaser identification card number or dealer's registration number. The said certification shall be retained by the seller, as provided in section 2C:58-2a., or, in the case of a person who is not a dealer, it may be filed with the chief of police of the municipality in which he resides or with the superintendent.

c. Who may obtain. No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth. No handgun purchase permit or firearms purchaser identification card shall be issued:

(1) To any person who has been convicted of a crime, whether or not armed with or possessing a weapon at the time of such offense;

(2) To any drug dependent person as defined in P. L. 1970, c. 226 (C. 24:21-2), to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard;

(3) To any person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic unless any of the foregoing persons produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in the handling of firearms; to any person who knowingly falsifies any information on the application form for a handgun purchase permit or firearms purchaser identification card;

(4) To any person under the age of 18 years; 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 references the names and addresses of two reputable citizens personally acquainted with him.

Application blanks shall be obtainable from the superintendent, from any other officer authorized to grant such permit or identification card, and from licensed retail dealers.

The chief police officer or the superintendent shall obtain the fingerprints of the applicant and shall have them compared with any and all records of fingerprints in the municipality and county in which the applicant resides and also the records of the State Bureau of Identification and the Federal Bureau of Investigation, provided that an applicant for a handgun purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same

licensing authority for which he was previously fingerprinted, and who provides other reasonably satisfactory proof of his identity, need not be fingerprinted again; however, the chief police officer or the superintendent shall proceed to investigate the application to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter.

f. Granting of permit or identification card; fee; term; renewal; revocation. The application for the permit to purchase a handgun together with a fee of \$2.00, or the application for the firearms purchaser identification card together with a fee of \$5.00, shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days from the date of receipt of the application for residents of this State and within 45 days for nonresident applicants. A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. A firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth in subsection c. of this section, whereupon the card shall be void and shall be returned within 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:39-10a. Any firearms purchaser identification card may be revoked by the Superior Court of the county wherein the card was issued, after hearing upon notice, upon a finding that the holder thereof no longer qualifies for the issuance of such permit. The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to such court at any time for the revocation of such card.

There shall be no conditions or requirements added to the form or content of the application, or required by the licensing authority for the issuance of a permit or identification card, other than those that are specifically set forth in this chapter.

g. Disposition of fees. All fees for permits shall be paid to the State Treasury if the permit is issued by the superintendent, to the municipality if issued by the chief of police, and to the county treasurer if issued by the judge of the Superior Court.

h. Form of permit; quadruplicate; disposition of copies. The permit shall be in the form prescribed by the superintendent and

shall be issued to the applicant in quadruplicate. Prior to the time he receives the handgun from the seller, the applicant shall deliver to the seller the permit in quadruplicate and the seller shall complete all of the information required on the form. Within 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.

l. Nothing in this section and in N. J. S. 2C:58-2 shall apply to the sale or purchase of a visual distress signalling device approved by the United States Coast Guard, solely for possession on a private or commercial aircraft or any boat; provided, however, that no person under the age of 18 years shall purchase nor shall any person sell to a person under the age of 18 years such a visual distress signalling device.

3. N. J. S. 2C:58-10 is amended to read as follows:

Incendiary or tracer ammunition.

2C:58-10. Incendiary or Tracer Ammunition. No incendiary or tracer type ammunition shall be discharged anywhere in this State except for law enforcement purposes by law enforcement officers in the course of their official duties or by members of legally recognized military organizations during the actual course of their official duties in or upon military establishments or ranges constructed or maintained for such purposes. Nonincendiary shotgun tracer ammunition may, however, be used on a trap or skeet field for target purposes. Nothing in this section shall prohibit the carrying or possession for distress signal purposes of a visual distress signalling device approved by the United States Coast Guard aboard a private or commercial aircraft or any boat.

4. This act shall take effect immediately.

Approved November 12, 1982.

CHAPTER 174

AN ACT concerning appropriations for debt service in fire district budgets in certain cases and amending P. L. 1979, c. 453.

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

1. Section 9 of P. L. 1979, c. 453 (C. 40A:14-78.5) is amended to read as follows:

C. 40A:14-78.5 Fire district budgets.

9. a. If at the annual election held pursuant to N. J. S. 40A:14-72 the question of finally adopting the budget is voted affirmatively upon by a majority of the legal voters voting in the election, the budget shall be considered finally adopted, and the board of fire commissioners shall certify the amount to be raised by taxation to support the district budget to the assessor of the municipality, pursuant to N. J. S. 40A:14-79.

b. If at the annual election the question of finally adopting the budget is voted negatively upon by a majority of the legal voters voting in the election, the governing body of the municipality in which the fire district is located shall, by resolution of a majority

of its full membership, within 30 days after the annual election and after a public hearing for which the legal voters of the fire district shall be given 5 days' advertised notice, and at which any interested person shall be heard, fix an annual budget for the fire district. The amount of each appropriation section of the budget so fixed shall not exceed the amount for each as previously voted upon at the annual election, except the appropriation for debt service which shall be included in the amount that is required to be paid. The governing body shall certify the amount to be raised by taxation to support the district budget as set forth in the final budget, to the assessor of the municipality, pursuant to N. J. S. 40A:14-79.

2. This act shall take effect immediately.

Approved November 12, 1982.

CHAPTER 175

AN ACT concerning signs relative to no smoking in certain places and amending P. L. 1981, c. 318, P. L. 1981, c. 319, and P. L. 1981, c. 320.

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

1. Section 3 of P. L. 1981, c. 318 (C. 26:3D-3) is amended to read as follows:

C. 26:3D-3 "Smoking Prohibited" signs in elevators.

3. Smoking is prohibited in every passenger elevator in every building other than a single family dwelling. On every elevator affected by this act and in a location clearly visible to the public near the entrance of the elevator or a group of elevators on each floor, the owner or person in control of the building shall post a sign with letters at least 1 inch in height stating "Smoking Prohibited" or the international symbol for "Smoking Prohibited". The letters or symbol shall contrast in color with the sign. The sign may also indicate that violators are subject to a fine.

2. Section 5 of P. L. 1981, c. 319 (C. 26:3D-11) is amended to read as follows:

C. 26:3D-11 Health care facilities.

5. a. A sign indicating that smoking is prohibited in the health care facility except in designated areas shall be posted by any

person or his agent who has control of the facility at each public entrance to the facility. The sign may indicate that violators are subject to a fine. Each permitted smoking area shall be posted as such by a sign, except in private rooms and rooms where all patients consent to permit smoking.

Except for the entrance signs, the signs required by this subsection shall consist of letters at least 1 inch in height, stating "Smoking Permitted" or the international "Smoking Permitted" symbol. Every sign required by this subsection shall be located so as to be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign.

b. A sign indicating that smoking is prohibited or permitted in the waiting room of an office of any person licensed to practice the healing arts shall be posted by the person who has control of the office in each waiting room. The sign may indicate that violators are subject to a fine. The signs required by this subsection shall consist of letters at least 1 inch in height stating either "Smoking Permitted" or "Smoking Prohibited" or the appropriate "Smoking Permitted" or "Smoking Prohibited" international symbol. Every sign required by this subsection shall be located so as to be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign.

3. Section 4 of P. L. 1981, c. 320 (C. 26:3D-18) is amended to read as follows:

C. 26:3D-18 Schools.

4. Every public entrance to a school, college, university or professional training school building shall be posted by the person who has control of the building with a sign indicating that smoking is prohibited in the building except in designated areas. The sign may also indicate that violators are subject to a fine. Areas where smoking is permitted shall be so designated with a sign stating "Smoking Permitted" in letters at least 1 inch in height or by the international symbol for "Smoking Permitted." Every sign required by this section shall be located so as to be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign.

4. This act shall take effect 120 days after enactment.

Approved November 12, 1982.

CHAPTER 176

AN ACT concerning alcoholic beverages and supplementing chapter 1 of Title 33, of the Revised Statutes.

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

C. 33:1-28.1 Shipment of wine.

1. Any person, other than a person licensed under the provisions of chapter 1 of Title 33, purchasing wine in person on the licensed premises from a licensee holding a plenary winery license with retail privileges or a licensee holding a farm winery license may authorize shipment of the wine by a parcel delivery service, approved for that purpose by the director, to any point within the State, provided an invoice is attached to each package stating the purchaser's name, address, destination, quantity of wine being shipped and place of purchase, and provided that a copy of the original invoice shall be available for inspection by authorized agents of the New Jersey Division of Alcoholic Beverage Control for a period of three years at the office of the licensee.

C. 33:1-28.2 Delivery service exemption.

2. A parcel delivery service approved by the director under the provisions of this act shall not be required to comply with the provisions of R. S. 33:1-13 and R. S. 33:1-28.

C. 33:1-28.3 \$150 fee.

3. Before wine can be shipped by a parcel delivery service from a licensee holding a plenary winery license with retail privileges or a licensee holding a farm winery license in accordance with the provisions of this act, the licensee shall file an application therefor with the director and pay an annual fee of \$150.00 to him.

C. 33:1-28.4 Delivery to person of legal age.

4. It is the duty of personnel delivering wine for a licensee in accordance with the provisions of this act to seek to determine that, at the time of delivery of wine, the party signing a delivery receipt is of legal age to consume alcoholic beverages.

5. This act shall take effect immediately.

Approved November 12, 1982.

New Jersey State Library

CHAPTER 177

AN ACT concerning the establishment of a poison control and drug information program by the Commissioner of the Department of Health.

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

C. 26:2-119 Legislative findings.

1. The Legislature finds that every year there are a substantial number of accidental poisonings especially among young children and that the possibility of serious injury or death which results from the ingestion of poisonous substances could be dramatically reduced by the development of a poison control and drug information program.

C. 26:2-120 Definitions.

2. As used in this act:

a. "Commissioner" means the Commissioner of the Department of Health;

b. "Program" means the poison control and drug information program established by the commissioner.

C. 26:2-121 Poison control and drug information program.

3. The commissioner shall establish a Statewide program of poison control and drug information. Program services shall be available on a 24 hour basis to the residents of every county.

C. 26:2-122 Services.

4. The principal activity of the program shall be answering requests by telephone for poison information and making recommendations for appropriate management and treatment of poisoning exposure and overdose victims. Services of the poison control and drug information program shall also include:

a. Evaluating whether treatment can be accomplished in the home setting or whether transport to an emergency treatment facility is required;

b. Recommending treatment measures to appropriate personnel;

c. Providing follow-up education to prevent future similar incidents;

d. Providing community education programs designed to improve public awareness of poisoning and overdose problems and to educate the public regarding prevention; and

e. Answering drug information questions from health professionals by providing current and accurate information relating to drugs and their therapeutic uses.

C. 26:2-123 Personnel.

5. The program shall utilize physicians, pharmacists, nurses and other necessary personnel trained in various aspects of toxicology, poison control, and drug information retrieval and analysis.

6. This act shall take effect immediately.

Approved November 12, 1982.

CHAPTER 178

AN ACT providing immunity to certain persons and organizations concerned with the donation of food for distribution.

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

C. 24:4A-1 Short title.

1. This act shall be known and may be cited as the "Food Bank Good Samaritan Act."

C. 24:4A-2 Definitions.

2. As used in this act:

a. "Donor" includes, but is not limited to, any farmer, processor, distributor, wholesaler or retailer of perishable or prepared food;

b. "Food" means articles used for food or drink for humans and articles used for components of any such article;

c. "Gleaner" means a person who harvests for distribution an agricultural food that has been donated by the owner;

d. "Nonprofit organization" means an organization incorporated under the provisions of Title 15 or Title 16 of the Revised Statutes of New Jersey, an organization exempt from taxation under section 501 (c)(3) of the Internal Revenue Code or an entity to which a charitable contribution as defined under subsection (c) of section 170 of the Internal Revenue Code is deductible under section 170;

e. "Perishable food" means any food that may spoil or otherwise become unfit for human consumption because of its nature, type or physical condition. Perishable food includes, but is not limited to, fresh or processed meats, poultry, seafood, dairy pro-

ducts, bakery products, eggs in the shell, fresh fruits or vegetables and foods that have been canned or otherwise processed and packaged and which may or may not require refrigeration or freezing;

f. "Prepared food" means food commercially processed and prepared for human consumption;

g. "Food bank" means a nonprofit food clearinghouse that solicits, stores, and distributes donations of edible but unmarketable surplus food. The food is distributed to nonprofit organizations that feed the needy.

C. 24:4A-3 Immunity from civil or criminal action.

3. a. Any donor of prepared or perishable food or any gleaner of agricultural food, which food appears to be fit for human consumption at the time it is donated to a nonprofit organization, shall not be liable for damages in any civil action or subject to criminal prosecution for any injury or death due to the condition of the food, unless the injury or death is a direct result of the gross negligence, recklessness or knowing misconduct of the donor or gleaner.

b. A food bank, nonprofit organization, or their agents which or who in good faith receive and distribute prepared or perishable food which appears to be fit for human consumption at the time it is distributed shall not be liable for damages in any civil action or subject to criminal prosecution for any injury or death due to the condition of the food, unless the injury or death is a direct result of the gross negligence, recklessness or knowing misconduct of the organization or an agent of the organization.

c. An owner of agricultural food who gives permission to a gleaner to enter upon his land for the purpose of harvesting donated agricultural food for distribution shall not be liable for damages in any civil action due to the presence of the gleaner on the land and shall not be liable for damages in any civil action or subject to criminal prosecution resulting from the consumption of the food gleaned or donated.

d. This section applies to good faith donations of perishable or prepared food which is not readily marketable due to appearance, freshness, grade, surplus supply or other conditions which do not affect its fitness for human consumption.

C. 24:4A-4 Food bank licensure.

4. a. Any nonprofit organization known as a food bank which receives and distributes prepared or perishable food in accordance with this act shall obtain a license from the Department of Health

to distribute such food. The fee for licensure shall be equal to the lowest fee charged to food, drug, or cosmetic establishments regulated by the department pursuant to P. L. 1971, c. 158 (C. 24:15-13 and 24:15-14).

b. The Department of Health shall establish procedures to license and regulate nonprofit organizations which receive and distribute food and are known as food banks. The purpose of the licensure and regulation is to ensure the quality of the distributed food.

C. 24:4A-5 Rules and regulations.

5. The Department of Health shall promulgate rules and regulations necessary to carry out the purposes of this act.

6. This act shall take effect 90 days following enactment.

Approved November 12, 1982.

CHAPTER 179

AN ACT to amend the "municipal port authorities law," approved February 15, 1961 (P. L. 1960, c. 192).

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

1. Section 10 of P. L. 1960, c. 192 (C. 40:68A-38) is amended to read as follows:

C. 40:68A-38 Dissolution of municipal port authority.

10. The governing body of any municipality which has created a municipal port authority pursuant to this act may, by ordinance adopted by the recorded affirmative vote of at least two-thirds of the full membership of the governing body, dissolve such municipal port authority on the condition that (1) if such authority has any debts other than bonds outstanding, the municipality shall appropriate the moneys required to enable all such debts to be discharged in full, and (2) either such authority has no bonds outstanding or all holders of bonds of the municipal port authority have consented to the ordinance. A copy of the ordinance for the dissolution of a municipal port authority pursuant to this section duly certified by the appropriate officer of the municipality which has adopted such ordinance shall be filed in the office of the Secretary of State and shall be transmitted to the Director of the

Division of Local Government Services. Upon proof of such filing of a certified copy of the ordinance for the dissolution of a municipal port authority as aforesaid and upon proof either that such municipal port authority had no bonds outstanding at the time of the adoption of such ordinance, or that all holders of bonds of such municipal port authority have consented to such ordinance, the municipal port authority therein referred to shall be conclusively deemed to have been lawfully and properly dissolved and the property of such municipal port authority shall be vested in the municipality adopting such ordinance. A copy of any such certified ordinance, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any such action, or proceeding, and shall be conclusive evidence of due and proper filing thereof as aforesaid.

2. This act shall take effect immediately.

Approved November 12, 1982.

CHAPTER 180

AN ACT concerning fish and game licenses, amending parts of the statutory law and supplementing Title 23 of the Revised Statutes.

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

1. R. S. 23:3-3 is amended to read as follows:

Children's licenses.

23:3-3. The division may, in its discretion, issue a license to a citizen of the United States above 10 years and below 14 years of age, who has successfully completed a course in gun or bow and arrow safety, as the case may be, as required in accordance with this title, when applied for by his parent or legal guardian, authorizing him to hunt only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's firearm or bow and arrow license, as the case may be. This license shall be void after December 31 next succeeding its issuance. The fee for this license shall be \$2.50, or as adjusted by the Fish and Game Council pursuant to section 12 of P. L. 1982, c. 180 (C. 23:3-1a). These fees shall be remitted to the State Treasurer, and placed to the

credit of the "hunters' and anglers' license fund," and be disbursed by the State Treasurer or vouchers certified by the division.

2. R. S. 23:3-4 is amended to read as follows:

Types of licenses.

23:3-4. The licenses issued under this article shall be as follows:

a. A license issued to a person above 14 years of age, who has an actual and bona fide domicile in this State at the time of the application for the license and who has had an actual and bona fide domicile in this State for at least 6 months immediately prior thereto, provided that for a resident's trapping license the person shall be above 12 years of age. These licenses shall be of five kinds and designated as the resident's firearm hunting license, the resident's bow and arrow license, the resident's trapping license, the resident's fishing license and the resident's family fishing license. The Fish and Game Council in the Division of Fish, Game and Wildlife of the Department of Environmental Protection shall have the authority to adopt and promulgate regulations for family fishing licenses.

The resident's firearm hunting license shall authorize its holder to hunt with hounds and firearms only, and a fee of \$16.25 and an issuance fee of \$0.50 shall be charged therefor, except that a person 14 or 15 years of age and a person above the age of 65 shall be charged a fee of \$8.50 and an issuance fee of \$0.50. The resident's bow and arrow license shall authorize its holder to hunt with bow and arrow only, and a fee of \$18.00 and an issuance fee of \$0.50 shall be charged therefor, except that a person 14 or 15 years of age and a person above the age of 65 shall be charged a fee of \$9.50 and an issuance fee of \$0.50. The resident's trapping license shall authorize its holder to trap only, and a fee of \$24.00 and an issuance fee of \$0.50 shall be charged therefor, except that a person 12, 13, 14 or 15 years of age shall be charged a fee of \$12.00 and an issuance fee of \$0.50. The resident's fishing license shall authorize its holder to fish only, and a fee of \$10.75 and an issuance fee of \$0.50 shall be charged therefor except that in any case where the applicant is 70 or more years of age and is otherwise qualified no fee shall be charged and a person 14 or 15 years of age and a person above the age of 65 shall be charged a fee of \$6.00 and an issuance fee of \$0.50.

The resident's family fishing license shall authorize the parents or guardians and their children, foster children or wards between the ages of 14 and 18, named therein, to fish only. The fee for the

parent's license permitting fishing only by the father or mother, or both, or the guardian shall be \$14.50 with an issuance fee of \$0.50; and each child, foster child or ward named therein shall be required to have and shall be issued an individual supplementary license as a member of such family at a fee of \$1.25 and an issuance fee of \$0.50. The license shall be invalid from the date of its issuance when issued to a person not entitled thereto. Any person, a resident of this State, who is afflicted with total blindness, upon application to the Division of Fish, Game and Wildlife shall be entitled to a resident's fishing license without fee or charge.

b. A license issued to a person above 14 years of age not entitled to a resident's license, authorizing him to trap or to hunt. These licenses shall be designated as the nonresident's firearm hunting license, the nonresident's bow and arrow license, and the nonresident's trapping license, and the nonresident's 2-day small game firearm hunting license, except that a nonresident's 2-day small game firearm hunting license shall not permit the taking, hunting or killing of deer.

The fee for the nonresident's firearm hunting license and the nonresident's bow and arrow license shall each be \$55.00 and an issuance fee of \$0.50.

The fee for the nonresident's trapping license shall be \$120.00 and an issuance fee of \$0.50. The fee for a nonresident's 2-day small game firearm hunting license shall be \$18.00 and an issuance fee of \$0.50.

c. A license issued to a person above 14 years of age not entitled to a resident's license, authorizing him to fish only. These licenses shall be designated as the nonresident's fishing license and the nonresident's 7-day vacation fishing license valid for a period of 7 consecutive days. The fee for these licenses shall be \$16.75 for the annual fishing license, together with an issuance fee of \$0.50 and \$8.50 and an issuance fee of \$0.50 for the 7-day vacation fishing license.

Every license issued hereunder shall be void after December 31, next succeeding its issuance excepting the 1-day hunting license which shall expire on the date of issuance, the nonresident's and 7-day fishing license which is valid only for 7 consecutive days after date of issuance, and the nonresident's 2-day small game firearm hunting license which shall expire on the day after the date of issuance.

The fees for licenses set forth above may be adjusted by the Fish and Game Council as provided in section 12 of P. L. 1982, c. 180 (C. 23:3-1a).

3. Section 2 of P. L. 1951, c. 226 (C. 23:3-4.1) is amended to read as follows:

C. 23:3-4.1 One-day license.

2. The division may, in its discretion, issue a license to a person above the age of 14 years authorizing him to hunt for 1 day only in areas licensed under subdivisions B. and D. of R. S. 23:3-29, or at a shoot to kill field trial which is being held under a proper permit from the division. The fee for this license shall be \$4.75, or as adjusted by the Fish and Game Council pursuant to section 12 of P. L. 1982, c. 180 (C. 23:3-1a), and an issuance fee of \$0.50 shall be charged therefor. The fees collected hereunder shall be remitted to the State Treasurer, and placed to the credit of the "hunters' and anglers' license fund," and be disbursed by the State Treasurer on vouchers certified to by the division.

4. R. S. 23:3-25 is amended to read as follows:

Fee for stamp.

23:3-25. The fee for this stamp shall be \$2.00, or as adjusted by the Fish and Game Council pursuant to section 12 of P. L. 1982, c. 180 (C. 23:3-1a). The amounts remitted to the State Treasury for stamps issued under R. S. 23:3-24 shall be placed to the credit of the "hunters' and anglers' license fund," mentioned in R. S. 23:3-12.

5. R. S. 23:3-29 is amended to read as follows:

Game birds, animals.

23:3-29. A person desiring to engage in the business of raising and selling game birds or game animals, or both, in a wholly enclosed preserve of which he is the owner or lessee, or to have in captivity game birds or game animals, shall apply in writing to the division for a license to do so. The license fee shall be \$5.00 per annum for each of the above purposes. A person desiring to propagate pheasant, partridge, or quail, or any of them, in a semi-wild state on lands of which he is the owner or lessee, shall apply in writing to the division for a license to do so. The license fee shall be \$50.00 per annum. No two or more noncontiguous tracts of land may be covered under the same license.

The division, when it appears that the application is made in good faith, and is in the public interest, may, upon the payment of

the fee for each license, issue to the applicant such of the following license or licenses as may be applied for:

a. Propagating license permitting the licensee to propagate game birds or game animals, or both, in the wholly enclosed preserve the location of which is stated in the license and the application therefor, and to sell such propagated game birds or game animals, or both, and ship them from the State alive at any time and to kill the same and sell the carcasses for food subject to the conditions prescribed by R. S. 23:3-28 to 23:3-39, inclusive;

b. License to propagate pheasant, partridge, or quail, or any of them, in a semiwild state on lands of which the applicant is the owner or lessee, when the applicant shall have produced evidence satisfactory to the division that he will raise, or purchase for liberation, and liberate on the semiwild preserve at least one pheasant, quail, partridge or combination thereof for each acre of land to be licensed or at least 200 pheasant, quail or partridge or combination thereof between November 1 of the year for which the license is issued and the following February 28;

c. License to keep game birds and animals in captivity; or

d. A person desiring to operate a "commercial pheasant, quail and partridge-shooting preserve" on lands of which he is the owner or bona fide lessee shall apply in writing to the division for a license so to do. The license fee shall be \$200.00 per annum and the form of the application and license shall be determined by the division.

The division may, upon payment of the fee, issue to the applicant such a license when it appears that:

(1) The operation of such shooting preserve shall not conflict with a prior reasonable public interest; and

(2) The applicant shall have produced evidence satisfactory to the division that he will raise or purchase for liberation and liberate on the shooting preserve a total of at least 500 pheasant, quail and partridge or combination thereof between September 1 of the year for which the license was issued and the following March 15.

e. The fees for licenses set forth in this section may be adjusted by the Fish and Game Council pursuant to section 12 of P. L. 1982, c. 180 (C. 23:3-1a).

6. Section 1 of P. L. 1959, c. 37 (C. 23:3-56.1) is amended to read as follows:

C. 23:3-56.1 Limited deer harvest.

1. When the Fish and Game Council has established a season for deer of either sex and has fixed a certain number of licenses

to be issued for such harvest, the division is authorized to charge a fee of \$10.00, or as adjusted by the Fish and Game Council pursuant to section 12 of P. L. 1982, c. 180 (C. 23:3-1a), for each license so issued, which fee shall be in addition to any other fees authorized by law. No such fee shall be required of the occupant of a farm in this State, who actually resides thereon, or the immediate members of his family who also reside thereon, provided such person or persons are otherwise authorized to participate in such limited harvest. The exemption of this paragraph shall not apply to a person residing on the farm or in a tenant house thereon who is not a member of the occupant's family, nor to a servant of the occupant.

7. Section 3 of P. L. 1952, c. 328 (C. 23:3-59) is amended to read as follows:

C. 23:3-59 Fees for stamps.

3. The fee for this stamp shall be \$4.75 for residents and \$9.50 for nonresidents or as adjusted by the Fish and Game Council pursuant to section 12 of P. L. 1982, c. 180 (C. 23:3-1a). The amounts remitted to the State Treasury for stamps issued under this law shall be placed to the credit of the "hunters' and anglers' license fund" mentioned in R. S. 23:3-12.

8. Section 3 of P. L. 1975, c. 117 (C. 23:3-61.3) is amended to read as follows:

C. 23:3-61.3 Pheasant, quail stamps.

3. The fee for this stamp shall be \$15.00 or as adjusted by the Fish and Game Council pursuant to section 12 of P. L. 1982, c. 180 (C. 23:3-1a). The amounts remitted to the State Treasury for special pheasant and quail stamps shall be deposited to the credit of the "hunters' and anglers' license fund."

9. Section 2 of P. L. 1970, c. 247 (C. 23:3-63) is amended to read as follows:

C. 23:3-63 Fishing preserve license.

2. (a) The division may, in its discretion, after application on forms furnished by it, issue to an owner of such fishing preserve waters a fishing preserve license permitting the holder thereof to manage such fishing preserve waters and to possess, propagate and rear, and to take or permit others to take therefrom, fish therein legally propagated or acquired. Such license shall expire on December 31 in the year it was issued unless previously revoked. A separate license is required for each body of water defined herein as fishing preserve waters. Two or more ponds under one owner-

ship, supplied by one common water source and located on one continuous parcel of land, shall be considered as one body of water requiring one license.

(b) The license so issued shall: contain the name of the town and county in which such fishing preserve waters are located; specify the species of fish authorized to be stocked therein; authorize the licensee to stock, propagate, raise and release such fish in such licensed fishing preserve waters and to buy, sell or otherwise traffic in fish taken therefrom; specify the manner of tagging fish taken from the licensed waters; specify the means of acquisition of fish stocked therein.

(c) The license may also: authorize the licensee to control undesirable protected fish, wildlife and insects and specify means of control of same; specify such other restrictions and controls for the management of fishing preserve waters as in the judgment of the division may be deemed advisable for proper fish management.

(d) The fee for the license shall be \$150.00 per year, or as adjusted by the Fish and Game Council pursuant to section 12 of P. L. 1982, c. 180 (C. 23:3-1a), payable at the time application is made.

(e) The division may for cause, revoke or suspend the license of any licensee.

10. Section 5 of P. L. 1970, c. 247 (C. 23:3-66) is amended to read as follows:

C. 23:3-66 Tagging of fish.

5. (a) All fish stocked in the waters of the fishing preserve in accordance with paragraph (b) of section 2 of this act that are taken from the licensed fishing preserve waters, shall be immediately tagged as prescribed in the license or by order of the division. Such tags shall be furnished by the division and sold to the licensee at the cost of \$0.05 per tag, or as adjusted by the Fish and Game Council pursuant to section 12 of P. L. 1982, c. 180 (C. 23:3-1a).

(b) The tag so affixed shall not be removed from the fish until the same is finally prepared for consumption.

(c) No fish, required to be tagged as specified in paragraph (a) of this section, taken pursuant to this act, shall be possessed off the premises of the fishing preserve without such tag, and no person shall sell such fish without such tag attached, except for scientific, exhibition or stocking purposes.

(d) Fish taken from such fishing preserves and tagged as provided in this section, may be possessed, bought, sold and offered for sale, and transported without restriction. Fish raised or

possessed under license issued under this act may be sold at any time for scientific, exhibition, propagation or stocking purposes.

C. 23:3-1.1 All-around license.

11. (New section) a. The Division of Fish, Game and Wildlife shall issue a special license combining the resident's firearm hunting license, the resident's bow and arrow license and the resident's fishing license as provided under R. S. 23:3-4 into one license to be designated as the "All Around Sportsman License."

b. The "All Around Sportsman License" shall authorize its holder to hunt with a shotgun or bow and arrow and to angle or attempt to take fish in the fresh waters of this State at the time, and in the manner provided by law and the State Fish and Game Code, except that this license shall not authorize its holder to take trout from the fresh waters of the State.

c. A resident of this State above the age of 16 years may procure the "All Around Sportsman License" from the Division of Fish, Game and Wildlife at Trenton or from its agents as designated by the division. It shall not be valid unless it contains the signature of the owner written in ink. Each license issued under this section shall expire on December 31 next following its issuance.

d. The division shall determine the form of the "All Around Sportsman License." The fee for this license shall be \$42.75 and an issuance fee of \$0.50 or as adjusted by the Fish and Game Council pursuant to section 12 of P. L. 1982, c. 180 (C. 23:3-1a). The amounts remitted to the State Treasury from the collection of this fee shall be deposited to the credit of the "hunters' and anglers' license fund."

C. 23:3-1a Annual fee determination.

12. (New section) For each calendar year from 1984 to 1986, inclusive, the Fish and Game Council may, by regulation adopted by October 1 of the preceding year, determine the fees for hunting, fishing and trapping licenses, permits, tags, certificates and stamps under R. S. 23:3-3, R. S. 23:3-4, section 2 of P. L. 1951, c. 226 (C. 23:3-4.1), R. S. 23:3-25, R. S. 23:3-29, section 1 of P. L. 1959, c. 37 (C. 23:3-56.1), section 3 of P. L. 1952, c. 328 (C. 23:3-89), section 3 of P. L. 1975, c. 117 (C. 23:3-61.3), section 2 of P. L. 1970, c. 247 (C. 23:3-63), section 5 of P. L. 1970, c. 247 (C. 23:3-66) and section 11 of P. L. 1982, c. 180 (C. 23:3-1.1), the following manner:

a. The amount of the applicable fee of September 30, 1983 shall be the base fee.

b. The base fee may be adjusted by adding to that base fee an amount equal to a percentage of the base fee as determined by the

Fish and Game Council; provided, however, that the amount added in any 1 year shall not exceed an amount equal to 10% of the base fee.

c. Any adjustment in fees shall be rounded to the nearest \$0.25.

13. This act shall take effect immediately and shall be applicable to licenses granted for calendar year 1983 and thereafter, but section 12 shall remain inoperative until September 30, 1983.

Approved November 12, 1982.

CHAPTER 181

AN ACT concerning the abolition of the position Chief Examiner and Secretary and the creation of a deputy commissioner in the Department of Civil Service, supplementing Title 11 of the Revised Statutes, and repealing R. S. 11:2-1 to R. S. 11:2-3, inclusive, R. S. 11:2-5 to R. S. 11:2-7, inclusive, R. S. 11:6-1 to R. S. 11:6-4, inclusive and section 2 of P. L. 1963, c. 185.

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

C. 11:2-8 Replaced by president.

1. Whenever in any law, rule, regulation, judicial or administrative proceeding or otherwise, reference is made to the Chief Examiner and Secretary, the same shall mean the President of the Civil Service Commission.

C. 11:1-1.1 Deputy commissioner.

2. The President of the Civil Service Commission may appoint a deputy commissioner to serve at his pleasure who shall be authorized to exercise the powers and duties of the President in his absence or disability and shall perform such other duties as the President shall prescribe. The deputy commissioner shall be qualified by training and experience in personnel management and administration and shall be from the classified civil service.

Repealer.

3. The following are repealed: R. S. 11:2-1 to R. S. 11:2-3, inclusive; R. S. 11:2-5 to R. S. 11:2-7, inclusive; R. S. 11:6-1 to R. S. 11:6-4, inclusive; and P. L. 1963, c. 185, s. 2 (C. 11:2-5.1).

4. This act shall take effect immediately.

Approved November 22, 1982.

CHAPTER 182

AN ACT concerning annexation of land to another municipality, amending N. J. S. 40A:7-12 and supplementing chapter 7 of Title 40A of the New Jersey Statutes.

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

1. N. J. S. 40A:7-12 is amended to read as follows:

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 adopted by two-thirds of the full membership of the governing body of the municipality in which said land is located, consenting to said annexation.

Prior to action on a resolution to consent to or to deny the petition for annexation, the governing body of the municipality in which the land is located shall, within 14 days of the receipt of the petition, refer the petition to its planning board, which shall, within 45 days of its receipt, report to the governing body on the impact of the annexation upon the municipality. Action on a resolution to consent to or deny the annexation shall be taken within 30 days of receipt of the planning board's report.

C. 40A:7-12.1 Petitioners' burdens of proof.

2. (New section) In any judicial review of the refusal of the governing body of the municipality in which the land is located or

the governing body of the municipality to which annexation is sought to consent to the annexation, the petitioners have the burden of establishing that the refusal to consent to the petition was arbitrary or unreasonable, that refusal to consent to the annexation is detrimental to the economic and social well-being of a majority of the residents of the affected land, and that the annexation will not cause a significant injury to the well-being of the municipality in which the land is located.

3. This act shall take effect immediately.

Approved November 22, 1982.

CHAPTER 183

AN ACT concerning credit insurance on installment loans made by banks and amending (P. L. 1963, c. 103).

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

1. Section 2 of P. L. 1963, c. 103 (C. 17:9A-70.2) is amended to read as follows:

C. 17:9A-70.2 Credit insurance.

2. When a bank makes a loan pursuant to article 12 (sections 53 through 59) of the act to which this act is a supplement, the bank may, subject to the provisions of this act, obtain or provide either or both credit life insurance and credit accident and health insurance on the borrower or borrowers pursuant to the provisions of N. J. S. 17B:29-1 et seq.; and, if the borrower or borrowers consent in writing to the obtaining or providing of such insurance, the bank may deduct and retain from the proceeds of any such loan an amount equal to the premium lawfully charged by the insurer issuing such insurance. If such premium charge is so deducted and retained, (a) such deduction and retention shall not be deemed a further interest or other charge or demand prohibited by section 54A (5) of the act to which this act is a supplement; and (b) the bank shall deliver or cause to be delivered to the insured borrower at the time when a loan is made a copy of the insurance policy, or certificate therefor, or a copy of the application for such policy, or a notice of proposed insurance, as required by law. Nothing in

the act to which this act is a supplement or in any other law of this State shall prohibit a bank, or any employee of a bank, from collecting the premium or identifiable charge for insurance obtained or provided as authorized by this act, or prevent a bank from receiving or retaining any dividend or any other gain or advantage resulting from such insurance.

2. This act shall take effect immediately.

Approved November 24, 1982.

CHAPTER 184

AN ACT concerning credit insurance and amending N. J. S. 17B:29-1 and N. J. S. 17B:29-2.

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

1. N. J. S. 17B:29-1 is amended to read as follows:

Rules and regulations.

17B:29-1. All life insurance and all health insurance in connection with loans or other credit transactions shall be subject to the provisions of this chapter, except where the issuance of such insurance is an isolated transaction on the part of the insurer not related to an agreement or a plan for insuring debtors of the creditor. The commissioner may, after notice and hearing, promulgate rules and regulations which will take account of the differences inherent in long-term and short-term indebtedness, including, but not limited to, differences in underwriting standards, the term of the loan, the nature of the risk, and the maximum amount of insurance purchased.

2. N. J. S. 17B:29-2 is amended to read as follows:

Definitions.

17B:29-2. a. "Credit life insurance" means insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction;

b. "Credit health insurance" means insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy;

c. "Creditor" means the lender of money or vendor or lessor of goods, services, property, rights or privileges, for which payment is arranged through a credit transaction, or any successor to the right, title or interest of any such lender, vendor, or lessor, and an affiliate, associate or subsidiary of any of them or any director, officer or employee of any of them or any other person in any way associated with any of them;

d. "Debtor" means a borrower of money or a purchaser or lessee of goods, services, property, rights or privileges for which payment is arranged through a credit transaction, and includes each partner who is jointly and severally liable for a partnership indebtedness. An officer of a corporation is not a debtor in connection with a corporate indebtedness, unless he is personally liable for such indebtedness as a codebtor. When more than one person is jointly obligated in connection with an indebtedness, credit insurance may be written either on an individual basis or, at the option of the insureds, on a joint basis, provided that the credit insurance has been approved by the Department of Insurance to be written on a joint basis in this State;

e. "Indebtedness" means the total amount payable by a debtor to a creditor in connection with a loan or other credit transaction.

3. This act shall take effect immediately.

Approved November 24, 1982.

CHAPTER 185

AN ACT concerning juvenile and domestic relations courts in certain counties, amending section 4 of P. L. 1982, c. 78 and supplementing chapter 4 of Title 2A of the New Jersey Statutes.

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

1. (New section) The Governor, with the advice and consent of the Senate, shall appoint in each county of the third class having a population of not less than 100,000 nor more than 135,000, according to the 1980 federal census, an attorney-at-law to be judge of the juvenile and domestic relations court of the county. He shall devote his entire time to his judicial duties, shall not engage in the practice of law and shall be paid such salary as is provided by law.

2. (New section) The Governor, with the advice and consent of the Senate, shall appoint in each county of the third class having a population of not less than 135,000 nor more than 200,000, according to the 1980 federal census, two attorneys-at-law to be judges of the juvenile and domestic relations court of the county. They shall devote their entire time to their judicial duties, shall not engage in the practice of law and shall be paid such salary as provided by law.

3. (New section) In addition to the judges authorized under N. J. S. 2A:4-4, the Governor, with the advice and consent of the Senate, shall appoint in each county of the second class having a population of not less than 450,000 nor more than 475,000, according to the 1980 federal census, two attorneys-at-law to be judges of the juvenile and domestic relations court of the county. They shall devote their entire time to their judicial duties, shall not engage in the practice of law and shall be paid such salary as provided by law.

4. Section 4 of P. L. 1982, c. 78 (C. 2A:4A-3) is amended to read as follows:

C. 2A:4A-3 41 judges.

4. a. The family court shall consist of 41 judges. Each judge shall receive such annual salary as shall be fixed by law.

b. The family court shall consist of the following number of judges from the listed counties who at the time of their appointment and any reappointment were residents of that county:

Atlantic	1
Bergen	4
Burlington	1
Camden	4
Cumberland	1
Essex	6
Gloucester	2
Hudson	4
Mercer	1
Middlesex	4
Monmouth	4
Morris	2
Passaic	2
Sussex	1
Union	4

c. In counties other than those in which the appointment of judges is provided by subsection b., the Supreme Court shall designate a Superior Court judge sitting in that county as the judge of the family court.

d. There shall be established in each county a court intake service, which shall have among its responsibilities the screening of juvenile delinquency complaints and juvenile-family crisis referrals. The intake service shall operate in compliance with standards established by the Supreme Court, but in no instance shall the standards for personnel employed as counselors hired after the effective date of this act be less than a master's degree from an accredited institution in a mental health or social or behavioral science discipline including degrees in social work, counseling, counseling psychology, mental health, counseling or education. Equivalent experience is acceptable when it consists of a minimum of an associate's degree with a concentration in one of the behavioral sciences and a minimum of 5 years' experience working with troubled youth and their families or a bachelor's degree in one of the behavioral sciences and 2 years' experience working with the troubled youth and their families. Intake personnel should also receive training in drug and alcohol abuse.

e. Guidelines for the education and training of judges authorized to sit in the family court shall be established by the Administrative Office of the Courts and shall include familiarization with youth services available in the county in which the judge sits.

5. This act shall take effect immediately and sections 1, 2 and 3 shall expire on September 1, 1983.

Approved November 30, 1982.

CHAPTER 186

AN ACT to amend "An act concerning consent by minors to treatment for venereal disease and for certain other physical and mental illnesses," approved July 31, 1968 (P. L. 1968, c. 230), as said title was amended by P. L. 1975, c. 89.

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

1. Section 1 of P. L. 1968, c. 230 (C. 9:17A-4) is amended to read as follows:

C. 9:17A-4 Consent by minor to treatment.

1. The consent to the provision of medical or surgical care or services by a hospital, public clinic, or the performance of medical or surgical care or services by a physician, licensed to practice medicine, when executed by a minor who is or professes to be afflicted with a venereal disease, or by a minor who, in the judgment of a treating physician, appears to have been sexually assaulted, shall be valid and binding as if the minor had achieved his or her majority, as the case may be. Any such consent shall not be subject to later disaffirmance by reason of minority. In the case of a minor who appears to have been sexually assaulted, the minor's parents or guardian shall be notified immediately, unless the attending physician believes that it is in the best interests of the patient not to do so; however, inability of the treating physician, hospital or clinic to locate or notify the parents or guardian shall not preclude the provision of any necessary emergency medical or surgical care to the minor.

When a minor believes that he is suffering from the use of drugs or is a drug dependent person as defined in section 2 of P. L. 1970, c. 226 (C. 24:21-2), his consent to treatment under the supervision of a physician licensed to practice medicine shall be valid and binding as if the minor had achieved his or her majority, as the case may be. Any such consent shall not be subject to later disaffirmance by reason of minority. Treatment for drug use or drug abuse that is consented to by a minor shall be considered confidential information between the physician and his patient, and neither the minor nor his physician shall be required to report such treatment when it is the result of voluntary consent, except as may be required by the "Controlled Dangerous Substances Registry Act of 1970," P. L. 1970, c. 227 (C. 26:2G-17 et seq.).

The consent of no other person or persons, including but not limited to a spouse, parent, custodian or guardian, shall be necessary in order to authorize such hospital or clinical care or services or medical or surgical care or services to be provided by a physician licensed to practice medicine to such a minor.

2. This act shall take effect immediately.

Approved December 1, 1982.

CHAPTER 187

AN ACT concerning county detectives in certain counties and amending N. J. S. 2A:157-8.

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

1. N. J. S. 2A:157-8 is amended to read as follows:

County detectives; salaries.

2A:157-8. In counties of the fifth class with a population of 400,000 or less there may be appointed not in excess of 12 county detectives, and in counties of the fifth class with a population in excess of 400,000 there may be appointed not in excess of 15 county detectives, of whom one may be designated chief of county detectives, one captain of county detectives, and four lieutenants of county detectives. Their annual salaries shall be fixed as follows: chief of county detectives, not less than \$5,500.00; captain of county detectives, not less than \$4,500.00; lieutenants of county detectives, not less than \$4,000.00; and other county detectives, not less than \$3,500.00.

2. This act shall take effect immediately.

Approved December 1, 1982.

CHAPTER 188

AN ACT concerning certain written examinations for driver's licenses and supplementing chapter 3 of Title 39 of the Revised Statutes.

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

C. 39:3-13a Reading of examination to learning disabled.

1. Whenever the director authorizes a written examination to be administered in a high school as part of a driver education program and accepts the results thereof in satisfaction of any written examination requirement imposed pursuant to R. S. 39:3-10, he shall allow the examination to be read by a certified driver educa-

tion instructor or special education teacher to any student who has been diagnosed by a local child study team, pursuant to N. J. S. 18A:46-5, as having a deficiency in reading, perception, or other cognitive difficulty associated with any learning disability, with the student recording his responses on the appropriate answer sheet. The director may make rules and regulations necessary to carry out the provisions of this section.

2. This act shall take effect immediately.

Approved December 1, 1982.

CHAPTER 189

AN ACT concerning education and enacting an additional article to chapter 64A of Title 18A of the New Jersey Statutes to be known as the "County College Contracts Law".

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

ARTICLE COUNTY COLLEGE CONTRACTS LAW

A. GENERAL PROVISIONS

C. 18A:64A-25.1 Short title; citation.

1. Short title; citation. This article shall be known and may be cited as the "County College Contracts Law".

C. 18A:64A-25.2 Definitions.

2. Definitions. As used in this article, unless the context otherwise indicates:

a. "Board of trustees" means the board of trustees of a county college and the community college commission of a community college agency;

b. "County college" means any body corporate known as

- (1) the board of trustees of a county college established pursuant to chapter 64A of Title 18A of the New Jersey Statutes, or
- (2) the community college commission of a community college agency established pursuant P. L. 1974, c. 89 (C. 18A:64A-30 et seq.), or

- (3) the coordinating agency for higher education of a county established pursuant to P. L. 1968, c. 180 (C. 18A:64B-5 et seq.);

c. "Contracting agent" means the business officer of the county college having the power to prepare advertisements to advertise for and receive bids and to make awards for the county college in connection with the purchases, contracts or agreements permitted by this article, or such officer, committee or employee to whom such power has been delegated by the county college;

d. "Contracts" mean contracts or agreements for the performance of work or the furnishing or hiring of services, materials or supplies as distinguished from contracts of employment;

e. "Legal newspaper" means a newspaper circulating in the county or counties in which the county college has been established, printed and published in the English language at least once a week for at least 1 year continuously;

f. "Materials" include goods and property subject to chapter 2 of Title 12A of the New Jersey Statutes, apparatus or any other tangible thing except real property or any interest therein;

g. "Extraordinary unspecifiable services" mean services or products which cannot be reasonably described by written specifications;

h. "Professional services" mean services rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training. Professional services also mean services rendered in the performance of work that is original and creative in character in a recognized field of artistic endeavor;

i. "Project" means any work, undertaking, construction or alteration;

j. "Purchases" are transactions, for a valuable consideration, creating or acquiring an interest in goods, services and property, except real property or any interest therein;

k. "Work" includes services and any other activity of a tangible or intangible nature performed or assumed pursuant to a contract or agreement with a county college.

**B. PURCHASES, CONTRACTS, AGREEMENTS, ADVERTISING:
EXCEPTIONS**

C. 18A:64A-25.3 Purchases, contracts and agreements not requiring advertising.

3. Purchases, contracts and agreements not requiring advertising. Any purchase, contract or agreement for the performance of any work or the furnishing or hiring of materials or supplies, the cost or price of which, together with any sums expended for the performance of any work or services in connection with the same project or the furnishing of similar materials or supplies during the same fiscal year, paid with or out of college funds, does not exceed the total sum of \$4,500.00 in any fiscal year may be made, negotiated and awarded by a contracting agent, when so authorized by resolution of the board of trustees of the county college, without public advertising for bids and bidding therefor.

Any purchase, contract or agreement made pursuant to this section may be awarded for a period of 12 consecutive months, notwithstanding that such 12-month period does not coincide with the fiscal year. The Department of Higher Education shall adopt and promulgate rules and regulations concerning the methods of accounting for all contracts that do not coincide with the fiscal year.

C. 18A:64A-25.4 Contracts and agreements requiring advertising.

4. Contracts and agreements requiring advertising. Every contract or agreement for the performance of any work or the furnishing or hiring of any materials or supplies, the cost or the contract price of which is to be paid with or out of college funds, not included within the terms of section 3 hereof, shall be made and awarded only by the county college after public advertising for bids and bidding therefor, except as provided otherwise in this article or specifically by any other law. No work, materials or supplies shall be undertaken, acquired or furnished for a sum exceeding in the aggregate \$4,500.00, except by written contract or agreement.

C. 18A:64A-25.5 Exceptions to requirement for advertising.

5. Exceptions to requirement for advertising. Any purchase, contract or agreement of the character described in section 4 may be made, negotiated or awarded by the county college by resolution at a public meeting of its board of trustees without public advertising for bids or bidding therefor if:

a. The subject matter thereof consists of:

(1) Professional services; or

(2) Extraordinary unspecifiable services and products which cannot reasonably be described by written specification, subject however, to the rules and regulations of the Board of Higher Education consistent with open public bidding whenever possible; or

(3) Materials or supplies which are not available from more than one potential bidder, including without limitation materials or supplies which are patented or copyrighted; or

(4) The doing of any work by employees of the county college; or

(5) The printing of all legal notices and legal briefs, records and appendices to be used in any legal proceeding to which the county college may be a party; or

(6) Textbooks, copyrighted materials, student produced publications and services incidental thereto, library materials including without limitation books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microfilms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter and audiovisual and other materials of a similar nature, necessary binding or rebinding of library materials and specialized library services; or

(7) Food supplies and services including food supplies and management contracts for student centers, dining rooms and cafeterias, pursuant to rules and regulations of the Board of Higher Education; or

(8) The supplying of any product or the rendering of any service by the public utility which is subject to the jurisdiction of the Board of Public Utilities, in accordance with tariffs and schedules of charges made, charged and exacted, filed with said board; or

(9) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such services; or

(10) Specialized machinery or equipment of a technical nature which will not reasonably permit the drawing of specifications, and the procurement thereof without advertising is in the public interest; or

(11) Insurance, including the purchase of insurance coverage and consulting services, which exceptions shall be in accordance with the requirements for extraordinary unspecifiable services; or

(12) Publishing of legal notices in newspapers, as required by law; or

(13) The acquisition of artifacts or other items of unique intrinsic, artistic or historic character; or

(14) The collection of amounts due on student loans, including without limitation loans guaranteed by or made with funds of the United States of America; or

(15) Professional consulting services; or

(16) Entertainment, including without limitation theatrical presentations, band and other concerts, movies and other audio-visual productions; or

(17) Contracts employing funds created by student activities fees charged to students or otherwise raised by students, not under the direct control of the college and expended by student organizations; or

(18) Printing, including without limitation catalogs, yearbooks and course announcements; or

(19) Data processing software programs, systems and service and the rental or lease of data processing equipment; or

(20) Personnel recruitment and advertising, including without limitation advertising seeking student enrollment; or

(21) Educational supplies, books, articles of clothing and other miscellaneous articles purchased by a county college bookstore for resale to college students and employees; or

(22) Purchase or rental of graduation caps and gowns and award certificates or plaques.

b. It is to be made or entered into with the United States of America, the State of New Jersey, a county or municipality or any board, body, or officer, agency or authority or any other state or subdivision thereof.

c. The county college has advertised for bids pursuant to section 4 on two occasions and (i) has received no bids on both occasions in response to its advertisement, or (ii) has rejected such bids on two occasions because the county college has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the county college prior to the advertising therefor, or have not been independently arrived at in open competition, or (iii) on one occasion no bids were received pursuant to (i) and on one occasion all bids were rejected pursuant to (ii), in whatever sequence; any such contract or agreement may then be negotiated by a two-thirds affirmative vote of the authorized membership of the board of trustees authorizing such contract or agreement; provided, however, that:

(1) A reasonable effort is just made by the contracting agent to determine that the same or equivalent materials or supplies at a cost which is lower than the negotiated price are not available from any agency or authority of the United States, the State of New Jersey or of the county in which the county college is located, or any municipality in close proximity to the county college;

(2) The terms, conditions, restrictions and specifications set forth in the negotiated contract or agreement are not substantially different from those which were the subject of competitive bidding pursuant to section 4; and

(3) Any minor amendment or modification of any of the terms, conditions, restrictions and specifications, which were the subject of competitive bidding pursuant to section 4 of this act, shall be stated in the resolution awarding such contract or agreement; provided, further, however, that if on the second occasion the bids received are rejected as unreasonable as to price, the county college shall notify each responsible bidder submitting bids on the second occasion of its intention to negotiate and afford each such bidder a reasonable opportunity to negotiate, but the county college shall not award such contract or agreement unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any responsible vendor, and is a reasonable price for such work, materials, supplies or services.

Whenever a county college shall determine that a bid was not arrived at independently in open competition pursuant to subsection c. (ii) of section 5, it shall thereupon notify the county prosecutor of the county in which the county college is located and the Attorney General of the facts upon which its determination is based and, when appropriate, it may institute appropriate proceedings in any State or Federal court of competent jurisdiction for a violation of any State or Federal antitrust law or laws relating to the unlawful restraint of trade.

C. 18A:64A-25.6 Emergency purchases and contracts.

6. Emergency purchases and contracts. Any purchase, contract, or agreement may be made, negotiated or awarded by a county college without public advertising for bids and bidding therefor, notwithstanding that the cost or contract price will exceed \$4,500.00, when an emergency affecting the health, safety or welfare of occupants of college property requires the immediate delivery of the materials or supplies or the performance of the work, provided

that such purchases, contracts or agreements are awarded or made in the following manner:

a. A written requisition for the performance of such work or the furnishing of materials or supplies, certified by the employee in charge of the building, facility or equipment where the emergency occurred, is filed with the contracting agent or his deputy in charge, describing the nature of the emergency, the time of its occurrence, and the need for invoking this section. The contracting agent, or his deputy in charge, being satisfied that the emergency exists, is hereby authorized to award a contract for said work, materials or supplies.

b. Upon the furnishing of such work, materials or supplies in accordance with the terms of the contract or agreement, the contractor furnishing such work, materials or supplies shall be entitled to be paid therefor and the county college shall be obligated for said payment.

c. The board of trustees may prescribe rules and procedures to implement the requirements of this section.

C. 18A:64A-25.7 Contracts not to be divided.

7. Contracts not to be divided. No purchase, contract or agreement which is single in character or which necessarily or by reason of the quantities required to effectuate the purpose of the purchase, contract or agreement includes the furnishing of additional services or equipment or buying materials or supplies or the doing of additional work, shall be subdivided so as to bring it or any of the parts thereof under the maximum price or cost limitation set forth in section 3 or in a regulation of the Board of Higher Education, thus dispensing with the requirement of public advertising and bidding therefor. Where the doing of any work is included in or incident to the performance or completion of any project which is single in character or inclusive of the furnishing of additional work, materials or supplies or which requires the furnishing of more than one article of materials or supplies, all of the work, materials or supplies requisite for the completion of such project shall be included in one purchase, contract or agreement.

C. 18A:64A-25.8 Periodic solicitation of bids.

8. Periodic solicitation of bids. Except as provided in section 28, every county college shall, on an annual basis or at such lesser intervals as may be fixed by it, solicit by public advertisement the submission of bids for the furnishing of all work, materials and supplies which are and which under section 4 can be purchased or

agreed or contracted to be furnished only after public advertising for bids and bidding therefor.

C. 18A:64A-25.9 Purchase through State agency.

9. Purchase through State agency. Any county college, without advertising for bids, or after having rejected all bids obtained pursuant to advertising therefor, may purchase any materials, supplies or equipment pursuant to a contract or contracts for such materials, supplies or equipment entered into on behalf of the State by the Division of Purchase and Property.

C. JOINT PURCHASING AGREEMENTS

C. 18A:64A-25.10 Joint purchases by county colleges, municipalities or counties; authority.

10. Joint purchases by county colleges, municipalities or counties; authority. The board of trustees of two or more county colleges may provide jointly by agreement for the purchasing of work, materials or supplies for their respective colleges, or one or more county colleges may provide for such purchase by joint agreement with the governing bodies of any municipality or of the county within whose boundaries any such college or colleges is or are wholly or partly located and may enter agreements with other units of government pursuant to the "Local Public Contracts Law," P. L. 1971, c. 198 (C. 40A:11-1 et seq.).

C. 18A:64A-25.11 Contents of agreement.

11. Contents of agreement.

a. Such agreement shall set forth the categories of work, materials or supplies to be purchased, the manner of advertising for bids and of awarding of contracts, the method of payment by each participating county college, municipality or county and other matters deemed necessary to carry out the purposes of the agreement.

b. Funds for each participant's share of expenditures for purchases under any such agreement shall be appropriated and paid in the manner set forth in the agreement and in the same manner as appropriations are made for other expenses of the participant.

C. 18A:64A-25.12 Purchase agreements subject to law and rules and regulations.

12. Purchase agreements subject to law and rules and regulations. Such purchases and all agreements pertaining thereto shall be subject to all provisions of law and the applicable rules and regulations of the Board of Higher Education.

D. SPECIFICATIONS AND PLANS**C. 18A:64A-25.13 Specifications generally.**

13. Specifications generally. All specifications for any purchase, contract or agreement governed by this article shall be drafted in a manner to encourage free, open and competitive bidding. In particular, no specifications under this article may:

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

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

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

d. Require with regard to any purchase, contract or agreement the furnishing of any "brand name", although specifications may in all cases require "brand name or equivalent," nor shall materials or supplies which are patented or copyrighted be specified, unless the resolution authorizing the purchase, contract or agreement sets forth the manner in which the special need for such patented or copyrighted materials or supplies is directly related to the performance or purpose for which the purchase, contract or agreement is made; or

e. Fail to include any option for renewal, extension or release which the county college may intend to exercise or require; or

f. Fail to include any terms and conditions necessary for the performance of any extra work; or

g. Fail to disclose any matter necessary to the substantial performance of the contract or agreement.

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

E. BIDDING**C. 18A:64A-25.14 Advertisements for bids; bids; general requirements.**

14. Advertisements for bids; bids; general requirements. All advertisements for bids shall be published in a legal newspaper sufficiently in advance of the date fixed for receiving the bids to promote competitive bidding but in no event less than 10 days prior to such date. The advertisement shall designate the manner of submitting and of receiving the bids and the time and place at which the bids will be received. If the published specifications provide for receipt of bids by mail, those bids which are mailed to the county college shall be sealed and shall be opened only at such time and place as all bids received are unsealed and announced. At such time and place, the contracting agent of the county college shall publicly receive the bids and thereupon immediately proceed to unseal them and publicly announce the contents, which announcement shall be made in the presence of any parties bidding or their agents who are then and there present. A proper record of the prices and terms shall be made. No bids shall be received after the time designated in the advertisement.

C. 18A:64A-25.15 Bids to conform to specifications; rejection of bids.

15. Bids to conform to specifications; rejection of bids. No bid shall be accepted which does not conform to the specifications furnished therefor. Nothing contained in this article shall be construed as depriving any county college of the right to reject all bids.

C. 18A:64A-25.16 Guaranty to accompany bids; amount.

16. Guaranty to accompany bids; amount. There may be required from any person bidding on any purchase, contract or agreement, advertised in accordance with law, that the bid be accompanied by a guaranty payable to the county college that, if the purchase, contract or agreement is awarded to him, he will enter into a contract therefor and will furnish any performance bond or other security which may be required pursuant to section 17. The guaranty shall be in the amount of 10% of the bid but not in excess of \$20,000.00, except as otherwise provided herein, and may be given, at the option of the bidder, by certified check, cashier's check or bid bond. In the event that any law or regulation of the United States imposes any condition upon the awarding of a monetary grant to any county college, which condition requires a guaranty in an amount other than 10% of the bid or in excess of \$20,000.00, the provisions of this section shall not apply and the

requirements of the law or regulation of the United States shall govern.

The college may require a bid guaranty alone without also requiring a performance bond or other security in the contract.

C. 18A:64A-25.17 Performance guaranty and certificate.

17. Performance guaranty and certificate. In addition to or independent of the guaranty which may be required pursuant to section 16, the county college may require that the successful bidder provide a surety company bond or other security acceptable to the county college:

a. For the faithful performance of all provisions of the advertisement for bids, the specifications and any other documents issued to bidders or a repair or maintenance bond; and

b. In such form as may be required in the specifications or other documents issued to bidders.

In every case in which such performance bond is required, the requirement shall be set forth in the specifications or other documents issued to all bidders, and every bidder shall be required to submit with the bid a certificate from a surety company stating that it will provide that bidder with such a performance bond in the specified amount and form.

F. AWARDING CONTRACTS

C. 18A:64A-25.18 Time for making awards; deposits returned.

18. Time for making awards; deposits returned. The county college shall award the contract or reject all bids within such time as may be specified in the specifications or other documents issued to all bidders, but in no case more than 60 days, except the bids of any bidders who consent thereto, either before or after said 60 day period, may, at the request of the county college, be held for consideration for such longer period as may be agreed. All bid security except the security of the three apparent lowest responsible bidders shall, if requested, be returned within 30 days from the opening of the bids, Sundays and holidays excepted, and the bids of such bidders shall be considered as withdrawn. Within 3 days, Sundays and holidays excepted, after the awarding of the contract and the approval of the successful bidder's performance bond, if any, the bid guaranty of the remaining bidders shall be returned to them.

C. 18A:64A-25.19 Award of purchases, contracts or agreements.

19. Award of purchases, contracts or agreements. All purchases, contracts or agreements which require public advertisement for bids shall be awarded by the board of trustees to the lowest responsible bidder.

Prior to the award of any other purchase, contract or agreement the estimated cost of which is \$1,000.00 or more, the contracting agent shall, except in the case of professional services, solicit quotations therefor whenever practicable, and the award thereof shall be made, in accordance with section 3, on the basis of the lowest responsible quotation received which is most advantageous to the county college, price and other factors considered; provided, however, if the contracting agent deems it impractical to solicit competitive quotations or having sought such quotations determines that the award should not be on the basis of the lowest quotation received, the contracting agent shall file a statement of explanation of the reason or reasons therefor, which shall be placed on file with such purchase, contract or agreement.

C. 18A:64A-25.20 Award of contracts when bids are equal.

20. Award of contracts when bids are equal. Whenever two or more quotations or bids of equal amounts are the lowest quotations or bids submitted by responsible parties, the county college may award the contract to any one of such parties, as, in its discretion, it may determine.

G. FORM OF CONTRACTS AND BONDS**C. 18A:64A-25.21 Form and execution of contracts and bonds.**

21. Form and execution of contracts and bonds. The Board of Higher Education may, subject to the requirements of law, prescribe the form and manner in which contracts shall be made and executed and the form and manner of execution and approval of all bid, performance and other bonds.

C. 18A:64A-25.22 Liquidated damages.

22. Liquidated damages. Any purchase, contract or agreement made pursuant to this article may include liquidated damages for the violation of any of the terms and conditions thereof or the failure to perform said contract or agreement in accordance with its terms and conditions or the terms and conditions of this article.

II. CONSTRUCTION CONTRACTS

C. 18A:64A-25.23 Construction of buildings.

23. Purchases, contracts or agreements for the construction of buildings and other improvements shall be subject to all the terms and conditions of this article and to the terms and conditions of this subdivision II.

C. 18A:64A-25.24 Plans and specifications.

24. All plans and specifications for the erection, alteration, improvement or repair of college buildings shall be drawn by or under the supervision of an appropriate officer employed by the college to whom such powers shall have been delegated by the Board of Trustees.

C. 18A:64A-25.25 Separate plans.

25. In the preparation of plans and specifications for the construction, alteration or repair of any building by a county college, when the entire cost of the work and materials will exceed \$4,500.00, separate plans and specifications shall be prepared for each of the following to include all work and materials related thereto or to be performed or furnished in connection therewith:

- (a) the plumbing and gas fitting work;
- (b) the heating and ventilating systems and equipment;
- (c) the electrical work, including any electrical power plants;
- (d) the structural steel and ornamental iron work;
- (e) all other work and materials required for the completion of the project.

The contracting agent shall advertise for and receive in the manner provided by law (1) separate bids for each of the foregoing categories (a) through (e) and (2) bids for all work and materials required to complete the entire project, if awarded as a single contract. All bids submitted shall set forth the name or names of, and evidence of performance security from, all subcontractors to whom the bidder will subcontract the work described in the foregoing categories (a) through (e).

Contracts shall be awarded to the lowest responsible bidder. A contract shall be awarded in the following manner: if the sum total of the amounts bid by the lowest responsible bidder for each category (a) through (e) is less than the amount bid by the lowest responsible bidder for all the work and materials, the county college shall award separate contracts for each of such categories to the lowest responsible bidder therefor, but if the sum total of

the amount bid by the lowest responsible bidder for each category is not less than the amount bid by the lowest responsible bidder for all the work and materials, the county college shall award a single contract to the lowest responsible bidder for all of such work and materials.

C. 18A:64A-25.26 Date of completion.

26. All specifications for the doing of any such construction work for a county college shall fix the date before which the work shall be completed, or the number of working days to be allowed for its completion, and every such contract shall contain a provision for a deduction from the contract price for any moneys paid by the county college to any inspector or inspectors necessarily employed by it on the work for any number of days in excess of the number allowed in the specifications.

I. SALE OF PERSONAL PROPERTY

C. 18A:64A-25.27 Sale may be authorized.

27. Any county college may, by resolution of its board of trustees, authorize the sale in the following manner of its personal property not needed for college purposes:

a. If the estimated fair value of the property to be sold exceeds \$2,500.00 in any one sale and the property does not consist of perishable goods, it shall be sold at public sale to the highest bidder.

b. Notice of the date, time and place of the public sale, together with a description of the items to be sold and the conditions of sale shall be published once in a legal newspaper. Such sales shall be held not less than 7 nor more than 14 days after the publication of the notice thereof.

c. Personal property may be sold to the United States, the State of New Jersey, another county college or to any body politic by private sale without advertising for bids.

d. If no bids are received, the property may then be sold at private sale without further publication or notice thereof but in no event at less than the estimated fair value; or the county college may, if it so elects, reoffer the property at public sale. As used herein, "estimated fair value" means the market value of the property if sold by a willing seller to a willing buyer less the cost to the college of continuing to store or maintain such property.

e. A county college may reject all bids if it determines such rejection to be in the public interest. In any case in which the college has rejected all bids, it may readvertise such personal

property for a subsequent public sale. If it elects to reject all bids at a second public sale pursuant to this section, it may then sell such personal property without further publication or notice thereof at private sale, provided that in no event shall the negotiated price at the private sale be less than the amount of the highest bid rejected at the preceding two public sales, and provided further that in no event shall the terms or conditions of sale be changed or amended.

f. If the estimated fair value of the property to be sold does not exceed \$2,500.00 in any one sale or the property consists of perishable goods, it may be sold at private sale without advertising for bids.

J. CONTRACTS EXTENDING BEYOND THE FISCAL YEAR

C. 18A:64A-25.28 Duration of certain contracts.

28. Duration of certain contracts. A county college may only enter into a contract exceeding 12 consecutive months for the:

a. supplying of:

(1) fuel for heating purposes for any term not exceeding in the aggregate 3 years; or

(2) fuel or oil for use in automobiles, autobuses, motor vehicles or equipment for any term not exceeding in the aggregate 3 years; or

b. plowing and removal of snow and ice for any term not exceeding in the aggregate 3 years; or

c. collection and disposal of garbage and refuse for any term not exceeding in the aggregate 3 years; or

d. data processing programs, systems and services or rental or lease of data processing equipment for any term of not more than 5 years; or

e. insurance for any term of not more than 3 years; or

f. leasing or service of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind for any term not exceeding in the aggregate 5 years; provided, however, such contracts shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Board of Higher Education; or

g. supplying of any product or rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, for a term not exceeding 5 years; or

h. the providing of food supplies and services, including food supplies and management contracts for student centers, dining rooms and cafeterias, for a term not exceeding 3 years.

All multi-year leases and contracts entered into pursuant to this section, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds to meet the extended obligation or contain an annual cancellation clause.

K. REGULATIONS OF THE BOARD OF HIGHER EDUCATION

C. 18A:64A-25.29 Rules and regulations.

29. The Board of Higher Education is authorized to adopt and promulgate rules and regulations to implement the provisions of this article.

L. MISCELLANEOUS

C. 18A:64A-25.30 No action for damages for action by officials.

30. No action for damages for action by officials. No action for damages shall lie against the Board of Higher Education, any State official, any county college or its board of trustees or any of its officers because of any action taken by virtue of the provisions of this article.

C. 18A:64A-25.31 Indemnity agreement with the United States, etc.

31. Indemnity agreement with the United States, etc. Any county college may enter into an agreement indemnifying the United States of America or any board, body, officer or agency thereof from any liability for loss or damage to the person or property of others resulting from any project undertaken or to be undertaken by the federal government for the benefit of such county college or any project the cost of which or any part thereof is to be paid out of federal funds.

C. 18A:64A-25.32 Contracts, etc.; validated and confirmed.

32. Contracts, etc.; validated and confirmed. Any action, purchase, sale, contract or agreement taken, made or entered into prior to the effective date of this article is hereby validated and confirmed; provided that in no event shall multi-year leases or contracts entered into prior to the effective date of this article be renewed or extended except in accordance with the terms and provisions of this article.

Repealer.

33. P. L. 1968, c. 402 (C. 18A:64A-12.1) is repealed.

34. This act shall take effect January 1, 1983.

Approved December 1, 1982.

CHAPTER 190

AN ACT to amend "An act concerning municipal services to certain streets which have not been designated as public highways, and the dedication thereof supplementing Title 40 of the Revised Statutes and repealing P. L. 1944, c. 35 and R. S. 40:150-1," approved October 27, 1975 (P. L. 1975, c. 243).

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

1. Section 1 of P. L. 1975, c. 243 (C. 40:67-23.1) is amended to read as follows:

C. 40:67-23.1 Road, street services.

1. The governing body of every municipality may make, amend, repeal and enforce ordinances to cause the governing body of the municipality to repair and maintain and provide for the removal of snow, ice and other obstructions from, and provide for the lighting of, any roads or streets upon which the travel is sufficient, in the opinion of said governing body, to warrant such expenditures, even though such roads or streets shall not have been taken over by said municipal governing body or dedicated and accepted as public highways. Roads or streets so serviced, which are not shown on the official map of the municipality, may, at the option of the governing body of said municipality, be suitably improved in accordance with any requirements established pursuant to article 5 of the "Municipal Land Use Law," P. L. 1975, c. 291, ss. 23-27 (C. 40:55D-32 to C. 40:55D-36) and the ordinance.

If, as a condition of providing services for any road or street proposed to be serviced, the municipality notifies the owner that dedication thereof to the municipality is required, the owner may refuse to accept the services and benefits of the ordinance upon that condition by so notifying the municipality within 60 days of receipt of the notice. With respect to any road or street for which

services are provided, if the municipality notifies the owner that continuation of provision of the services is conditioned upon the dedication thereof to the municipality, the owner may refuse to accept continuance of the services and benefits of the ordinance upon that condition by so notifying the municipality within 60 days of receipt of the notice. Notices to be given pursuant to this act shall be in writing.

2. This act shall take effect immediately.

Approved December 3, 1982.

CHAPTER 191

AN ACT to amend "An act providing for comparative negligence and the method for applying such comparative negligence by judges and juries," approved May 24, 1973 (P. L. 1973, c. 146), and amending N. J. S. 59:9-4.

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

1. Section 1 of P. L. 1973, c. 146 (C. 2A:15-5.1) is amended to read as follows:

C. 2A:15-5.1 Contributory negligence not bar to recovery.

1. Contributory negligence shall not bar recovery in an action by any person or his legal representative to recover damages for negligence resulting in death or injury to person or property, if such negligence was not greater than the negligence of the person against whom recovery is sought or was not greater than the combined negligence of the persons against whom recovery is sought. Any damages sustained shall be diminished by the percentage sustained of negligence attributable to the person recovering.

2. N. J. S. 59:9-4 is amended to read as follows:

Comparative negligence.

59:9-4. Comparative negligence.

Contributory negligence shall not bar recovery in an action by any party or his legal representative to recover damages to the extent permitted under this act, if such negligence was not greater than the negligence of the party against whom recovery is sought or

was not greater than the combined negligence of the persons against whom recovery is sought. Any damages sustained shall be diminished by the percentage of negligence attributable to the person recovering.

In all negligence actions in which the question of liability is in dispute, the trier of fact shall make the following as findings of fact:

a. The amount of damages which would be recoverable by the injured party regardless of any consideration of negligence, that is, the full value of the injured party's damages to the extent permitted under this act.

b. The extent, in the form of a percentage, of each party's negligence. The percentage of negligence of each party shall be based on 100% and the total of all percentages of negligence of all the parties to a suit shall be 100%.

c. The judge shall mold the judgment from the findings of fact made by the trier of fact in accordance with the provisions of this act.

3. This act shall take effect immediately and shall apply to causes of action arising on or after said date.

Approved December 6, 1982.

CHAPTER 192

AN ACT to amend and supplement the "Criminal Injuries Compensation Act of 1971," approved October 4, 1971 (P. L. 1971, c. 317).

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

1. Section 18 of P. L. 1971, c. 317 (C. 52:4B-18) is amended to read as follows:

C. 52:4B-18 Victim compensation.

18. No order for the payment of compensation shall be made under section 10 of this act unless the application has been made within 2 years after the date of the personal injury or death or after that date upon determination by the board that good cause exists for the delayed filing, and the personal injury or death was

the result of an offense listed in section 11 of this act which had been reported to the police within 3 months after its occurrence.

In determining the amount of an award, the board shall determine whether, because of his conduct, the victim of such crime contributed to the infliction of his injury, and the board shall reduce the amount of the award or reject the application altogether, in accordance with such determination; provided, however, that the board shall not consider any conduct of the victim contributory toward his injury, if the record indicates such conduct occurred during efforts by the victim to prevent a crime or apprehend a person who had committed a crime in his presence or had in fact committed a crime.

No compensation shall be awarded if the victim:

- a. Is a relative of the offender,
- b. Was at the time of the personal injury or death of the victim living with the offender as a member of his family relationship group,
- c. Was guilty of a violation of subtitle 10 or 12 of Title 2A or subtitle 2 of Title 2C of the New Jersey Statutes, which caused or contributed to his injuries,
- d. Was injured as a result of the operation of a motor vehicle, boat or airplane unless the same was used as a weapon in a deliberate attempt to run the victim down.

No award shall be made on an application unless the applicant has incurred a minimum out-of-pocket loss of \$100.00 or has lost at least 2 continuous weeks' earnings or support. Out-of-pocket loss shall mean unreimbursed and unreimbursable expenses or indebtedness reasonably incurred for medical care or other services necessary as a result of the injury upon which such application is based.

No compensation shall be awarded under this act in an amount in excess of \$25,000.00, and all payments shall be made in a lump sum, except that in the case of death or protracted disability the award may provide for periodic payments to compensate for loss of earnings or support. No award made pursuant to this act shall be subject to execution or attachment other than for expenses resulting from the injury which is the basis of the claim.

C. 52:4B-25 Counseling service.

2. (New section) a. The Violent Crimes Compensation Board shall establish a victim counseling service which shall provide counseling to victims as defined in the act to which this act is a supplement.

The service shall be conducted at such locations within the State as the board deems advisable.

b. The board is authorized to appoint such personnel for the service as may be necessary to carry out its functions.

c. The service shall provide assistance to victims without charge, which assistance shall include information and advice relative to filing a claim with the board, emergency food and clothing, employment opportunities, referral to other social service agencies, and in obtaining legal advice or representation.

C. 52:4B-18.1 Prospective only.

3. (New section) The increase in compensation to a maximum of \$25,000.00 provided for in this amendatory and supplementary act shall apply only to crimes committed after the effective date of this act when personal injury or death occurs.

4. This act shall take effect immediately but shall remain inoperative unless and until Assembly Bill No. 953 of 1982, now pending before the Legislature, is enacted into law.

Approved December 6, 1982.

CHAPTER 193

AN ACT to amend the "Criminal Injuries Compensation Act of 1971," approved October 4, 1971 (P. L. 1971, c. 317).

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

1. Section 18 of P. L. 1971, c. 317 (C. 52:4B-18) is amended to read as follows:

C. 52:4B-18 Exemption for elderly, disabled.

18. No order for the payment of compensation shall be made under section 10 of this act unless the application has been made within 2 years after the date of the personal injury or death or after that date upon determination by the board that good cause exists for the delayed filing, and the personal injury or death was the result of an offense listed in section 11 of this act which had been reported to the police within 3 months after its occurrence.

In determining the amount of an award, the board shall determine whether, because of his conduct, the victim of such crime

contributed to the infliction of his injury, and the board shall reduce the amount of the award or reject the application altogether, in accordance with such determination; provided, however, that the board shall not consider any conduct of the victim contributory toward his injury, if the record indicates such conduct occurred during efforts by the victim to prevent a crime or apprehend a person who had committed a crime in his presence or had in fact committed a crime.

No compensation shall be awarded if the victim:

- a. Is a relative of the offender,
- b. Was at the time of the personal injury or death of the victim living with the offender as a member of his family relationship group,
- c. Was guilty of a violation of subtitle 10 or 12 of Title 2A or subtitle 2 of Title 2C of the New Jersey Statutes, which caused or contributed to his injuries,
- d. Was injured as a result of the operation of a motor vehicle, boat or airplane unless the same was used as a weapon in a deliberate attempt to run the victim down.

No award shall be made on an application unless the applicant has incurred a minimum out-of-pocket loss of \$100.00 or has lost at least 2 continuous weeks' earnings or support; except that the requirement of a minimum out-of-pocket loss shall not apply to any applicant 60 years of age or older or any applicant who is disabled as defined pursuant to the federal Social Security Act (42 U. S. C. Section 416 (i)). Out-of-pocket loss shall mean unreimbursed and unreimbursable expenses or indebtedness reasonably incurred for medical care or other services necessary as a result of the injury upon which such application is based.

No compensation shall be awarded under this act in an amount in excess of \$25,000.00, and all payments shall be made in a lump sum, except that in the case of death or protracted disability the award may provide for periodic payments to compensate for loss of earnings or support. No award made pursuant to this act shall be subject to execution or attachment other than for expenses resulting from the injury which is the basis of the claim.

2. This act shall take effect immediately.

Approved December 6, 1982.

CHAPTER 194

AN ACT creating a temporary commission to commemorate the 100th anniversary of the dedication of the Statue of Liberty and making an appropriation.

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

1. There is created a temporary commission to be known as the "New Jersey Statue of Liberty Centennial Commission," which shall consist of 21 members, all of whom shall be citizens of the State:

- a. Eleven members to be appointed by the Governor;
 - b. Five members to be appointed by the President of the Senate;
- and
- c. Five members to be appointed by the Speaker of the General Assembly.

Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made. All members shall serve without compensation but shall be reimbursed for their expenses actually incurred in the performance of their duties.

2. The Governor shall appoint the chairperson and vice chairperson of the commission from among its members. The commission shall select a secretary, who need not be a member of the commission.

3. It shall be the duty of the commission to provide for appropriate observances, ceremonies and other activities to commemorate the 100th anniversary of the dedication of the Statue of Liberty. The activities of the commission shall include but not be limited to sponsoring and promoting projects and activities fulfilling one or more of the following objectives: to commemorate the quest for freedom, justice, and equality of opportunity that has shaped the history of the United States of America; to celebrate the freedom of the human spirit as a basic element of the American character; to encourage the growth of the dream of freedom, justice, and equality of opportunity among all the American people; to encourage nations throughout the world to celebrate with the United States of America the 100th anniversary of the dedication of the Statue of Liberty.

4. For the accomplishment of its purposes, the commission shall prepare an overall program to include specific plans for commemorating the 100th anniversary of the dedication of the Statue of Liberty. In preparing these plans and programs the commission shall give due consideration to any similar plans advanced by any federal, state, municipal, civic, patriotic, military, veterans', historical, cultural and artistic bodies and may designate special committees with representation from the above-mentioned bodies to plan and conduct specific ceremonies. In particular, the commission shall coordinate its activities and resources with the New York Statue of Liberty Centennial Commission whenever possible. Through its own personnel or in cooperation with any public or private agency, the commission may undertake, prepare and publish any studies, publications or other writings which it may deem relevant to the participation of the State of New Jersey and its citizens in the dedication and history of the Statue of Liberty.

5. The commission may employ such professional, stenographic, or clerical assistants, and may incur such traveling and other miscellaneous expenses, as it deems necessary in order to perform its duties and as may be within the limits of funds appropriated or otherwise made available to it for those purposes.

6. The commission may 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 that purpose.

7. The commission may establish an advisory council to assist it in its work.

8. The commission may make and sign any agreements and do and perform any acts that are necessary, desirable, or proper to carry out the purposes of this act, except for the erection of monuments and memorials. In addition, the commission may accept donations or grants of money, property or personal services from any source.

9. The commission may conduct public hearings in furtherance of its general purposes at any place or places as it shall designate, at which it may request the appearance of officials of any State agency and solicit the testimony of interested groups and the general public.

10. The commission shall submit an interim report to the Governor and the Legislature presenting the preliminary plans of

the commission no later than March 1, 1984. Thereafter, the commission shall submit an annual report to the Governor and the Legislature no later than March 1 of each year and such other interim report or reports as the Governor and the Legislature may deem advisable. A final report shall be submitted to the Governor and the Legislature on or before December 31, 1986, upon which date the commission shall terminate.

11. Notwithstanding any other law to the contrary, no officer or employee of the State or any political subdivision thereof shall be deemed to have forfeited or shall forfeit office or employment by reason of acceptance of membership on this commission.

12. There is appropriated \$50,000.00 from the General State Fund for the purposes of this act.

13. This act shall take effect on September 1, 1982 and shall expire on December 31, 1986.

Approved December 6, 1982.

CHAPTER 195

AN ACT to exclude written agreements involving transactions in securities or commodities under certain circumstances from the plain language law and amending P. L. 1980, c. 125.

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

1. Section 1 of P. L. 1980, c. 125 (C. 56:12-1) is amended to read as follows:

C. 56:12-1 Securities, commodities transactions excluded.

1. As used in this act:

“Consumer contract” means a written agreement in which an individual:

- a. Leases or licenses real or personal property;
- b. Obtains credit;
- c. Obtains insurance coverage, except insurance coverage contained in policies subject to the “Life and Health Insurance Policy Language Simplification Act” (P. L. 1979, c. 167, C. 17B:17-17 et seq.);

- d. Borrows money;
- e. Purchases real or personal property;
- f. Contracts for services including professional services, for cash or on credit and the money, property or services are obtained for personal, family or household purposes. "Consumer contract" including writings required to complete the consumer transaction. "Consumer contract" does not include a written agreement involving a transaction in securities with a broker-dealer registered with the Securities and Exchange Commission, or a transaction in commodities with a futures commission merchant registered with the Commodities Futures Trading Commission.

2. This act shall take effect immediately.

Approved December 8, 1982.

CHAPTER 196

AN ACT concerning school board expenditure procedures, amending sections 18A:19-1, 18A:19-2 and 18A:19-4 of the New Jersey Statutes, and supplementing chapter 19 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:19-1 is amended to read as follows:

Expenditure procedure.

18A:19-1. The money or funds of the board in the custody of the treasurer of school moneys shall be expended by such treasurer 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 treasurer 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, or

(d) When provided by resolution of the board, after audit of the account or demand to be paid, and approval by a person designated by the board.

2. N. J. S. 18A:19-2 is amended to read as follows:

Conditions for payment.

18A:19-2. No claim or demand against a school district shall be paid by the treasurer unless it is authorized by law and the rules of the board of education of the district, is fully itemized and verified, has been duly audited as required by law, has been presented to, and approved by, the board at a meeting thereof, or presented to, and approved by, a person designated by the board for that purpose, and the amount required to pay the same is available for said purpose.

3. N. J. S. 18A:19-4 is amended to read as follows:

Examination, audit, certification.

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, unless otherwise provided by resolution of the board, 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 treasurer of school moneys of the district.

C. 18A:19-4.1 Payment without prior board approval.

4. (New section) A board of education may, by resolution, designate a person in addition to the secretary to audit any account and demand to be paid, and provide for approval of such account or demand by such person or the secretary prior to presentation to the board. Any such approval shall be presented to the board at their next meeting for ratification. The board may establish a maximum dollar amount for which payment may be authorized without prior board approval.

5. This act shall take effect immediately.

Approved December 8, 1982.

CHAPTER 197

AN ACT authorizing the sale of surplus real property owned by the Department of Law and Public Safety.

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

1. The Department of Law and Public Safety is authorized to sell and convey all of the State's interest in 6.79 acres of surplus real property located in the township of Morris and the town of Morristown, Morris county. The property, known as 155 Madison avenue, is designated as Block 416, Lot 1, on the Morris township tax map and Block 40, Lot 9C, on the Morristown tax map.

2. The sale shall be upon terms and conditions as approved by the State House Commission.

3. This act shall take effect immediately.

Approved December 8, 1982.

CHAPTER 198

AN ACT concerning the retirement of certain members of the Police and Firemen's Retirement System, amending P. L. 1944, c. 255 and amending and supplementing P. L. 1964, c. 241.

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

1. Section 1 of P. L. 1944, c. 255 (C. 43:16A-1) is amended to read as follows:

C. 43:16A-1 Retirement system definitions.

1. As used in this act:

(1) "Retirement system" shall mean the Police and Firemen's Retirement System of New Jersey as defined in section 2 of this act.

(2) "Policeman or fireman" shall mean any permanent and full-time active uniformed employee, and any active permanent and full-time employee who is a detective, lineman, fire alarm operator,

or inspector of combustibles of any police or fire department or any employee of a police or fire department who was a member of the retirement system for a period of 15 years prior to his transfer to a position within the department not otherwise covered by the retirement system. It shall also mean any permanent, active, and full-time firefighter or officer employee of the State of New Jersey, or any political subdivision thereof, with police powers and holding one of the following titles: motor vehicles officer, motor vehicles sergeant, motor vehicles lieutenant, motor vehicles captain, assistant chief, bureau of enforcement, and chief, bureau of enforcement in the Division of Motor Vehicles, alcoholic beverage control investigator, alcoholic beverage control inspector, assistant deputy director, bureau of enforcement, and deputy director, bureau of enforcement in the Division of Alcoholic Beverage Control, conservation officer, assistant district conservation officer, district conservation officer, and chief conservation officer, in the Division of Fish, Game, and Wildlife, ranger, and chief ranger in the Bureau of Parks, State fire warden and chief, assistant chief, division fire warden, assistant division fire warden, staff section fire warden, and field section fire warden, in the Forest Fire Service, Department of Environmental Protection, chief, Bureau of Forest Fire Management—State forest fire warden, supervising forester (fire), principal forester (fire), senior forester (fire), assistant forester (fire), in the Bureau of Forest Fire Management, Department of Environmental Protection, marine patrolman, senior marine patrolman, principal marine patrolman, and chief, bureau of marine law enforcement, State fire marshal, deputy State fire marshal, and inspector fire safety, Department of Law and Public Safety, institution fire chief, and assistant institution fire chief, Department of Human Services, correction officer, senior correction officer, correction officer sergeant, correction officer lieutenant, correction officer captain, and deputy keeper in the Department of Corrections, medical security officer, assistant supervising medical security officer, and supervising medical security officer in the Department of Human Services, county detective, lieutenant of county detectives, captain of county detectives, deputy chief of county detectives, chief of county detectives, supervising auditor-investigator, auditor-investigator, electronics specialist, traffic safety coordinator-investigator and supervisor of electronics and investigations, 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 850,000 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 2 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 2-year qualification shall be waived.

(24) "Widow" shall mean the woman to whom a member or retirant was married at least 2 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 2-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.

(28) "Final compensation" means the compensation received by the member in the last 12 months of creditable service preceding his retirement.

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 "Special retirement."

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 final compensation, plus 1% of his 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 July 1, 1979, more than 30 years of creditable service, shall receive an additional 1% of his 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 final compensation received by the member.

C. 43:16A-11.1a Increase in employee contributions.

3. (New section) If in any year the State's or any county's or municipality's liability to fund the benefits provided in this amendatory and supplementary act exceeds the value of the employee contribution increase pursuant to paragraph (d) of subsection (3) of section 15 of P. L. 1944, c. 255 (C. 43:16A-15) and the application of interest earnings, the actuary of the retirement system shall specify, the State Treasurer shall certify, and the board of trustees of the retirement system shall set the increase in employee contributions to be effective in the following fiscal year in order to provide for this liability.

4. This act shall take effect immediately.

Approved December 10, 1982.

CHAPTER 199

AN ACT concerning interference with custody and amending N. J. S.
2C:13-4.

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

1. 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.

Interference with custody is a crime of the fourth degree.

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.

2. This act shall take effect immediately.

Approved December 13, 1982.

CHAPTER 200

AN ACT concerning notice of lis pendens and amending N. J. S.
2A:15-7.

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

1. N. J. S. 2A:15-7 is amended to read as follows:

Notice of lis pendens.

2A:15-7. a. In an action to enforce or declare rights in, or concerning, or for partition of real estate, wherein plaintiff's claim arises out of a written instrument, which instrument either is executed by defendant and identifies such real estate or appears of record with respect to the title thereto, from and after the filing of a notice of lis pendens, any person claiming title to, interest in or lien upon the real estate described in the notice through any defendant in the action as to which the notice is filed shall be deemed to have acquired the same with knowledge of the pendency of the action, and shall be bound by any judgment entered therein, as though he had been made a party thereto and duly served with process therein.

b. In an action other than one specified in subsection a. of this section, if a notice of lis pendens is filed, that notice shall have the same effect as provided in subsection a., until the entry of a determination by the court pursuant to this subsection. When a notice of lis pendens is filed in such an action, the plaintiff shall, within three days after the filing of the notice of lis pendens, serve upon the defendant a copy of the notice of lis pendens and of the complaint. Any party claiming an interest in the real estate affected by the notice of lis pendens may, at any time thereafter, file with the court, in accordance with the Rules Governing the Courts of the State of New Jersey, except as otherwise provided herein, a motion for a determination as to whether there is a probability that final judgment will be entered in favor of the plaintiff sufficient to justify the filing or continuation of the notice of lis pendens. The plaintiff shall bear the burden of establishing such probability. The court shall, after hearing and within 10 days, enter a determination as to whether there is a sufficient probability that final judgment will be entered in favor of the plaintiff. If the court determines that there is a sufficient probability of final judg-

ment in favor of the plaintiff, the notice of lis pendens shall be continued of record and shall have the same effect as provided in subsection a. If the court fails so to determine, the court shall forthwith order the notice of lis pendens discharged of record.

2. This act shall take effect 60 days following enactment and shall apply to all actions instituted after that date.

Approved December 13, 1982.

CHAPTER 201

AN ACT concerning the Garden State Racetrack and amending P. L. 1967, c. 40, supplementing Title 5 of the Revised Statutes, and repealing P. L. 1978, c. 27.

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

C. 5:5-94 Findings and declarations.

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

a. The destruction by fire of the Garden State Racetrack in the spring of 1977 was a severe blow to the economic well-being of the area surrounding the racetrack and of the larger South Jersey area, most importantly because of the loss of jobs directly and indirectly connected with the operation of the racetrack and the serving of its patrons.

b. The demise of the racetrack has also hurt the State because of the loss of revenue to the State generated by attendance at the racetrack and has harmed the racing industry in the State because of an insufficient number of tracks to establish a successful year-round circuit for thoroughbred racing.

c. It is vitally important that the Garden State Racetrack be reopened as soon as possible so that the economic benefits of an operating track and its attendant service industries will once again flow into the area—and to the State as a whole.

d. It is desirable to accomplish this reopening through the private sector rather than through a governmental authority, and in order to do so, it is justifiable to offer a private buyer economic advantages and encouragement so that such a buyer will make the initial sizeable capital investment necessary to rebuild

the track and will make the continuing expenditures necessary for a successful racetrack operation.

e. Precedent already exists for recognizing the particular financial problems and needs of individual racetracks and addressing those problems and needs, namely, by allowing a thoroughbred racetrack that receives an average daily parimutuel handle of \$1 million or less to pay less in revenue to the State than a track with a daily handle of more than \$1 million, and by allowing a thoroughbred track with a daily handle of more than \$1 million to retain for its own use an additional 1% out of the State's share of the handle when that track faces competition from a harness track during the summer months.

C. 5:5-95 One-year moratorium.

2. (New section) Notwithstanding the provisions of P. L. 1978, c. 1 (C. 5:10-27 et seq.) to the contrary, the New Jersey Sports and Exposition Authority shall not acquire the Garden State Racetrack during the period of one year following the effective date of this act.

C. 5:5-96 Granting of permit.

3. (New section) Notwithstanding the provisions of P. L. 1940, c. 17 (C. 5:5-22 et seq.) to the contrary, if a private buyer purchases the Garden State Racetrack during the period of one year following the effective date of this act and applies to the New Jersey Racing Commission for a racing permit or permits, the commission shall review and act on the application within 30 days after its filing and is authorized in its sole discretion to determine whether a permit shall be granted to the applicant. If, after the review, the commission acts favorably on the application, a permit shall be granted to the applicant without any further approval. No hearing, referendum, or other election or proceeding shall be required for the private buyer to hold or conduct the horse race meetings with parimutuel wagering herein authorized.

C. 5:5-97 Waiver of limitation.

4. (New section) In granting a permit to the applicant to conduct a horse race meeting, the commission shall not be subject to any limitation as to the number of tracks authorized for the conduct of horse race meetings pursuant to any provision of P. L. 1940, c. 17 (C. 5:5-22 et seq.). The permit shall set forth the dates to be allotted to the applicant for its initial horse race meetings. Thereafter application for dates for horse race meetings by the

permitholder and the allotment thereof by the commission, including the renewal of the same dates theretofore allotted, shall be governed by the applicable provisions of P. L. 1940, c. 17 (C. 5:5-22 et seq.). Notwithstanding the provision of any other law to the contrary, the commission shall allot annually to the permit-holder, in the case of running racing, not less than 100 racing days after January 31 and prior to July 1, and in the case of harness racing, not less than 100 racing days after August 31 and prior to January 1 following, if and to the extent that application is made therefor.

C. 5:5-98 Disposition of parimutuel pools.

5. (New section) The permit holder shall distribute the sums deposited in parimutuel pools to winners thereof in accordance with section 44 of P. L. 1940, c. 17 (C. 5:5-64) and shall dispose of the deposits remaining undistributed as follows:

a. In the case of harness races:

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

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

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

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

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

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

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

b. In the case of running races:

(1) Hold and set aside in an account designated as a special trust account 15% 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 (C. 5:5-88), for the following purposes and no other:

(a) 10% of 1% thereof for contributions and awards designed to improve and promote the thoroughbred breeding industry in New Jersey, through payment 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 roster

of the Thoroughbred Breeders' Association of New Jersey, which sire such registered New Jersey bred money earners ;

(b) 5% of 1% thereof for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration.

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

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

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

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

The provisions of this section shall apply each year for 10 years after the commencement of horse race meetings at the Garden State Racetrack. At the end of the 10-year period, the

provisions of section 46 of P. L. 1940, c. 17 (C. 5:5-66) concerning the distribution of undistributed deposits shall apply.

C. 5:5-99 Subject to P. L. 1940, c. 17.

6. (New section) Except as otherwise provided in this act, the horse race meetings and parimutuel wagering conducted by the permitholder shall be conducted in the manner and subject to compliance with the standards set forth in P. L. 1940, c. 17 (C. 5:5-22 et seq.) and the rules, regulations, and conditions prescribed by the racing commission thereunder for the conduct of horse race meetings and for parimutuel wagering at those meetings.

7. Section 5 of P. L. 1967, c. 40 (C. 5:5-88) is amended to read as follows:

C. 5:5-88 Horse breeding and development account.

5. Every permitholder shall remit and pay to the commission in installments and at the same time and manner provided in section 46 of P. L. 1940, c. 17 (C. 5:5-66) all moneys set aside in the special trust account for contributions and awards and horse breeding and promotion pursuant to section 46 a. (2) (c) and (d) thereof, section 46 b. (1) (b) and (2) (b) thereof, subsection f. (1) (a) (iii) and (iv) and subsection f. (2) (a) of section 7 of P. L. 1971, c. 137 (C. 5:10-7), and subsection a. (1) (c) and (d) and subsection b. (1) of section 5 of P. L. 1982, c. 201 (C. 5:5-98). All such special trust account moneys received by the commission shall be separately accounted for and paid into the State Treasury for deposit and maintenance by the State Treasurer in a special account entitled "New Jersey Horse Breeding and Development Account." Moneys credited to such special account shall be appropriated to and used by the Department of Agriculture, under the supervision of the State Board of Agriculture, after consultation with and approval of the State Treasurer, for contributions and awards to improve and promote thoroughbred and standardbred breeding in the manners and amounts as provided in said sections.

The Department of Agriculture is authorized to confer with and seek the advice of the New Jersey Equine Advisory Board with reference to the distribution of the moneys as herein provided.

Repealer.

8. P. L. 1978, c. 27 is repealed.

9. This act shall take effect immediately.

Approved December 16, 1982.

CHAPTER 202

AN ACT concerning the identification, ranking, and cleanup and removal of hazardous discharges.

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

C. 58:10-23.15 Definition of "hazardous discharge."

1. As used in this act:

a. "Department" means the Department of Environmental Protection.

b. "Hazardous discharge" means a discharge of hazardous substances as defined in section 3 of P. L. 1976, c. 141 (C. 58:10-23.11b) or a hazardous discharge as defined in P. L. 1981, c. 275.

C. 58:10-23.16 Master list for site cleanup.

2. The department shall prepare and adopt a master list for the cleanup of hazardous discharge sites. The master list shall comprise an inventory of all the known hazardous discharge sites in the State which have been cleaned up prior to the effective date of this act, which have been identified as in need of cleanup, or which will be cleaned up subsequent to the effective date of this act, and a ranking, based on criteria established by the department pursuant to P. L. 198 , c. (C.) (now pending before the Legislature as Assembly Bill No. 1255 of 1982), of the sites in the order in which the department intends to clean up the sites. The department shall review the master list at least once every six months and modify it as necessary.

C. 58:10-23.17 Procedure for adoption.

3. The department shall prepare and adopt the master list as follows, the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) or any other law to the contrary notwithstanding:

a. Within 6 months of the effective date of this act, the department shall prepare a proposed master list and make it available to the governing body of each municipality in which there is located a hazardous discharge site, and to all other interested persons.

b. Within 8 months of the effective date of this act, the department shall conduct public hearings in the several geographic areas

of the State on the proposed master list. Notice of these hearings shall be published at least 30 days in advance of the hearing in at least two newspapers circulating in the specific geographic area where the hearing will be held.

c. Within 1 year of the effective date of this act, the department shall consider all the testimony presented at the public hearings, make such revisions to the proposed master list as it deems necessary or appropriate, and adopt the master list.

C. 58:10-23.18 Reimbursement to municipality.

4. Any governing body of a municipality, which, after receiving approval from the department, removes and cleans up, or causes to be removed and cleaned up, a hazardous discharge site included on the master list prepared and adopted by the department pursuant to this act, shall be reimbursed from appropriate funding sources for the costs of that cleanup and removal, as established pursuant to the provisions of section 5 of this act. The reimbursement shall be made when funds are made available and, pursuant to the ranking of the hazardous discharge sites on the master list, the department would have acted to clean up and remove the hazardous discharge.

C. 58:10-23.19 Plan to include cost estimate.

5. a. The governing body of any municipality which intends to remove or clean up a hazardous discharge site included on the master list shall submit to the department a plan for the cleanup and removal, which shall include a written estimate of the cost of the cleanup or removal.

b. The department shall, within 30 days of the receipt of the plan, approve, modify or disapprove the plan.

6. This act shall take effect immediately.

Approved December 16, 1982.

CHAPTER 203

AN ACT concerning the expiration date of municipal licenses for dogs, kennels, pet shops, shelters and pounds, amending and supplementing P. L. 1941, c. 151.

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

1. Section 2 of P. L. 1941, c. 151 (C. 4:19-15.2) is amended to read as follows:

C. 4:19-15.2 Dog licenses.

2. Any person who shall own, keep or harbor a dog of licensing age shall annually or every third year, in accordance with a 3-year dog license or renewal thereof issued under subsection b. of section 12 of this act (C. 4:19-15.12b.), apply for and procure from the clerk of the municipality or other official designated by the governing body thereof to license dogs in the municipality in which he resides, a license and official metal registration tag for each such dog so owned, kept or harbored, and shall place upon each such dog a collar or harness with the registration tag securely fastened thereto.

2. Section 3 of P. L. 1941, c. 151 (C. 4:19-15.3) is amended to read as follows:

C. 4:19-15.3 Fees.

3. The person applying for the license and registration tag shall pay the fee fixed or authorized to be fixed in section 12 of this act, and the sum of \$1.00 for a 1-year registration tag or \$3.00 for a 3-year registration tag for each dog; and for each renewal, the fee for the license and for the registration tag shall be the same as for the original license and tag; and said licenses, registration tags and renewals thereof shall expire on June 30 in the year stated on the license.

Only one license and registration tag shall be required in any licensing year for any dog owned in New Jersey, and such license and tag shall be accepted by all municipalities as evidence of compliance with this section.

Dogs used as guides for blind persons and commonly known as "seeing-eye" dogs, or dogs used to assist deaf persons and commonly known as "hearing ear" dogs, shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor.

License forms and uniform official metal registration tags designed by the State Department of Health shall be furnished by the municipality and shall be numbered serially and shall bear the year of issuance and the name of the municipality.

3. Section 8 of P. L. 1941, c. 151 (C. 4:19-15.8) is amended to read as follows:

C. 4:19-15.8 Kennels, pet shops, shelters, pounds.

8. Any person who keeps or operates or proposes to establish a kennel, a pet shop, a shelter or a pound shall apply to the clerk or other official designated to license dogs in the municipality where such establishment is located, for a license entitling him to keep or operate such establishment.

The application shall describe the premises where the establishment is located or is proposed to be located, the purpose or purposes for which it is to be maintained, and shall be accompanied by the written approval of the local municipal and health authorities showing compliance with the local and State rules and regulations governing location of and sanitation at such establishments.

All licenses issued for kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained, and all such licenses shall expire on the last day of June of each year, and be subject to revocation by the municipality on recommendation of the State Department of Health or the local board of health for failure to comply with the rules and regulations of the State department or local board governing the same, after the owner has been afforded a hearing by either the State department or local board.

Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments; such licenses shall not be transferable to another owner or different premises.

C. 4:19-15.3a Expiration date.

4. (New section) Subsequent to the effective date of this act, the provisions of any law to the contrary notwithstanding: a. All annual licenses required pursuant to the provisions of section 2 of P. L. 1941, c. 151 (C. 4:19-15.2), section 3 of P. L. 1941, c. 151 (C. 4:19-15.3) and section 8 of P. L. 1941, c. 151 (C. 4:19-15.8) shall expire on June 30 in the calendar year next following issuance.

Upon renewal of the annual licenses on June 30 of the calendar year next following issuance, the municipality may assess a fee, in addition to the annual fee, which reflects a prorated portion of the annual fee for the period January 31 to June 30 preceding renewal.

b. Any 3-year registration tag issued pursuant to the provisions of section 2 of P. L. 1941, c. 151 (C. 4:19-15.2) or section 3 of P. L. 1941, c. 151 (C. 4:19-15.3), which is due to expire January 31 of the year of the effective date of this act, shall be valid until June 30 of that year.

Upon renewal of the three-year licenses on June 30 of the calendar year next following issuance, the municipality may assess a fee, in addition to the annual fee, which reflects a prorated portion of the three-year fee for the period January 31 to June 30 preceding renewal.

5. This act shall take effect on January 1 next following enactment.

Approved December 16, 1982.

CHAPTER 204

AN ACT to extend the moratorium on the taxation of mobile homes and create a New Jersey Mobile Home Taxation Commission, amending P. L. 1981, c. 358, and making an appropriation therefor.

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

1. Section 1 of P. L. 1981, c. 358 is amended to read as follows:

1. a. Any mobile home assessed and taxed as real property prior to and on March 20, 1979, for which no appeal has been taken on the imposition of a real property tax as of said date, shall be assessed and taxed as real property. Any mobile home that was not assessed and taxed as real property prior to and on March 20, 1979 shall not be assessed and taxed as real property until October 1, 1983 for the tax year 1984.

b. Any mobile home acquired after March 20, 1979 shall be assessed and taxed as real property; except that any mobile home located after said date in any mobile home park in which mobile homes were not assessed and taxed as real property prior to March 20, 1979, shall not be assessed and taxed as real property until October 1, 1983 for the tax year 1984.

c. During the period of the moratorium and for the tax years 1978, 1979, 1980, 1981, 1982, and 1983, no mobile home subject to the moratorium shall be assessed as an added or omitted assessment and taxed as real property.

2. Section 2 of P. L. 1981, c. 358 is amended to read as follows:

2. a. Except as otherwise provided in subsection b. of this section, a sales tax pursuant to subsection (v) of section 2 of P. L. 1966,

c. 30 (C. 54:32B-2 (v)) on any mobile home sale made on or after March 20, 1979, shall remain in effect and be enforced as heretofore until December 31, 1983.

b. Any sale of a mobile home assessed and taxable as real property pursuant to section 1 of this act shall not be subject to the sales tax, except in the case of the sale of a new or previously unused mobile home, which shall be subject to the sales tax only to the extent of the taxation of the sale of tangible personal property for building construction pursuant to subsection (e) (2) of section 2 of P. L. 1966, c. 30 (C. 54:32B-2 (e) (2)).

3. (New section) There is created a commission to be known as the New Jersey Mobile Home Taxation Commission, consisting of two members of the Senate, who are not both of the same political party, to be appointed by the President thereof; two members of the General Assembly, who are not both of the same political party, and one member appointed by the Governor, who shall be an official of the Department of the Treasury. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

4. (New section) It shall be the duty of the commission to conduct a detailed study and develop an equitable system for the taxation of mobile homes.

5. (New section) 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 that purpose, and to employ stenographic, clerical, technical and expert assistance and incur traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties and as may be within the limits of funds appropriated or otherwise made available to it for those purposes.

6. (New section) The commission shall meet and hold public hearings at such place or places as it shall designate during the sessions or recesses of the Legislature and shall report its findings and recommendations to the Governor and the Legislature, by June 30, 1983, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

7. There is appropriated to the commission from the General Fund \$5,000.00 for the purposes and duties of the commission pursuant to this act.* The commission is authorized to apply for and to receive any federal funds or grants or any grants from

foundations or other sources that may be available for carrying out the purposes of this act.

8. This act shall take effect immediately, and shall be retroactive to September 30, 1982.

Approved December 16, 1982.

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

STATEMENT TO ASSEMBLY BILL No. 1955

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Assembly Bill No. 1955 at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This bill extends for yet another year the moratorium on the taxation of mobile homes and creates a New Jersey Mobile Home Taxation Commission.

I am sympathetic to the desire for a moratorium to maintain the status quo in mobile home taxation until legislation is enacted to address the taxation issues raised by rulings of the New Jersey Supreme Court. This bill continues the current moratorium into its sixth and hopefully last year. I urge the New Jersey Mobile Home Taxation Commission created by this bill to prepare equitable and timely recommendations so that the issue of taxation of mobile homes can be finally resolved.

I have decided to delete the appropriation from the General Fund of \$5,000.00 for the Commission. Other important commissions have functioned without appropriations. Since an earlier commission, the Mobile Home Study Commission, has already worked on this issue, I do not believe the appropriation is essential, and in view of the State's fiscal problems, deletion of this funding seems responsible.

On page 2, section 7, lines 1-3, delete: "There is appropriated to the commission from the General Fund \$5,000.00 for the purposes and duties of the commission pursuant to this act."

Respectfully,

/s/ THOMAS H. KEAN,
Governor.

[SEAL]

Attest:

/s/ W. CARY EDWARDS,
Chief Counsel.

CHAPTER 205

AN ACT to allow students of public schools to participate in a 1 minute period of silence before the opening of each school day and supplementing chapter 36 of Title 18A of the New Jersey Statutes.

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

C. 18A:36-4 Period of silence.

1. Principals and teachers in each public elementary and secondary school of each school district in this State shall permit students to observe a 1 minute period of silence to be used solely at the discretion of the individual student, before the opening exercises of each school day for quiet and private contemplation or introspection.

2. This act shall take effect immediately.

Passed December 16, 1982.

CHAPTER 206

AN ACT to increase the supply of loans for the replacement of urea-formaldehyde foam insulation and amending P. L. 1975, c. 160.

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

1. Section 1 of P. L. 1975, c. 160 (C. 17:1B-5.1) is amended to read as follows:

C. 17:1B-5.1 Residential loan programs.

1. The Legislature hereby finds that national economic conditions have caused the persistence of a critical shortage of adequate housing in this State and a drastic decline in new housing starts; that as a result an increasingly large number of New Jersey residents will be subject to hardship in finding adequate, safe, sanitary and energy-efficient housing unless new housing is constructed and existing housing, where appropriate, rehabilitated or improved; that unless the supply of housing and the availability to residents of this State of residential mortgage, rehabilitation, and

improvement financing is increased over present levels, a large number of residents of this State will continue to be compelled to live in unsanitary, overcrowded, unsafe, energy inefficient conditions to the detriment of the health, welfare and well-being of these residents and of the whole community of which they are a part; and that an increase in the housing supply of this State will assist in the clearance, replanning, development and redevelopment of blighted areas, will ameliorate the critical shortage of adequate housing, and will increase the available supply of energy for housing in the State.

It is hereby found that existing programs of the New Jersey Mortgage Finance Agency will not be sufficient in the future to meet the demands for available funds to assist in the financing of the new residential mortgage loans and, where appropriate, the rehabilitation or improvement of existing housing, which is needed to remedy the continuing housing crisis.

The Legislature hereby determines that in order to more effectively promote the expansion of the supply of funds available for residential mortgage, rehabilitation and improvement loans and thus help alleviate the shortage of adequate housing in this State, the New Jersey Mortgage Finance Agency shall be granted power to raise funds from private investors and make those funds available through mortgage lending institutions and firms in this State for new residential loans, through the purchase by the agency of existing residential mortgage loans and residential rehabilitation and improvement loans from mortgage lending institutions and firms within the State during periods when there is an inadequate supply of credit otherwise available in the State, any particular area or areas of the State or available to persons or families of the State of low or moderate income for residential loans, and that this program will be accomplished by the agency on terms designed to assure the expansion of available funds in the State or any such area or areas or for any such persons or families, while protecting against the realization by mortgage lending institutions and firms of any excessive financial return or benefit.

The Legislature further finds and determines that a secondary mortgage market which will be provided by the residential loan purchase program of the agency will be an appropriate and effective means of encouraging investment in New Jersey residential loans, of reducing the volatility of mortgage flows over the business cycle, and of providing greater stability for the economy of the State of New Jersey.

The Legislature further finds and determines that the shortage of adequate housing in the State will be reduced if the present authority of the New Jersey Mortgage Finance Agency to raise funds from private investors and loan such funds to mortgage lending institutions to make residential mortgage loans is extended to permit the agency to loan such funds to mortgage lending institutions to make residential rehabilitation and improvement loans.

The Legislature also finds and determines that a major disincentive for the rehabilitation and improvement of older housing and the full use of the existing housing supply in the State is the relative energy inefficiency of older housing and the high cost and limited supplies of energy from nonrenewable sources such as oil and gas, and that one of the purposes of the New Jersey Mortgage Finance Agency shall be to promote the fuller utilization of the existing housing supply of the State and to increase the available supply of energy for heating and cooling housing in the State. To this end, the construction, purchase and installation of energy saving improvements and particularly of solar heating or cooling system improvements shall be an eligible construction, rehabilitation or improvement to housing for the purpose of any loans permitted under the "New Jersey Mortgage Finance Agency Law," and loans permitted for such purposes shall not be subject to limitation with respect to income, area, or available supply of credit.

The Legislature also finds that certain New Jersey residents installed urea-formaldehyde foam insulation in their homes prior to the federal ban on the sale of this type of insulation, the use of which poses potential health hazards to residents of homes in which it has been installed. The Legislature determines that the removal of urea-formaldehyde foam insulation and its replacement with more suitable insulation should be encouraged, in keeping with the purposes of the New Jersey Mortgage Finance Agency. To this end, the removal of urea-formaldehyde foam insulation and its replacement with more suitable insulation shall be an eligible construction, rehabilitation or improvement to housing for the purpose of any loans permitted under the "New Jersey Mortgage Finance Agency Law," and loans permitted for such purposes shall not be subject to limitation with respect to income, area or available supply of credit.

2. This act shall take effect immediately.

Approved December 20, 1982.

CHAPTER 207

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, 1983 and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

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

FEDERAL FUNDS

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

16 Detention and Rehabilitation

7040 State Prison, Trenton

10-7040	Education Program	\$9,520
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	Total Appropriation, State Prison, Trenton ...	\$9,520
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Special Purpose:

ESEA, Title I	(\$9,520)
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7080 Correctional Institution for Women, Clinton

10-7080	Education Program	\$25,964
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	Total Appropriation, Correctional Institution for Women, Clinton	\$25,964
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Special Purpose:

ESEA, Title I	(\$17,164)
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Adult basic education	(8,800)
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7090 Adult Diagnostic and Treatment Center, Avenel

10-7090	Education Program	\$14,747
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	Total Appropriation, Adult Diagnostic and Treatment Center, Avenel	\$14,747
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Special Purpose:

ESEA, Title I	(	\$7,239)
Adult basic education	(	7,508)

7110 Youth Reception and Correction Center, Yardville

10-7110 Education Program	\$65,777
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Total Appropriation, Youth Reception and Correction Center, Yardville	\$65,777
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Special Purpose:

ESEA, Title I	(	\$65,577)
Adult basic education	(	200)

7120 Youth Correctional Institution, Bordentown

10-7120 Education Program	\$11,361
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Total Appropriation, Youth Correctional Institution, Bordentown	\$11,361
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Special Purpose:

ESEA, Title I	(	\$11,361)
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7130 Youth Correctional Institution, Annandale

10-7130 Education Program	\$18,977
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Total Appropriation, Youth Correctional Institution, Annandale	\$18,977
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Special Purpose:

ESEA, Title I	(	\$18,977)
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7210 Training School for Boys, Skillman

10-7210 Education Program	\$93,946
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Total Appropriation, Training School for Boys, Skillman	\$93,946
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Special Purpose:

ESEA, Title I	(	\$93,946)
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7220 Training School for Boys, Jamesburg

10-7220 Education Program	\$139,401
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Total Appropriation, Training School for Boys, Jamesburg	\$139,401
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Special Purpose:

ESEA, Title I (\$139,401)

19 Central Planning, Direction and Management

99-7000 Management and Administrative Services .. \$238,929

Total Appropriation, Central Planning,
Direction and Management\$238,929

Special Purpose:

ESEA, Title I (\$236,429)

Adult basic education (2,500)

The sums hereinabove appropriated are for subsequent allocation to Juvenile Residential Centers operated by the Department of Corrections for ESEA, Title I programs and Adult Basic Education programs.

Total Appropriation, Department of
Corrections\$618,622

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

04-5030 Adult and Continuing Education Programs \$1,355,857

06-5030 Compensatory Education Programs 130,000

07-5030 Special Education Programs 1,750,000Total Appropriation, Direct Educational
Services and Assistance\$3,235,857

Special Purpose:

Migrant educational program (\$130,000)

ESEA, Title VI (1,327,367)

Cuban/Haitian entrant program (1,348,000)

State Aid and Grants:

ESEA, Title VI (422,633)

Refugee resettlement program (7,857)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf .. \$397,484

13-5010 Newark Skills Center 46,000Total Appropriation, Operation and Support
of Educational Institutions\$443,484

Special Purpose:

ESEA, Title I (\$397,484)

Adult basic education programs (46,000)

33 Supplemental Education and Training Programs

20-5040 General Vocational Education Programs .. \$975,000

Total Appropriation, Supplemental Education
and Training Programs \$975,000

Special Purpose:

Vocational education—Basic grants

(General Vocational Education

Programs) (\$575,000)

Vocational education—Program im-

provement and supportive services. (400,000)

34 Educational Support Services

34-5100 Equal Educational Opportunities \$120,000

37-5120 School Nutrition Programs 250,000

Total Appropriation, Educational Support
Services \$370,000

Special Purpose:

Race desegregation (\$120,000)

Child nutrition (250,000)

Total Appropriation, Department of Education \$5,024,341

DEPARTMENT OF ENERGY

Community Development and Environmental Management

42 Natural Resource Management

05-4030 Energy Management \$1,570,094

Total Appropriation, Natural Resource
Management \$1,570,094

Special Purpose:

Coastal energy impact program (\$129,720)

State energy conservation program .. (657,603)

Energy extension service (115,648)

State Aid and Grants:

Coastal energy impact program (667,123)

Total Appropriation, Department of Energy .. \$1,570,094

DEPARTMENT OF HEALTH

Physical and Mental Health

21 Health Services

02-4220 Community Health Services \$90,440

Total Appropriation, Health Services \$90,440

Special Purpose:

Migrant educational programs (\$90,440)

25 Health Administration

10-4225 Local and Regional Health Operations \$201,000

Total Appropriation, Health Administration .. \$201,000

Special Purpose:

Cuban/Haitian entrant program (\$201,000)

Total Appropriation, Department of Health .. \$291,440

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

36 Higher Educational Services

5500 Glassboro State College

11-5500 Instruction \$162,886

16-5500 Student Services 601,288

Total Appropriation, Glassboro State College .. \$764,174

Special Purpose:

Adult basic education programs (\$162,886)

Supplemental educational opportunity

grants (217,250)

College work-study program (384,038)

5510 Jersey City State College

11-5510 Instruction \$141,891

Total Appropriation, Jersey City State College .. \$141,891

Special Purpose:

Adult basic education programs (\$52,307)
 ESEA, Title I (89,584)

5520 Kean College of New Jersey

16-5520 Student Services \$85,276

Total Appropriation, Kean College of New
 Jersey \$85,276

Special Purpose:

College work-study program (\$85,276)

5530 The William Paterson College of New Jersey

16-5530 Student Services \$887,000

Total Appropriation, The William Paterson
 College of New Jersey \$887,000

Special Purpose:

Basic educational opportunity grant . (\$739,000)
 College work-study program (148,000)

5540 Montclair State College

11-5540 Instruction \$85,367

Total Appropriation, Montclair State College . \$85,367

Special Purpose:

Adult basic education programs (\$85,367)

5550 Trenton State College

11-5550 Instruction \$84,230

Total Appropriation, Trenton State College .. \$84,230

Special Purpose:

Adult basic education programs (\$84,230)

Rutgers, The State University

5600 General University

11-5600 Instruction \$36,338

Total Appropriation, Rutgers, The State Uni-
 versity \$36,338

Special Purpose:

Adult basic education program	(\$36,338)	
5630 University of Medicine and Dentistry of New Jersey		
11-5630 Instruction		\$20,000
Total Appropriation, University of Medicine and Dentistry of New Jersey		\$20,000

Special Purpose:

Adult basic education program	(\$20,000)	
Total Appropriation, Department of Higher Education		\$2,104,276

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health

23 Mental Health Services

7710 Greystone Park Psychiatric Hospital

10-7710 Inpatient Care and Health Services		\$14,336
Total Appropriation, Greystone Park Psychiatric Hospital		\$14,336

Special Purpose:

ESEA, Title I	(\$9,507)	
Adult basic education programs	(4,829)	
7720 Trenton Psychiatric Hospital		
10-7720 Inpatient Care and Health Services		\$55,636
Total Appropriation, Trenton Psychiatric Hospital		\$55,636

Special Purpose:

ESEA, Title I	(\$55,636)	
7730 Marlboro Psychiatric Hospital		
10-7730 Inpatient Care and Health Services		\$18,189
Total Appropriation, Marlboro Psychiatric Hospital		\$18,189

Special Purpose:

ESEA, Title I	(\$18,189)	
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7740 Ancora Psychiatric Hospital

10-7740	Inpatient Care and Health Services	\$6,935
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Total Appropriation, Ancora Psychiatric Hos- pital		\$6,935
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Special Purpose:

ESEA, Title I	(\$6,935)
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7750 Arthur Brisbane Child Treatment Center

10-7750	Inpatient Care and Health Services	\$63,476
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Total Appropriation, Arthur Brisbane Child Treatment Center		\$63,476
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Special Purpose:

ESEA, Title I	(\$63,476)
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24 Special Medical Services

7540 Division of Medical Assistance and Health Services

22-7540	General Medical Services	\$3,425,000
99-7540	Management and Administrative Services	195,000

Total Appropriation, Division of Medical As- sistance and Health Services		\$3,620,000
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Special Purpose:

Refugee resettlement program	(\$1,205,000)
Cuban/Haitian entrant program	(2,415,000)

Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Mental Retardation

01-7600	Purchased Residential Care	\$100,159
04-7600	Education and Day Training	594,037

Total Appropriation, Division of Mental Re- tardation		\$694,196
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Special Purpose:

ESEA, Title I	(\$694,196)
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7620 Vineland State School		
07-7620	Education and Training	\$59,578
Total Appropriation, Vineland State School ..		<u>\$59,578</u>
Special Purpose:		
ESEA, Title I		(\$59,578)
7630 North Jersey Training School at Totowa		
07-7630	Education and Training	\$15,162
Total Appropriation, North Jersey Training School at Totowa		<u>\$15,162</u>
Special Purpose:		
ESEA, Title I		(\$15,162)
7640 Woodbine State School		
07-7640	Education and Training	\$48,940
Total Appropriation, Woodbine State School ..		<u>\$48,940</u>
Special Purpose:		
ESEA, Title I		(\$48,940)
7650 New Lisbon State School		
07-7650	Education and Training	\$25,208
Total Appropriation, New Lisbon State School ..		<u>\$25,208</u>
Special Purpose:		
ESEA, Title I		(\$25,208)
7660 Woodbridge State School		
07-7660	Education and Training	\$132,664
Total Appropriation, Woodbridge State School ..		<u>\$132,664</u>
Special Purpose:		
ESEA, Title I		(\$132,664)
7670 Hunterdon State School		
07-7670	Education and Training	\$132,908
Total Appropriation, Hunterdon State School ..		<u>\$132,908</u>
Special Purpose:		
ESEA, Title I		(\$132,908)

7680 Edward R. Johnstone Training and Research Center
 07-7680 Education and Training \$61,170

Total Appropriation, Edward R. Johnstone
 Training and Research Center \$61,170

Special Purpose:

ESEA, Title I (\$61,170)

33 Supplemental Education and Training Program

7560 Commission for the Blind and Visually Impaired

12-7560 Instruction and Community Programs \$241,765

Total Appropriation, Commission for the Blind
 and Visually Impaired \$241,765

Special Purpose:

ESEA, Title I (\$192,592)

Migrant educational programs (49,173)

Economic Planning, Development and Security

53 Economic Assistance and Security

7550 Division of Public Welfare

15-7550 Income Maintenance \$13,886,657

Total Appropriation, Division of Public
 Welfare \$13,886,657

State Aid and Grants:

Federal energy assistance

program (\$13,886,657)

55 Related Social Services Programs

7570 Division of Youth and Family Services

16-7570 Community Family Services \$3,810,343

17-7570 Residential Services 48,460

99-7570 Management and Administrative Services . 395,000

Total Appropriation, Division of Youth and
 Family Services \$4,253,803

Special Purpose:

Cuban/Haitian entrant program	(\$2,631,000)
Refugee resettlement program	(80,000)
Low income energy assistance	(1,494,343)
Title I Ewing	(502)
Title I Vineland	(2,086)
Title I Autistic Homes	(45,872)

Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget

99-7500 Management and Administrative Services	\$17,045
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Total Appropriation, Division of Management and Budget	\$17,045
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Special Purpose:

Adult basic education programs	(\$6,755)
ESEA, Title I	(10,290)

Total Appropriation, Department of Human Services	\$23,347,668
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DEPARTMENT OF LABOR

Economic Planning, Development and Security

51 Economic Planning and Development

18-4570 Planning and Research	\$257,466
99-4565 Management and Administration	4,479,898

Total Appropriation, Economic Planning and Development	\$4,737,364
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Special Purpose:

Planning and Research	(\$257,466)
Management and Administration	(4,479,898)

52 Economic Regulation

12-4550 Enforcement of Workplace Standards	\$190,613
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Total Appropriation, Economic Regulation	\$190,613
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Special Purpose:

OSHA on-site consultation	(\$190,613)
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53 Economic Assistance and Security

01-4510	Unemployment Insurance	\$12,888,285
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Total Appropriation, Economic Assistance and Security	\$12,888,285
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Special Purpose:

Unemployment Insurance	(\$12,888,285)
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54 Manpower and Employment Services

07-4535	Vocational Rehabilitation	\$553,285
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09-4545	Employment Services	12,705,996
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10-4545	Employment Development Services	2,529,109
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Total Appropriation, Manpower and Employment Services	\$15,788,390
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Special Purpose:

Independent living program	(\$100,000)
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Vocational rehabilitation services,	
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ESEA Title I—Handicapped	(453,285)
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CETA Title II-B Balance of State ...	(235,491)
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Employment services	(12,705,996)
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Youth employment training programs	(113,243)
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CETA State employment training council	(735,149)
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State Aid and Grants:

CETA Title I Administration	(323,406)
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CETA Title VII Private sector initiative program	(189,009)
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CETA five percent Youth discretionary	(518,975)
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CETA Other	(413,836)
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Total Appropriation, Department of Labor	\$33,604,653
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DEPARTMENT OF TRANSPORTATION

Transportation Services

64 Planning and General Management Services

02-6030 Planning	\$603,541
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Total Appropriation, Planning and General Management Support	\$603,541
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Special Purpose:

Statewide public transportation

planning	(\$375,000)
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Rail service continuation grant	(228,541)
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Total Appropriation, Department of Transportation	\$603,541
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Total Appropriation, Federal Funds	\$67,164,634
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All federal funds appropriated in this section may be accounted for in accordance with receivable accounting procedures as may be determined by the Director of the Division of Budget and Accounting.

2. This act shall take effect immediately.

Approved December 23, 1982.

CHAPTER 208

AN ACT to amend the "Local Public Contracts Law," approved June 9, 1971 (P. L. 1971, c. 198).

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

1. Section 5 of P. L. 1971, c. 198 (C. 40A:11-5) is amended to read as follows:

C. 40A:11-5 Exceptions.

5. Exceptions. Any purchase, contract or agreement of the character described in section 4 of this act may be made, negotiated

or awarded by the governing body without public advertising for bids and bidding therefor if

(1) The subject matter thereof consists of

(a) (i) Professional services. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed once, in a newspaper authorized by law to publish its legal advertisements, a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the clerk of the county or municipality, or, in the case of a contracting unit created by more than one county or municipality, of the counties or municipalities creating such contracting unit; or (ii) Extraordinary unspecifiable services. The application of this exception shall be construed narrowly in favor of open competitive bidding, where possible, and the Division of Local Government Services is authorized to adopt and promulgate rules and regulations limiting the use of this exception in accordance with the intention herein expressed. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed, in the manner set forth in subsection (1)(a)(i) of this section, a brief notice of the award of such contract;

(b) The doing of any work by employees of the contracting unit;

(c) The printing of legal briefs, records and appendices to be used in any legal proceeding in which the contracting party may be a party;

(d) The furnishing of a tax map or maps for the contracting party;

(e) The purchase of perishable foods as a subsistence supply;

(f) The supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities, in accordance with tariffs and schedules of charges made, charged or exacted, filed with said board;

(g) The acquisition, subject to prior approval of the Attorney General, of special equipment for confidential investigation;

(h) The printing of bonds and documents necessary to the issuance and sale thereof by a contracting unit;

(i) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such service, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;

(j) The publishing of legal notices in newspapers as required by law;

(k) The acquisition of artifacts or other items of unique intrinsic, artistic or historical character;

(l) Election expenses;

(m) Insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services; or

(n) The doing of any work by handicapped persons employed by a sheltered workshop.

(2) It is to be made or entered into with the United States of America, the State of New Jersey, county or municipality or any board, body, officer, agency or authority thereof and any other state or subdivision thereof.

(3) The contracting agent has advertised for bids pursuant to section 4 on two occasions and (a) has received no bids on both occasions in response to its advertisement, or (b) the governing body has rejected such bids on two occasions because the contracting agent has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising therefor, or have not been independently arrived at in open competition, or (c) on one occasion no bids were received pursuant to (a) and on one occasion all bids were rejected pursuant to (b), in whatever sequence; any such contract or agreement may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing such contract or agreement; provided, however, that:

(i) A reasonable effort is first made by the contracting agent to determine that the same or equivalent materials or supplies, at a cost which is lower than the negotiated price, are not available from an agency or authority of the United States, the State of New Jersey or of the county in which the contracting unit is located, or any municipality in close proximity to the contracting unit;

(ii) The terms, conditions, restrictions and specifications set forth in the negotiated contract or agreement are not substantially different from those which were the subject of competitive bidding pursuant to section 4 (C. 40A:11-4) of this act; and

(iii) Any minor amendment or modification of any of the terms, conditions, restrictions and specifications, which were

the subject of competitive bidding pursuant to section 4 of this act, shall be stated in the resolution awarding such contract or agreement;

provided, further, however, that if on the second occasion the bids received are rejected as unreasonable as to price, the contracting agent shall notify each responsible bidder, submitting bids on the second occasion of its intention to negotiate, and afford each such bidder a reasonable opportunity to negotiate, but the governing body shall not award such contract or agreement unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any responsible supplier, and is a reasonable price for such work, materials, supplies or services.

Whenever a contracting unit shall determine that a bid was not arrived at independently in open competition pursuant to subsection (3) of this section it shall thereupon notify the county prosecutor of the county in which the contracting unit is located and the Attorney General of the facts upon which its determination is based, and when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

2. This act shall take effect immediately.

Approved December 23, 1982.

CHAPTER 209

AN ACT concerning higher education and amending P. L. 1982, c. 42.

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

1. Section 4 of P. L. 1982, c. 42 (C. 18A:64A-53) is amended to read as follows:

C. 18A:64A-53 Board of trustees of county college.

4. In addition to the board of governors, a board of trustees of the county college shall be established and have the powers, authority, rights and privileges and be subject to the duties, obligations and responsibilities set forth in this act.

2. This act shall take effect immediately.

Approved December 23, 1982.

CHAPTER 210

AN ACT to amend 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 8 of P. L. 1975, c. 217 (C. 52:27D-126) is amended to read as follows:

C. 52:27D-126 Administration and enforcement.

8. Administration and enforcement.

a. The appointing authority of any municipality shall appoint a construction official and any necessary subcode officials to administer and enforce the code and a construction board of appeals to hear and decide appeals from decisions made by said construction official and subcode officials, in the administration and enforcement of the code. Nothing herein, however, shall prevent a municipality from accepting inspections as to compliance with the code or any subcode thereof made by an inspection authority approved by the State of New Jersey pursuant to law.

b. To establish tenure rights or any other right or protection provided by the "State Uniform Construction Code Act" or Title 11 of the Revised Statutes, Civil Service, or any pension law or retirement system, the job title "construction official" shall be equivalent to that job title which, prior to the adoption of the State Uniform Construction Code as provided in section 5 of the "State Uniform Construction Code Act," entailed the chief administrative responsibility to enforce all construction codes which had been adopted by the municipal governing body, the enforcement of which was not the responsibility of an authorized private inspection agency; and the job title "subcode official" shall be equivalent to that job title which, prior to the adoption of the State Uniform Construction Code, entailed subordinate administrative responsibility to enforce one or more of the following construction codes: building, plumbing, electrical or fire code.

Any person, in a municipality operating under Title 11 of the Revised Statutes, who, prior to the adoption of the State Uniform Construction Code, held the equivalent of the job title "construction" official or "subcode" official, but who no longer holds his position as a result of a determination that his old job title was not

equivalent to that of "construction" official or "subcode" official, shall be offered reappointment as a construction official or subcode official, as the case may be, and shall be granted permanent classified status in such position. Tenure shall continue for (1) any construction official or subcode official who is serving under tenure as otherwise provided by law on the effective date of this act or within one year thereafter, or (2) any person certified pursuant to subsection c. of this section and who subsequently gains such tenure.

A construction official or subcode official appointed in a municipality operating under the provisions of Title 11 of the Revised Statutes, who, at the time of adoption of the State Uniform Construction Code, January 1, 1977, or prior to January 1, 1981, had permanent classified status or was employed as a construction official or subcode official or in another position in the unclassified service, shall be included in the classified service without civil service examination in his respective title of construction official or subcode official. Any individual employed by a municipality, who, in his employment with the municipality between January 1, 1977 and prior to January 1, 1981, was charged with the chief administrative responsibility to enforce all existing municipal construction codes, shall be deemed as appointed to the position of construction official for the purposes of this act. Any individual employed by a municipality, who, in his employment with the municipality between January 1, 1977 and prior to January 1, 1981, was charged with chief responsibility to enforce the municipal building, plumbing, fire, or electrical code, shall be deemed as appointed to the position of subcode official for the purposes of this act. No person, on or after January 1, 1981, shall be appointed as construction or subcode official in a municipality operating under Title 11 of the Revised Statutes without having passed an examination administered by the Civil Service Commission certifying the merit and fitness of the person to hold such position; provided that, whenever a noncivil service municipality adopts the provisions of that Title, construction code officials and subcode officials of such municipality appointed prior to the filing of the petition for the adoption of civil service, shall attain permanent status in the classified service without examination. Any construction or subcode official appointed after January 1, 1981 on a provisional basis in a municipality which has adopted the provisions of Title 11 of the Revised Statutes, may not be removed from office except for just cause after a fair and impartial hearing has been held at the local level, with no further appeal to the Civil Service Commission; provided, how-

ever, that such a construction or subcode official may be removed to permit the appointment of a person certified for appointment by the Civil Service Commission.

A construction official or subcode official in a noncivil service municipality shall be appointed for a term of four years and shall, upon appointment to a second consecutive term or on or after the commencement of a fifth consecutive year of service, including years of service in an equivalent job title held prior to the adoption of the State Uniform Construction Code, be granted tenure and shall not be removed from office except for just cause after a fair and impartial hearing.

A construction or subcode official, to be eligible for appointment in civil service or noncivil service municipalities, shall be certified by the State of New Jersey in accordance with subsection c. of this section and shall have had at least three years' experience in construction, design or supervision as a licensed engineer or registered architect; or five years' experience in construction, design, or supervision as an architect or engineer with a bachelor's degree from an accredited institution of higher education; or 10 years' experience in construction, design or supervision as a journeyman in a trade or as a contractor. A subcode official shall, pursuant to any subcode which he administers, pass upon: (1) matters relative to the mode, manner of construction or materials to be used in the erection or alteration of buildings or structures, except as to any such matter foreclosed by State approval pursuant to this act, and (2) actual execution of the approved plans and the installation of the materials approved by the State. The construction official in each municipality shall be the chief administrator of the "enforcing agency." He shall have the power to overrule a determination of a subcode official based on an interpretation of a substantive provision of the subcode which such subcode official administers, only if the construction official is qualified to act pursuant to this act as a subcode official for such subcode. He may serve as subcode official for any subcode which he is qualified under this act to administer. A subcode official or municipal engineer may serve as a construction official if otherwise qualified under the provisions of this act. The municipal enforcing agency shall require compliance with the provisions of the code, of all rules lawfully adopted and promulgated thereunder and of laws relating to the construction, alteration, repair, removal, demolition and integral equipment and location, occupancy and maintenance of buildings and structures, except as may be otherwise provided for.

Two or more municipalities may provide by ordinance, subject to regulations established by the commissioner, for the joint appointment of a construction official and subcode official for the purpose of enforcing the provisions of the code in the same manner.

c. No person shall act as a construction official or subcode official for any municipality unless the commissioner determines that said person is so qualified, except for the following: (1) a municipal construction official or subcode official holding office under permanent civil service status, or tenure as otherwise provided by law on the effective date of this act or within one year thereafter and (2) a municipal construction official or subcode official holding office without such permanent civil service status or tenure on the effective date of this act or within one year thereafter; provided said construction official or subcode official not having such permanent civil service status or tenure shall be certified in accordance with this act within four years of the effective date thereof; provided further that a person holding on the effective date of this act a valid plumbing inspector's license from the Department of Health pursuant to Title 26 of the Revised Statutes may serve as a plumbing subcode official and a person holding on the effective date of this act a valid electrical inspector's license from the Board of Public Utilities pursuant to Title 48 of the Revised Statutes may serve as an electrical subcode official. The commissioner, after consultation with the code advisory board, may authorize the preparation and conducting of oral, written and practical examinations to determine if a person is qualified by this act to be eligible to be a construction official or subcode official or, in the alternative, may accept successful completion of programs of training as proof of qualification within the meaning of this act. Upon a determination of qualification the commissioner shall issue or cause to be issued a certificate to the construction official or subcode official or trainee stating that he is so certified. The commissioner, after consultation with the code advisory board, may establish classes of certification that will recognize the varying complexities of code enforcement in the municipalities within the State. The commissioner shall, after consultation with the code advisory board, provide for educational programs designed to train and assist construction officials and subcode officials in carrying out their responsibilities.

Whenever the commissioner is required by the terms of this subsection to consult with the code advisory board and the matter in question concerns plumbing subcode officials, the commissioner shall

also consult with the Public Health Council and Commissioner of Health.

d. The commissioner, after consultation with the code advisory board, may periodically require that each construction official and subcode official demonstrate a working knowledge of innovations in construction technology and materials, recent changes in and additions to the relevant portions of the State Uniform Construction Code, and current standards of professional ethics and legal responsibility; or, in the alternative, the commissioner, after consultation with the code advisory board, may accept successful completion of appropriate programs of training as proof of such working knowledge.

2. This act shall take effect immediately.

Approved December 23, 1982.

CHAPTER 211

AN ACT concerning the sale of obscene material and amending
N. J. S. 2C:34-2.

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

1. N. J. S. 2C:34-2 is amended to read as follows:

Obscenity for persons 18 years of age or older.

2C:34-2. Obscenity for Persons 18 Years of Age or Older. a. Definitions for purpose of this section:

(1) "Obscene material" means any description, narrative account, display, or depiction of sexual activity or anatomical area contained in, or consisting of, a picture or other representation, publication, sound recording, live performance, or film, which by means of posing, composition, format or animated sensual details:

(a) Depicts or describes in a patently offensive way, ultimate sexual acts, normal or perverted, actual or simulated, masturbation, excretory functions, or lewd exhibition of the genitals,

(b) Lacks serious literary, artistic, political, or scientific value, when taken as a whole, and

(c) Is a part of a work, which to the average person applying

contemporary community standards, has a dominant theme taken as a whole, which appeals to the prurient interest.

b. A person who sells obscene material to a person 18 years of age or older commits a crime of the fourth degree.

Nothing contained herein shall be construed to prohibit a municipality from adopting as a part of its zoning ordinances an ordinance permitting the sale of obscene material, in which event such sale shall be deemed legal.

2. This act shall take effect immediately.

Approved December 23, 1982.

CHAPTER 212

A SUPPLEMENT to "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; C. 43:16A-1 et seq.), 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. Notwithstanding the provisions to the contrary of any law, the governing body of any municipality which has a population of at least 5,000 and not more than 9,000, according to the latest federal decennial census, and which has adopted the mayor-council Plan F of the "Optional Municipal Charter Law" (P. L. 1950, c. 210; C. 40:69A-1 et seq.), may by ordinance adopt the provisions of P. L. 1944, c. 255 (C. 43:16A-1 et seq.). If the governing body enacts such an ordinance, the provisions of P. L. 1944, c. 255 (C. 43:16A-1 et seq.) shall take effect in the municipality on January 1 following the date of that enactment. Upon the enactment of such an ordinance, the clerk of the municipality shall immediately notify the board of trustees of the Police and Firemen's Retirement System of New Jersey of the enactment.

2. This act shall take effect immediately and shall expire on December 31, 1983.

Approved December 23, 1982.

CHAPTER 213

AN ACT concerning the recording of deeds and other instruments, amending section 2 of P. L. 1981, c. 228, and validating, confirming and ratifying certain recordings of deeds and other instruments.

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

1. Section 2 of P. L. 1981, c. 228 is amended to read as follows:
2. This act shall take effect immediately and shall apply to deeds or instruments dated, executed and acknowledged on or after that date.
2. (New section) All recordings of deeds and other instruments heretofore made which do not contain the signature of the person who prepared or drafted the instrument or of another member of his firm or association, as required by P. L. 1981, c. 228, are hereby ratified, validated and confirmed.
3. This act shall take effect immediately and section 1 shall be retroactive to July 27, 1981.

Approved December 27, 1982.

CHAPTER 214

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*:

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 notices relating

to such election were not published as required by the "Absentee Voting Law (1953)," P. L. 1953, c. 211 (C. 19:57-1 et seq.); 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 December 27, 1982.

CHAPTER 215

AN ACT to amend "An act concerning the powers, obligations and legal capacity of certain minors in certain cases, and supplementing Title 9 of the Revised Statutes," approved July 5, 1972 (P. L. 1972, c. 81).

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

1. Section 1 of P. L. 1972, c. 81 (C. 9:17B-1) is amended to read as follows:

C. 9:17B-1 Rights extended to person 18 years of age and older; 21-year drinking age.

1. The Legislature finds and declares and by this act intends, pending the revision and amendment of the many statutory provisions involved, to:

a. Extend to persons 18 years of age and older the basic civil and contractual rights and obligations heretofore applicable only to persons 21 years of age or older, including the right to contract, sue, be sued and defend civil actions, apply for and be appointed to public employment, apply for and be granted a license or authority to engage in a business or profession subject to State regulation, serve on juries, marry, adopt children, attend and participate in horse race meetings and parimutuel betting and other legalized games and gaming, sell alcoholic beverages, act as an incorporator, registered agent or director of a corporation, consent to medical and surgical treatment, execute a will, and to inherit,

purchase, mortgage or otherwise encumber and convey real and personal property.

b. Extend to persons 21 years of age and older the right to purchase and consume alcoholic beverages on January 1, 1983, provided that anyone attaining the age to purchase and consume alcoholic beverages legally prior to January 1, 1983, shall retain that right. Nothing in this act shall preclude any licensee under R. S. 33:1-1 et seq. from making purchases in the regular course of his licensed activities.

c. Abolish the right of a person between the ages of 18 and 21 years to disaffirm and be relieved of contractual obligations by reason of age.

2. This act shall take effect immediately.

Approved December 28, 1982.

CHAPTER 216

AN ACT to amend the title of "An act to regulate and control the production, distribution and sale of milk as herein defined; to create a milk control board for such purposes; to prescribe the jurisdiction, duties and powers of said board; to require licenses of and establish fees to be paid by stores, milk dealers, processors and subdealers; to provide methods for enforcement and penalties for violations thereof and declaring an emergency affecting the production, distribution and sale of milk as defined herein," passed July 15, 1941 (P. L. 1941, c. 274), so that the same shall read "An act to regulate and control the production, distribution and sale of milk as herein defined; to create a milk control board for such purposes; to prescribe the jurisdiction, duties and powers of said board; to require licenses of and establish fees to be paid by stores, milk dealers, processors and subdealers; to regulate the use of milk cases; to provide methods for enforcement and penalties for violations thereof and declaring an emergency affecting the production, distribution and sale of milk as defined herein," and to supplement 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. 1941, c. 274 (C. 4:12A-1 et seq.) is amended to read as follows: An act to regulate and control the production, distribution and sale of milk as herein defined; to create a milk control board for such purposes; to prescribe the jurisdiction, duties and powers of said board; to require licenses of and establish fees to be paid by stores, milk dealers, processors and subdealers; to regulate the use of milk cases; to provide methods of enforcement and penalties for violations thereof and declaring an emergency affecting the production, distribution and sale of milk as defined herein.

C. 4:12A-63 Short title.

2. This act shall be known and may be cited as the "Milk Case Recovery Act."

C. 4:12A-64 Definitions.

3. As used in this act:

a. "Milk case" means a rigid, reusable milk container case including wood, metal or plastic, which is used for packing and transporting or delivering cartons, bottles, jugs or other packages of milk and milk products by milk dealers, processors or subdealers, and which the owner intends for return and reuse in the ordinary course of his business.

b. "Owner" means the person whose name, registered trademark or other business identification is clearly printed, embossed, inscribed or otherwise marked on a milk case.

C. 4:12A-65 Registration of mark.

4. Any person who is engaged in receiving, processing, manufacturing, packing, canning, bottling, handling, or selling milk or any products of milk in containers, cabinets, or other dairy equipment, which is marked or otherwise identified with the name of the person or with any fictitious or other name or word or with any mark or device whatsoever, may file with the Secretary of Agriculture a description of the name or word, mark or device which is so used.

The filing with the Secretary of Agriculture of the description of the name or word, mark, or device constitutes a valid registration of the mark for the purposes of this act.

C. 4:12A-66 Exemption.

5. Wholesale milk and milk product purchasers who, in the normal course of milk distribution procedures, hold milk cases for pickup by the owners or their representatives are exempt from the provisions of this act.

C. 4:12A-67 Unlawful acts.

6. It is unlawful for any person to:

- a. Receive, take, store, buy, sell, dispose, use or otherwise possess any milk case without the consent of the owner;
- b. Refuse to return any milk case to the owner upon demand;
- c. Deface, erase, obliterate, cover up or otherwise remove or conceal any name, registered trademark or other business identification of an owner of a milk case, for the purpose of destroying or removing from the milk case evidence of its ownership.

C. 4:12A-68 Prima facie evidence.

7. The using, buying, selling, possession, destroying, or defacing of a milk case by any person without the written consent of the owner shall be accepted in a court of competent jurisdiction as prima facie evidence of a violation of this act.

C. 4:12A-69 Penalties.

8. Any person who violates this act shall be subject to a fine of up to \$100.00 for the illegal possession of up to nine milk cases and not less than \$100.00 nor more than \$500.00 or imprisonment for up to 30 days, or both, for the illegal possession of any greater number of milk cases.

C. 4:12A-70 Habitual violations.

9. An habitual violation of this act or of any rule or regulation made pursuant to this act may be restrained by a court of competent jurisdiction in an action brought for that purpose by the owner of milk cases subject to the violations.

C. 4:12A-71 Rules and regulations.

10. The Secretary of Agriculture may promulgate rules and regulations necessary to enforce the provisions of this act.

11. This act shall take effect 60 days after enactment.

Approved December 29, 1982.

CHAPTER 217

AN ACT concerning operation of motor vehicles belonging to non-residents and amending R. S. 39:3-15.

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

1. R. S. 39:3-15 is amended to read as follows:

Operation of vehicles owned by nonresidents.

39:3-15. A nonresident owner of any motor vehicle or motor-drawn vehicle which has been registered in accordance with the laws respecting the registration of motor vehicles of the jurisdiction in which the nonresident resides, and which has conspicuously displayed thereon the registration number thereof, may, without complying with the provisions of this subtitle with respect to registration and equipment, operate or permit the operation of such vehicle in this State during such portion of the entire year as the free operation of a similar type of vehicle belonging to a resident of this State and registered in compliance with the laws of this State, and whose registration number is conspicuously displayed thereon, is permitted in the jurisdiction of the nonresident; provided that such vehicle is not:

- (a) Used for the transportation of persons for hire, compensation or profit, or
- (b) Regularly operated in carrying on business within this State,
- (c) Designed, used or maintained primarily for the transportation of property.

The foregoing shall not apply to a vehicle leased by an owner engaged in the business of leasing such vehicles.

Any vehicle properly registered in, and having conspicuously displayed on it the registration number issued by, another jurisdiction may be operated on the highways of this State without complying with the provisions of this subtitle with respect to registration during such portion of the entire year as the director shall determine to be the normal period of seasonal employment in agricultural pursuits, provided a special permit is obtained from the director for such operation, which may be issued to any applicant who satisfies the director that he is engaged in such employment, and upon the payment of a fee of \$1.00.

Except as otherwise provided by reciprocity agreement or arrangement entered into by the director, or by a declaration issued by him, the privilege of operation in this State of motor vehicles or motor-drawn vehicles belonging to nonresidents extended by this act shall not permit the intrastate operation of any truck, road tractor, truck tractor or trailer and semitrailer of the commercial type, except that a trailer or semitrailer duly registered in another jurisdiction is extended the privilege of intrastate operation when being drawn by a truck, road tractor, or truck tractor registered in

accordance with the provisions of Revised Statutes 39:3-20 and provided that the gross weight of the combination of vehicles, including load, does not exceed the maximum weight allowed by the registration certificate of the drawing vehicle registered in this State. The owner or driver of any vehicle used in intrastate operations not permitted by this section shall be subject to fine in accordance with the following schedule:

- a. a 2-axle truck, a fine of \$288.00;
- b. a 3-axle truck, a fine of \$381.50;
- c. a 3-axle combination of vehicles, a fine of \$475.00;
- d. a combination of vehicles with more than 3 axles, a fine of \$687.50; and
- e. a commercial motor vehicle having 3 or more axles and a gross weight over 40,000 pounds but not exceeding 70,000 pounds, the owner or driver of which is actually engaged in construction work or in the business of supplying material, transporting material, or using such vehicle for construction work, a fine of \$1,120.00.

2. This act shall take effect immediately.

Approved December 29, 1982.

CHAPTER 218

AN ACT concerning the exemption from taxation of solar energy heating and cooling systems, and amending section 9 of P. L. 1977, c. 256.

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

1. Section 9 of P. L. 1977, c. 256 is amended to read as follows:

9. This act shall take effect January 1, next following enactment, and shall expire on December 31, 1987.

2. This act shall take effect immediately.

Approved December 29, 1982.

CHAPTER 219

AN ACT concerning the fingerprinting and photographing of certain persons and amending R. S. 53:1-15 and section 1 of P. L. 1952, c. 92.

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

1. R. S. 53:1-15 is amended to read as follows:

Fingerprinting of suspects.

53:1-15. The sheriffs, chiefs of police, members of the State Police and any other law enforcement agencies and officers shall, immediately upon the arrest of any person for an indictable offense or of any person believed to be wanted for an indictable offense, or believed to be an habitual criminal, or within a reasonable time after the filing of a complaint by a law enforcement officer charging any person with an indictable offense, or upon the arrest of any person for shoplifting, pursuant to N. J. S. 2C:20-11, or the conviction of any other person charged with a nonindictable offense, where the identity of the person charged is in question, take the fingerprints of such person, according to the fingerprint system of identification established by the Superintendent of State Police and on the forms prescribed, and forward without delay two copies or more of the same, together with photographs and such other descriptions as may be required and with a history of offense committed, to the State Bureau of Identification.

Such sheriffs, chiefs of police, members of the State Police and any other law enforcement agencies and officers shall also take the fingerprints, descriptions and such other information as may be required of unknown dead persons and forward same to the State Bureau of Identification.

Any person charged in a complaint filed by a law enforcement officer with an indictable offense, who has not been arrested, or any person charged in an indictment, who has not been arrested, shall submit himself to the identification procedures provided herein either on the date of any court appearance or upon written request of the appropriate law enforcement agency within a reasonable time after the filing of the complaint. Any person who

refuses to submit to such identification procedures shall be a disorderly person.

2. This act shall take effect immediately.

Approved December 29, 1982.

CHAPTER 220

AN ACT concerning the assessment of real property and improvements thereto and supplementing chapter 4 of Title 54 of the Revised Statutes.

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

C. 54:4-23a Tax exemption for new single-family dwellings.

1. Any other law to the contrary notwithstanding, no building or other structure newly constructed on any parcel of real property and intended for occupancy and use for residential purposes as a single family dwelling shall be added to the assessment list as real property subject to taxation, until a certificate of occupancy or temporary certificate of occupancy has been issued and unless the building or other structure is actually occupied and used for such purposes; provided, however, that such building or structure shall be omitted from taxation for a period not to exceed 24 months. At the termination of the 24 month period or following the granting of a certificate of occupancy or temporary certificate of occupancy and the occupation and use of the building for residential purposes, the building or structure shall be assessed and taxed as of the first day of the month following the date of such use for the proportionate part of said year then remaining.

Nothing in this act shall be construed as applicable to any addition to, or improvement or alteration of, any existing building or structure. Nothing in this act shall be construed to omit from taxation any building or structure or portion of a building or structure subject to taxation prior to the effective date of this act.

2. This act shall take effect immediately.

Approved December 29, 1982.

CHAPTER 221

AN ACT concerning oaths and supplementing chapter 2 of Title 41 of the Revised Statutes.

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

C. 41:2-3.2 Administration of oaths.

1. State investigators attached to the Division of Criminal Justice may administer oaths, if the oaths are administered only in relation to a matter involving a violation or an attempted violation of the criminal laws of this State.

2. This act shall take effect immediately.

Approved December 30, 1982.

CHAPTER 222

AN ACT concerning management audits of certain public utilities and supplementing Title 48 of the Revised Statutes.

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

C. 48:2-16.4 Management audits of public utilities.

1. The Board of Public Utilities shall establish procedures to provide for management audits to be performed on a regular or irregular schedule on all or any portion of the operating procedures and any other internal workings of every gas or electric utility subject to its jurisdiction. In any case where the board determines that an audit is necessary or desirable, it may order the audit to be performed by members of its staff, or it may require that the audit be performed under the supervision of designated members of the board's staff by an independent management consulting firm selected by the utility from a list provided by the board for the audit, which list shall include the names of at least five qualified firms, at least two of which shall be of nationally recognized stature. An audit shall be conducted at least once every 3 years, except where the board finds that an audit is unnecessary. In no event,

however, shall an audit be conducted less than once every 6 years. All expenses of the audits shall be borne by the affected utilities. The results of each audit shall be filed with the board and shall be open to public inspection. Upon completion and review of an audit, if the person or firm performing or supervising the audit determines that any of the operating procedures or any other internal workings of the affected utility are inefficient, improvident, unreasonable, negligent or an abuse of discretion, the board may, after notice and opportunity for a hearing, order the affected public utility to adopt such new or altered practices and procedures as the board shall find to be necessary to promote efficient and adequate service to meet the public convenience and necessity. All reasonable and proper costs and expenses, as determined by the board, of complying with any order of the board pursuant to this act shall be recognized by the board for all purposes as proper business expenses of the affected utility. Nothing in this act shall be deemed to interfere or conflict with any powers of the board or its staff to conduct an audit, investigation or review of the books, records and accounts of any gas or electric utility under its jurisdiction.

2. This act shall take effect immediately.

Approved December 30, 1982.

CHAPTER 223

AN ACT concerning higher education, requiring the chancellor to monitor the incidence of violence and hazing in 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:62-5 Monitoring incidence of violence, hazing.

1. The Chancellor of Higher Education shall establish standards and promulgate rules and regulations to monitor the incidence of violence and hazing in the institutions of higher education in New Jersey and shall establish a uniform record-keeping system for the purpose of gathering information pertaining to such offenses. As

used in this act, "violence" means any crime against person or property which creates a risk of causing bodily harm.

C. 18A:62-6 Filing of reports.

2. Any employee of an institution of higher education observing or having direct knowledge from a participant or victim of an act of violence or hazing shall, in accordance with standards established by the chancellor, file a report describing the incident to the chief executive officer of the institution in a manner prescribed by the chancellor, and a copy of the report shall be forwarded to the State Department of Higher Education.

The chief executive officer of the institution shall notify the State Department of Higher Education of the incident and of the action taken regarding the incident.

C. 18A:62-7 Chancellor's report.

3. The Chancellor of Higher Education shall include in his annual report to the Governor and the Legislature, pursuant to N. J. S. 18A:3-21, a section detailing the extent of violence and hazing in the institutions of higher education, explaining the measures being taken to counter the problem, and making recommendations to alleviate the problem.

4. This act shall take effect immediately and shall remain in effect for a period of 3 years.

Approved December 30, 1982.

CHAPTER 224

AN ACT temporarily making permissive the implementation of a revaluation of real property in certain cities.

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

1. Notwithstanding any provisions of law or any judicial order to the contrary, no city of the first class having a population in excess of 300,000 shall be required to implement a revaluation of real property for the first two months in 1983. The determination of a city not to implement a revaluation pursuant to this act shall not prevent the city from conducting and im-

plementing any partial or complete reassessment of real property in the city during the time covered by the act.

2. This act shall take effect immediately.

Approved December 31, 1982.

CHAPTER 225

AN ACT concerning county and municipal budgets, amending P. L. 1976, c. 68 and supplementing chapter 4 of Title 40A of the New Jersey Statutes.

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

1. Section 7 of P. L. 1976, c. 68 is amended to read as follows:

7. This act shall take effect immediately and be applicable to the tax years beginning in 1977 and shall expire February 1, 1983.

2. (New section) Notwithstanding the provisions of any law to the contrary, the dates concerning the introduction and approval and adoption of budgets for the year 1983 shall be as follows:

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

(1) In the case of a county, not later than February 3 of the fiscal year; and

(2) In the case of a municipality, not later than February 17 of the fiscal year.

b. The budget shall be adopted in the case of a county not later than March 3, and in the case of a municipality not later than March 27 of the fiscal year, except that the governing body may adopt the budget at any time within 10 days after the Director of the Division of Local Government Services shall have certified his approval thereof and returned the same, if the certification shall be later than the date of the advertised hearing.

3. (New section) Notwithstanding the provisions of any law to the contrary, the dates concerning budget transmission to the county board of taxation, county board advisement to the Director of the Division of Local Government Services of the failure to

receive a budget, and filling out of the table of aggregates for late budgets for the year 1983 shall be as follows:

a. The clerk of the local unit shall transmit a certified copy of the budget, as adopted, to the county board of taxation not later than April 7 of the fiscal year.

b. Where the county board of taxation has not received a copy of the budget resolution or other evidence showing the amount to be raised by taxation for the purposes of a taxing district not later than April 7 of the fiscal year, the board shall immediately notify the director of that failure.

c. Immediately upon receipt of the director's certificate and in any event on or before May 10 of the fiscal year, the county board of taxation shall fill out the table of aggregates required by R. S. 54:4-52 and shall determine the amount of "other local taxes" for the year based upon the certificate of the director.

If the local unit shall have adopted a budget for the fiscal year and shall have transmitted a certified copy thereof to the county board of taxation on or before May 10, the board may substitute the adopted budget in the place of the amount certified by the director, but no substitution shall be made after May 10 of the fiscal year.

4. (New section) Notwithstanding the provisions of law to the contrary, the date concerning the preparation of the table of aggregates for the year 1983 shall be extended from April 10 to April 24.

In the event a county board of taxation is unable to prepare the table of aggregates on or before May 11, due to the failure of any of the several taxing districts of the county to transmit an adopted budget showing the amount to be raised by taxation for the purposes of the taxing district, the board shall prepare a certified schedule of the general tax rate for each of those taxing districts which have submitted an adopted budget. Each certified schedule so prepared shall be signed by the members of the county board of taxation and, within three days thereafter, shall be transmitted to the Director of the Division of Taxation, the county treasurer and the clerk of the affected municipality. The county board of taxation shall treat any certified schedule prepared pursuant to this section as if it were the corrected, revised and complete duplicates prepared pursuant to R. S. 54:4-55 and shall cause it to be delivered to the collector of the affected taxing district as a true record of the taxes to be assessed. A collector of a taxing district receiving a certified schedule prepared pursuant to this

section shall treat it as a true record of the taxes to be assessed and is authorized to effectuate the provisions of R. S. 54:4-64.

5. (New section) The governing body may and, if any contracts, commitments or payments are to be made prior to the adoption of the 1983 budget, shall, by resolution adopted prior to February 1, 1983, make appropriations, in addition to any temporary appropriations made pursuant to N. J. S. 40A:4-19, to provide for the period between February 25, in the case of a county, or March 20, in the case of a municipality, and the adoption of the 1983 budget. The total of the appropriations so made shall not exceed one-twelfth of the total of the appropriations made for all purposes in the budget for the 1982 fiscal year, excluding, in both instances, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance.

6. (New section) Notwithstanding the provisions of P. L. 1979, c. 268 (C. 40A:4-45.3a) to the contrary, a referendum conducted during the 1983 budget year by a municipality pursuant to subsection i. of section 3 of P. L. 1976, c. 68 (C. 40A:4-45.3i.), for the purpose of requesting approval for increasing the municipal budget by more than five percent over the previous year's final appropriations, shall be held on Tuesday, February 22, or Tuesday, March 1, 1983, as the governing body shall determine. The municipal budget proposing the increase shall be introduced and approved in the manner otherwise provided in N. J. S. 40A:4-5 at least 20 days prior to the date on which the referendum is to be held, and shall be published in the manner otherwise provided in N. J. S. 40A:4-6 at least 12 days prior to the referendum date.

7. (New section) Notwithstanding the provisions of N. J. S. 40A:4-27 or of any other law to the contrary, a local unit may anticipate as a miscellaneous revenue in its 1983 budget the total amount of all payments due and payable to the local unit during the fiscal year, directly or indirectly as a result of the sale of property by the local unit, when the obligation to make the payment is entered into prior to February 17, 1983.

8. (New section) Notwithstanding the provisions of section 3-16 of P. L. 1950, c. 210 (C. 40:69A-46), the mayor shall submit to the council his recommended 1983 budget on or before January 22, 1983.

9. (New section) Notwithstanding the provisions of section 9-17 of P. L. 1950, c. 210 (C. 40:69A-97), the municipal manager shall

submit to the council his recommended 1983 budget on or before January 22, 1983.

10. This act shall take effect immediately but sections 2 through 10 of this act shall expire December 31, 1983.

Approved December 31, 1982.

CHAPTER 226

AN ACT concerning Special Police and amending N. J. S. 40A:14-146.

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

1. N. J. S. 40A:14-146 is amended to read as follows:

Appointment of special police.

40A:14-146. The governing body of any municipality, whenever they shall deem it necessary, may appoint special policemen for terms not exceeding one year and revoke such appointments without cause or hearing. They shall not be members of the police force, and their powers and duties shall cease at the expiration of the terms for which they were appointed or upon revocation of their appointments. They may be furnished with badges upon the deposit of sums to be fixed by the governing body, which may be refunded on the return of the badges. A fee to be fixed by the governing body may be charged for issuing to any such special policeman a certificate of appointment.

No person shall be appointed as a special policeman unless he:

- (1) Is a citizen of the United States;
- (2) Is able to read, write and speak the English language well and intelligently and possesses a high school diploma or its equivalent, or has at least three years' experience as a special policeman, or has at least three years' combined experience as a special policeman and violations officer;
- (3) Is sound in body and mind and of good health;
- (4) Is of good moral character;
- (5) Has not been convicted of any criminal offense involving moral turpitude.

No person who is appointed a special policeman under this section shall be permitted to carry a firearm unless he or she is capable of obtaining a passing grade in a course of study on firearms, powers of arrest, and criminal law and procedure, given by the appointing authority under the supervision and control of the local police department.

No such special policeman shall carry a revolver or other similar weapon when off duty; provided, however, that if any such special policeman appointed by the governing body of any municipality having a population in excess of 300,000, according to the 1980 federal census, who is a resident of the municipality and is employed as a special policeman at least 35 hours per week, or less at the discretion of the director of the municipal police force and mayor, shall, at the direction of the director of the municipal police force, have taken and successfully completed a firearms training course administered by the Police Training Commission, pursuant to P. L. 1961, c. 56 (C. 52:17B-66 et seq.) and has successfully completed within 3 years of the effective date of this act all other training courses required of the permanent police officers in that municipality, said special policeman shall be permitted to carry a revolver or other similar weapon when off duty within the municipality where he is employed. Specific authorization shall be in the form of a permit, which is subject to renewal annually and may be revoked at any time by the director. The permit shall be on the person of the special policeman whenever a revolver or other similar weapon is carried off duty. No such permit shall be issued until the special police officer has successfully completed all training courses required under this section.

Every such special policeman shall have his fingerprints taken and they shall be filed with the Division of State Police and the Federal Bureau of Investigation. He shall be under the supervision and direction of the chief of police of the municipality wherein he is appointed and shall perform his duties only in such municipality unless in fresh pursuit of any person pursuant to chapter 156 (uniform act on intrastate fresh pursuit) of Title 2A of the New Jersey Statutes. He shall comply with the rules and regulations applicable to the conduct and decorum of the regular policemen of the municipality.

Before any such appointment is made the chief of police of the municipality shall ascertain the eligibility, character, integrity,

psychological fitness and qualifications of the applicant for the position and make a report thereon to the governing body.

2. This act shall take effect immediately.

Approved December 31, 1982.

CHAPTER 227

AN ACT to amend and supplement the "Sales and Use Tax Act," approved April 27, 1966 (P. L. 1966, c. 30) and amending P. L. 1980, c. 105 and making an appropriation.

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

1. Section 3 of P. L. 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%; on and after March 1, 1970 and continuing through January 2, 1983, there is hereby imposed and there shall be paid a tax of 5%; and on and after January 3, 1983, there is imposed and there shall be paid a tax of 6%, upon:

(a) The receipts from every retail sale of tangible personal property, except as otherwise provided in this act.

(b) The receipts from every sale, except for resale, of the following services:

(1) Producing, fabricating, processing, printing or imprinting tangible personal property, performed for a person who directly or indirectly furnishes the tangible personal property, not purchased by him for resale, upon which such services are performed.

(2) Installing tangible personal property, or maintaining, servicing, repairing tangible personal property not held for sale in the regular course of business, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction therewith, except (i) such services rendered by an individual who is engaged directly by a private homeowner or lessee in or about his residence and who is

not in a regular trade or business offering his services to the public, (ii) such services rendered with respect to personal property exempt from taxation hereunder pursuant to section 13 of P. L. 1980, c. 105 (C. 54:32B-8.1), (iii) 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 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 in or by restaurants, taverns, vending machines or other establishments in this State, or by caterers, including in the amount of such receipts any cover,

minimum, entertainment or other charge made to patrons or customers:

(1) In all instances where the sale is for consumption on the premises where sold;

(2) In those instances where the vendor or any person whose services are arranged for by the vendor, after the delivery of the food or drink by or on behalf of the vendor for consumption off the premises of the vendor, serves or assists in serving, cooks, heats or provides other services with respect to the food or drink, except for meals especially prepared for and delivered to homebound elderly, age 60 or older, and to disabled persons, or meals prepared and served at a group-sitting at a location outside of the home to otherwise homebound elderly persons, age 60 or older, and otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private, nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization; 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;

(4) Sales of food and beverages sold through coin-operated vending machines, at the wholesale price of such sale, which shall be defined as 70% of the retail vending machine selling price, except sales of milk, which shall not be taxed. Nothing herein contained shall affect other sales through coin-operated vending machines taxable pursuant to subsection (a) above or the exemption thereto provided by section 21 of P. L. 1980, c. 105 (C. 54:32B-8.9).

The tax imposed by this subsection (c) shall not apply to food or drink which is sold to an airline for consumption while in flight.

(d) The rent for every occupancy of a room or rooms in a hotel in this State, except that the tax shall not be imposed upon (1) a permanent resident, or (2) where the rent is not more than at the rate of \$2.00 per day.

(e) (1) Any admission charge, where such admission charge is in excess of \$0.75 to or for the use of any place of amusement in the State, including charges for admission to race tracks, baseball,

football, basketball or exhibitions, dramatic or musical arts performances, motion picture 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 lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

(2) The amount paid as charge of a roof garden, cabaret or other similar place in this State, to the extent that a tax upon such charges has not been paid pursuant to subsection (c) hereof.

2. Section 4 of P. L. 1966, c. 30 (C. 54:32B-4) is amended to read as follows:

C. 54:32B-4 Tax bracket schedule.

4. Tax bracket schedule. For the purpose of adding and collecting the tax imposed by this act, or an amount equal as nearly as possible or practicable to the average equivalent thereof, to be reimbursed to the vendor by the purchaser, the following formulas shall be in force and effect:

(a) For the period July 1, 1966 through February 28, 1970, inclusive:

Amount of Sale	Amount of Tax
\$0.01 to \$0.16	No Tax
0.17 to 0.40	\$0.01
0.41 to 0.70	0.02
0.71 to 1.16	0.03

In addition to a tax of \$0.03 on each full dollar, a tax shall be collected on each part of a dollar in excess of a full dollar, in accordance with the above formula.

(b) For the period March 1, 1970 through January 2, 1983, inclusive:

<i>Amount of Sale</i>	<i>Amount of Tax</i>
\$0.01 to \$0.10	No Tax
0.11 to 0.25	\$0.01
0.26 to 0.46	0.02
0.47 to 0.67	0.03
0.68 to 0.88	0.04
0.89 to 1.10	0.05

In addition to a tax of \$0.05 on each full dollar, a tax shall be collected on each part of a dollar in excess of a full dollar, in accordance with the above formula.

<i>Amount of Sale</i>	<i>Amount of Tax</i>
(c) For the period on and after January 3, 1983:	
\$0.01 to \$0.10	No Tax
0.11 to 0.22	\$0.01
0.23 to 0.38	0.02
0.39 to 0.56	0.03
0.57 to 0.72	0.04
0.73 to 0.88	0.05
0.89 to 1.10	0.06

In addition to a tax of \$0.06 on each full dollar, a tax shall be collected on each part of a dollar in excess of a full dollar, in accordance with the above formula.

3. Section 5 of P. L. 1966, c. 30 (C. 54:32B-5) is amended to read as follows:

C. 54:32B-5 Transitional provisions.

5. Transitional provisions. (a) (1) The taxes imposed under subsections (a), (b) and (c) of section 3 shall be paid upon receipts received on or after July 1, 1966 from all sales made and services rendered, although made on or rendered under a contract entered into prior to said date, except that in the case of payment for a delivery or transfer of possession of tangible personal property made after July 1, 1966 pursuant to an agreement for the sale of said property made before May 9, 1966, such receipts shall not be subject to tax if: (A) such agreement for the sale of said property was made in writing, (B) the particular item or items of property so sold or agreed to be sold were segregated, before May 9, 1966, from any other similar property in the possession of the vendor and identified as having been appropriated to such sale or agreement of sale, and (C) the purchaser,

before July 1, 1966, shall have paid to the vendor not less than 10% of the sales price of said property. Upon written application, made in accordance with applicable rules and regulations, the director may waive the requirement for segregation, where it is demonstrated to the satisfaction of the director that in view of the nature of the transaction such segregation would have been impossible.

(2) Except as otherwise provided in this act, receipts received from all sales made and services rendered on and after July 1, 1966 but prior to March 1, 1970, are subject to the taxes imposed under subsections (a), (b), and (c) of section 3 of this act at the rate of 3%, except where the property so sold is delivered or the services so sold are rendered on or after March 1, 1970 but prior to January 3, 1983, in which case the tax shall be computed and paid at the rate of 5%, provided, however, that where a service or maintenance agreement taxable under this act covers any period commencing on or after July 1, 1966 and ending after February 28, 1970, the receipts from such agreement are subject to tax at the rate applicable to each period as set forth hereinabove and shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

(3) Except as otherwise provided in this act, receipts received from all sales made and services rendered on and after March 1, 1970 but prior to January 3, 1983, are subject to the taxes imposed under subsections (a), (b), and (c) of section 3 of this act at the rate of 5%, except where the property so sold is delivered or the services so sold are rendered on or after January 3, 1983, in which case the tax shall be computed and paid at the rate of 6%; provided, however, that where a service or maintenance agreement taxable under this act covers any period commencing on or after March 1, 1970 and ending after January 2, 1983, the receipts from such agreement are subject to tax at the rate applicable to each period as set forth hereinabove and shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

(b) (1) The tax imposed under subsection (d) of section 3 shall be paid at the rate of 5% upon any occupancy on and after March 1, 1970 but prior to January 3, 1983, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where an occupancy, taxable under this act, covers any period on

or after July 1, 1966 but prior to March 1, 1970, the rent for the period of occupancy prior to March 1, 1970 shall be taxed at the rate of 3%. Where rent is paid on a weekly, monthly or other term basis, the rent applicable to each period as set forth hereinabove shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

(2) The tax imposed under subsection (d) of section 3 shall be paid at the rate of 6% upon any occupancy on and after January 3, 1983, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where an occupancy, taxable under this act, covers any period on or after March 1, 1970 but prior to January 2, 1983, the rent for the period of occupancy prior to January 2, 1983 shall be taxed at the rate of 5%. Where rent is paid on a weekly, monthly or other term basis, the rent applicable to each period as set forth hereinabove shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

(c) (1) Except as otherwise hereinafter provided, the tax imposed under subsection (e) of section 3 shall be applicable at the rate of 5% to any admission to or for the use of facilities of a place of amusement occurring on or after March 1, 1970 but prior to January 3, 1983, whether or not the admission charge has been paid prior to such date, unless the tickets were actually sold and delivered (other than for resale) prior to March 1, 1970 and the tax imposed under this act during the period July 1, 1966 through February 28, 1970 shall have been paid.

(2) Except as otherwise hereinafter provided, the tax imposed under subsection (e) of section 3 shall be applicable at the rate of 6% to any admission to or for the use of facilities of a place of amusement occurring on or after January 3, 1983, whether or not the admission charge has been paid prior to that date, unless the tickets were actually sold and delivered, other than for resale, prior to January 3, 1983 and the tax imposed under this act during the period March 1, 1970 through January 2, 1983 shall have been paid.

(d) (1) Sales made to contractors, subcontractors or repairmen of materials, supplies, or services for use in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others shall be exempt from the taxes imposed by subsections (a) and (b) of section 3 and section 6 hereof, provided such structure, building, improvement, alteration or re-

pair is the subject of a written bid or contract duly tendered or entered into by such contractor, subcontractor, or repairman before May 9, 1966.

(2) Sales made on or after March 1, 1970 but prior to January 3, 1983 to contractors, subcontractors or repairmen of materials, supplies, or services for use in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others shall be subject to the taxes imposed by subsections (a) and (b) of section 3 and section 6 hereof at the rate of 5%; provided, however, that when such sales are made for use in performance of a contract which is either at a fixed price not subject to change or modification, or entered into pursuant to the obligation of a formal written bid which cannot be altered or withdrawn, and, in either case, such contract was entered into or such bid was made on or after May 9, 1966 but prior to March 1, 1970, such sales shall be subject to tax at the rate of 3%, but the vendor shall charge and collect from the purchaser a tax on such sales at the rate of 5%, which tax shall be reduced to the rate of 3% only by a claim for refund filed by the purchaser with the director pursuant to the provisions of section 20 of this act.

(3) As to sales other than those referred to in (2) above, the taxes imposed under subsections (a) and (b) of section 3 and section 6 hereof upon receipts received on or after March 1, 1970 and on or before December 31, 1970 shall be at the rate in effect on February 9, 1970 in case of sales made or services rendered pursuant to a written contract entered into on or after May 9, 1966 but prior to February 9, 1970 and accompanied by a deposit or partial payment of the contract price, except in the case of a contract which, in the usage of trade, is not customarily accompanied by a deposit or partial payment of the contract price, but the vendor shall charge and collect from the purchaser a tax on such sales at the rate of 5%, which tax shall be refunded, if such receipts were not subject to tax on February 9, 1970, or reduced to the rate of 3%, as the case may be, only by a claim for refund filed by the purchaser with the director within 90 days after receipt of said receipts and otherwise pursuant to the provisions of section 20 of this act. A claim for refund where there has been no deposit or partial payment of the contract price shall not be allowed unless the claimant shall establish by clear and convincing evidence that, in the usage of trade, such contracts are not customarily accompanied by a deposit or partial payment of the contract price.

(4) Sales made on and after January 3, 1983 to contractors, subcontractors or repairmen of materials, supplies, or services for use in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others shall be subject to the taxes imposed by subsections (a) and (b) of section 3 and section 6 hereof at the rate of 6%; provided, however, that when such sales are made for use in performance of a contract which is either of a fixed price not subject to change or modification, or entered into pursuant to the obligation of a formal written bid which cannot be altered or withdrawn, and, in either case, such contract was entered into or such bid was made on or after March 1, 1970 but prior to January 3, 1983, such sales shall be subject to tax at the rate of 5%, but the vendor shall charge and collect from the purchaser a tax on such sales at the rate of 6%.

(5) As to sales other than those referred to in (4) above, the taxes imposed under subsections (a) and (b) of section 3 and section 6 hereof upon receipts received on or after January 3, 1983 and on or before June 30, 1983 shall be at the rate in effect on January 2, 1983 in case of sales made or services rendered pursuant to a written contract entered on or after March 1, 1970 but prior to January 2, 1983 and accompanied by a deposit or partial payment of the contract price, except in the case of a contract which, in the usage of trade, is not customarily accompanied by a deposit or partial payment of the contract price, but the vendor shall charge and collect from the purchaser on such sales at the rate of 6%, which tax shall be refunded, if such receipts were not subject to tax on January 2, 1983, or reduced to the rate of 5%, as the case may be, only by a claim for refund filed by the purchaser with the director within 90 days after receipt of said receipts and otherwise pursuant to the provisions of section 20 of this act (C. 54:32B-20). A claim for refund where there has been no deposit or partial payment of the contract price shall not be allowed unless the claimant shall establish by clear and convincing evidence that, in the usage of trade, such contracts are not customarily accompanied by a deposit or partial payment of the contract price.

(e) (1) No tax shall be imposed under subsections (a), (b) and (c) of section 3 upon receipts received on or after July 1, 1966 in the case of sales made or services rendered, where delivery of the property which was the subject matter of the sale has been completed or such services have been entirely rendered prior to July 1, 1966.

(2) The taxes imposed under subsections (a), (b) and (c) of section 3 upon receipts received on or after March 1, 1970 but prior to January 3, 1983 shall be at the rate of 3% in the case of sales made or services rendered, where delivery of the property which was the subject matter of the sale has been completed or such services have been entirely rendered prior to March 1, 1970.

(3) The taxes imposed under subsections (a), (b) and (c) of section 3 upon receipts received on or after January 3, 1983 shall be at the rate of 5% in the case of sales made or services rendered, where delivery of the property which was the subject matter of the sale has been completed or such services have been entirely rendered prior to January 3, 1983.

(f) The director shall be empowered to promulgate rules and regulations to implement the provisions of this section.

4. Section 6 of P. L. 1966, c. 30 (C. 54:32B-6) is amended to read as follows:

C. 54:32B-6 Imposition of compensating use tax.

6. Imposition of compensating use tax. Unless property or services have already been or will be subject to the sales tax under this act, there is hereby imposed on and there shall be paid by every person a use tax for the use within this State of 3% on and after July 1, 1966 and continuing through February 28, 1970, and of 5% on and after March 1, 1970 and continuing through January 2, 1983, and of 6% on and after January 3, 1983, except as otherwise exempted under this act, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property manufactured, processed or assembled by the user, if items of the same kind of tangible personal property are offered for sale by him in the regular course of business, and (C) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any taxable services described in subsection (b) (1) and (2) of section 3 have been performed. For purposes of clause (A) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for such property or for the use of such property, but excluding any credit for property of the same kind accepted in part payment and intended for resale, plus the cost of transportation, except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. For the purposes of clause (B) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the price at which

items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him. For purposes of clause (C) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service, plus the cost of transportation, except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser.

5. Section 13 of P. L. 1980, c. 105 (C. 54:32B-8.1) is amended to read as follows:

C. 54:32B-8.1 Exemptions: medical articles.

13. Receipts from the following are exempt from the tax imposed under the Sales and Use Tax Act: sales of medicines and drugs sold pursuant to a doctor's prescription for human use; over the counter drugs recommended and generally sold for the relief of pain, ailments, distresses or disorders of the human body; 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 derivatives when sold for human use, wheelchairs, and replacement parts for any of the foregoing.

6. Section 31 of P. L. 1980, c. 105 (C. 54:32B-8.19) is amended to read as follows:

C. 54:32B-8.19 Items taxable under municipal ordinance.

31. Receipts from sales of tangible personal property and services taxable under any municipal ordinance which was adopted pursuant to P. L. 1947, c. 71 (C. 40:48-8.15 et seq.) and was in effect on April 27, 1966 are exempt from the tax imposed under the Sales and Use Tax Act, subject to the following conditions:

a. To the extent that the tax is or would be imposed under section 3 of P. L. 1966, c. 30 (C. 54:32B-3) is greater than the tax imposed by such ordinance, such sales shall not be exempt under this section; and

b. To the extent permitted in the following schedule, irrespective of the rate of tax imposed by such ordinance:

(1) From July 1, 1981 through December 31, 1981, such sales shall not be exempt from this act;

(2) From January 1, 1982, through August 31, 1982, such sales shall be exempt only to the extent that the rate of taxation imposed by the ordinance exceeds the rate of taxation otherwise imposed pursuant to P. L. 1966, c. 30 (C. 54:32B-1 et seq.); and

(3) From September 1, 1982 and thereafter, such sales shall be exempt only to the extent that the rate of taxation imposed by the ordinance exceeds 6%, except that the combined rate of taxation imposed under the ordinance and under this section shall not exceed 12%.

C. 54:32B-8.37 Household cleaning agents.

7. (New section) Receipts from the following are exempt from the tax imposed under the Sales and Use Tax Act: sales of household soaps, soap products, detergents, household cleaners or cleaning agents purchased for household use.

C. 54:32B-8.38 Household paper products.

8. (New section) Receipts from the following are exempt from the tax imposed under the Sales and Use Tax Act: sales of disposable household paper products, including towels, napkins, toilet tissues, cleaning tissues, diapers, paper plates and cups purchased for household use.

9. There is hereby appropriated such sums as may be necessary to implement this act, subject to the approval of the Director of the Division of Budget and Accounting, not to exceed \$100,000.00.

10. This act shall take effect on January 3, 1983, but shall remain inoperative until the enactment into law of Assembly Bill No. 2317 of 1982 (now pending before the Legislature), and Assembly Bill No. 2323 of 1982 (now pending before the Legislature); except that sections 5, 7 and 8 shall remain inoperative until July 1, 1983. The Governor shall certify to the Legislature by January 15, 1983 that a reduction in the amount of \$30,000,000.00 from the amount of appropriations authorized under P. L. 1982, c. 49 has been made subsequent to the approval date of this act for the fiscal year ending June 30, 1983, except that this reduction shall not come from any State aid account.

Approved December 31, 1982.

CHAPTER 228

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, 1983 and regulating the disbursement thereof," approved June 30, 1982 (P. L. 1982, c. 49).

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

1. In addition to the amounts appropriated by P. L. 1982, c. 49, there are appropriated the following sums for the following purposes:

GENERAL FUND

DIRECT STATE SERVICES

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Economic Planning, Development and Security

51 Economic Planning and Development

24-2870 Travel and Tourism \$1,000,000

Special Purpose:

Travel and Tourism Promotion (\$1,000,000)

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

19 Central Planning, Direction and Management

02-7000 Program Operations Support \$9,000,000

Total Appropriation, Central Planning,

Direction and Management \$9,000,000

Special Purpose:

Expanded capacity (\$9,000,000)

DEPARTMENT OF LABOR

Economic Planning, Development and Security

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services \$200,000

Total Appropriation, Manpower and

Employment Services \$200,000

Special Purpose:

Sheltered workshop support (\$200,000)

DEPARTMENT OF TRANSPORTATION
 Transportation Services
 62 Public Transportation

04-6050 Railroad and Bus Operations \$19,500,000

Special Purpose:

Purchase of transportation services
 from the New Jersey Transit Cor-
 poration:

Passenger service subsidies for
 bus operations (\$19,500,000)

THE JUDICIARY
 PUBLIC SAFETY AND CRIMINAL JUSTICE
 15 Judicial Services

09-9760 Probation Services \$1,000,000

Special Purpose:

Intensive Probation (\$1,000,000)

STATE AID

DEPARTMENT OF COMMUNITY AFFAIRS
 Community Development and Environmental Management
 41 Community Development Management—State Aid

04-8030 Local Government Services \$3,356,000

Total Appropriation, Community Development
 Management \$3,356,000

State Aid:

County Welfare Aid (\$3,356,000)

Notwithstanding the provisions of P. L. 1981, c. 60
 (C. 44:14-1 et seq.) or any other law to the contrary,
 the funds hereinabove appropriated for County
 Welfare Aid shall be distributed on or before May 1,
 1983 pursuant to county entitlement for calendar
 year 1982.

DEPARTMENT OF TRANSPORTATION

Transportation Services

63 Local Highway Facilities—State Aid

20-6220	Federal Aid Urban System Highway Projects	}	\$8,000,000
30-6220	Federal Aid Rural Highway Projects		
40-6220	Federal Aid Bridge and Highway Safety Projects		
Total Appropriation, Local Highway Facilities			\$8,000,000

State Aid:

Federal Aid Urban System Highway Projects	}	(\$8,000,000)
Federal Aid Rural Highway Projects		
Federal Aid Bridge and Highway Safety Projects		
Federal Aid Bridge and Highway Safety Projects		

Total Appropriation, Department of Transportation	<u>\$8,000,000</u>
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DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance—State Aid

01-5120	General Formula Aid	\$45,300,000
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State Aid:

Current expense equalization aid	(\$27,000,000)
Minimum aid	(18,300,000)

Total Appropriation, Department of Education	<u>\$45,300,000</u>
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Total Appropriation, Property Tax Relief Fund	<u>\$45,300,000</u>
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Grand Total Appropriation	<u>\$87,356,000</u>
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Notwithstanding any provisions of P. L. 1982, c. 49 to the contrary, no school district shall receive less in General Formula Aid than the amount to which the district would otherwise be entitled to receive using a guaranteed valuation per pupil of 1.2896 times the State average valuation per pupil for 1981 and a minimum aid guaranteed valuation per pupil of 9.5 times the State average valuation per pupil for 1981.

The amount hereinabove appropriated for current expense equalization aid shall be allocated to school districts receiving equalization support for current expenses under the provisions of subsection a. of section 18 of P. L. 1975, c. 212 (C. 18A:7A-18) or paragraph (1) of subsection a. of section 24 of P. L. 1975, c. 212 (C. 18A:7A-24), and shall be allocated to each eligible district in the same proportion that the district is entitled to receive of the amount appropriated to all eligible districts for current expense equalization aid under the provisions of P. L. 1982, c. 49.

State aid restored to any school district pursuant to this act shall be used to restore programs and services reduced or eliminated from the district's 1982-83 budget because of reductions in State aid. Each board of education shall adopt a resolution specifying the programs and services to be restored and shall certify restorations to the county superintendent of schools prior to using the restored aid. Any such aid not used for programs and services shall be included in the district's 1983-84 budget as a reduction of the school tax levy.

2. This act shall take effect immediately but shall remain inoperative until enactment into law of Assembly Bill No. 2315 of 1982 (now pending before the Legislature) and Assembly Bill No. 2323 of 1982 (now pending before the Legislature).

Approved December 31, 1982.

CHAPTER 229

AN ACT to increase the rate of taxation of the New Jersey Gross Income Tax, amending N. J. S. 54A:2-1 and supplementing Title 54A of the New Jersey Statutes.

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

1. N. J. S. 54A:2-1 is amended to read as follows:

Imposition of tax.

54A:2-1. Imposition of tax. There is hereby imposed a tax for each taxable year (which shall be the same as the taxable year for federal income tax purposes) on the New Jersey gross income as herein defined of every individual, estate or trust (other than a charitable trust or a trust forming part of a pension or profit-sharing plan), subject to the deductions, limitations and modifications hereinafter provided, determined in accordance with the following table with respect to the taxpayer's taxable income:

If the taxable income is:	The tax is:
Not over \$20,000.00	2% of taxable income
Over \$20,000.00, but not over \$50,000.00	\$400.00 plus 2.5% of the excess over \$20,000.00
Over \$50,000.00	\$1,150.00 plus 3.5% of the excess over \$50,000.00

2. (New section) The Director of the Division of Taxation may promulgate such transitional rules and regulations as shall be necessary to effect the change of rate set forth in this act.

3. This act shall take effect immediately and shall be applicable with respect to taxable years beginning on or after January 1, 1983, but shall remain inoperative until the enactment into law of Assembly Bill No. 2315 of 1982 (now pending before the Legislature) and Assembly Bill No. 2317 of 1982 (now pending before the Legislature).

Approved December 31, 1982.

CHAPTER 230

AN ACT to amend the title of "An act authorizing State correction officers to exercise police powers and supplementing chapter 154 of Title 2A of the New Jersey Statutes," approved January 27, 1969 (P. L. 1968, c. 427), so that the same shall read "An act authorizing State correction officers and investigators in the Department of Corrections to exercise police powers and supplementing chapter 154 of Title 2A of the New Jersey Statutes," and amending 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. 1968, c. 427 is amended to read as follows: An act authorizing State correction officers and investigators in the Department of Corrections to exercise police powers and supplementing chapter 154 of Title 2A of the New Jersey Statutes.

2. Section 1 of P. L. 1968, c. 427 (C. 2A:154-4) is amended to read as follows:

C. 2A:154-4 Corrections investigators authorized to exercise police powers.

1. All correction officers of the State of New Jersey and investigators in the Department of Corrections, who have been or who may hereafter be appointed or employed, shall, by virtue of such appointment or employment and in addition to any other power or authority, be empowered to act as officers for the detection, apprehension, arrest and conviction of offenders against the law.

3. This act shall take effect immediately.

Approved January 5, 1983.

CHAPTER 231

AN ACT to amend "An act concerning cable television, supplementing Title 48 of the Revised Statutes, and repealing P. L. 1971, c. 221," approved December 15, 1972 (P. L. 1972, c. 186).

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

1. Section 49 of P. L. 1972, c. 186 (C. 48:5A-49) is amended to read as follows:

C. 48:5A-49 No charges by landlords for cable television service.

49. No owner of any dwelling or his agent shall forbid or prevent any tenant of such dwelling from receiving cable television service, nor demand or accept payment in any form as a condition of permitting the installation of such service in the dwelling or portion thereof occupied by such tenant as his place of residence, nor shall discriminate in rental charges or otherwise against any such tenant receiving cable television service; provided, however, that such

owner or his agent may require that the installation of cable television facilities conform to all reasonable conditions necessary to protect the safety, functioning, appearance and value of the premises and the convenience, safety and well-being of other tenants; and further provided, that a cable television company installing any such facilities for the benefit of a tenant in any dwelling shall agree to indemnify the owner thereof for any damage caused by the installation, operation or removal of such facilities and for any liability which may arise out of such installation, operation or removal.

For purposes of this act:

“owner of any dwelling or his agent” shall include but not be limited to a mobile home park owner or operator;

“tenant” shall include but not be limited to a resident of a mobile home in a mobile home park.

2. This act shall take effect immediately.

Approved January 5, 1983.

CHAPTER 232

AN ACT to designate May 1 of each year as “Law Day,” and providing for the issuance by the Governor of the State of New Jersey of an annual proclamation thereof.

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

C. 36:2-6 Law Day.

1. The Governor of the State of New Jersey is requested to issue annually an appropriate proclamation designating May 1 as “Law Day” and calling upon all citizens and residents of this State to commemorate and observe said day as a special day of celebration in appreciation of their liberties and the reaffirmation of their loyalty to the United States of America; of their rededication to the ideals of equality and justice under law and respect for basic human rights; and for the cultivation of that respect for law that is so vital to the democratic way of life. The citizens and residents of this State are urged to partake in the appropriate observance of “Law Day,” including the display of the flag of the United States

and consideration of the sanctity of law and respect for its impartial principles so unfortunately absent in many other nations throughout the world.

2. This act shall take effect immediately.

Approved January 7, 1983.

CHAPTER 233

AN ACT concerning the abatement of nuisances, and amending
N. J. S. 2C:33-12 and section 66 of P. L. 1979, c. 178.

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

1. 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 a. or 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.

2. N. J. S. 2C:33-12.1, added to the New Jersey Statutes by P. L. 1979, c. 178, s. 66, is amended to read as follows:

Abating nuisance.

2C:33-12.1. Abating Nuisance. a. In addition to the penalty imposed in case of conviction under section 2C:33-12a. or 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.

3. This act shall take effect immediately.

Approved January 7, 1983.

CHAPTER 234

AN ACT concerning the distribution and disposition of the parimutuel pool at certain horse race meetings and amending P. L. 1940, c. 17.

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

1. Section 46 of P. L. 1940, c. 17 (C. 5:5-66) is amended to read as follows:

C. 5:5-66 Disposition of parimutuel pools.

46. Every permit holder engaged in the business of conducting horse race meetings under this act, except the New Jersey Sports and Exposition Authority established pursuant to P. L. 1971, c. 137 (C. 5:10-1 et seq.), shall make disposition of the deposits remaining undistributed pursuant to section 44 as follows:

a. In the case of harness races:

(1) Pay to the commission 1.50% 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. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permit holder shall pay to the commission 2.50% of the total contributions and for pools where the patron is required to select three or more

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horses, the permitholder shall pay to the commission 5.50% 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 permit-holder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

(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 7.20% of so much of such total contributions for his own uses and purposes. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall retain 7.70% of the total contributions and

for pools where the patron is required to select three or more horses, the permitholder shall retain 9.20% of the total contributions. Each permitholder shall contribute out of its 9.20% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the Racing Commission, to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

(4) Distribute as purse money and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey 7.15% of such total contributions. Expenditures for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey shall not exceed 3.2% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the Standardbred Breeders' and Owners' Association of New Jersey and the tracks. Notwithstanding the foregoing, for pools where the patron is required to select two or more horses, the permitholder shall distribute as purse money 7.65% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 9.15% of the total contributions. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, each permitholder shall retain out of the 9.15% to be distributed as purse money, a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

b. In the case of running races:

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

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

permitholder shall pay to the commission 1.30% of the total contributions.

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

(b) Hold and set aside in an account designated as a special trust account 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 9.73% of such total contributions for his own uses and purposes. For pools where the patron is required to select two horses, the permitholder shall retain 10.80% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 13.21% 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 6.00% of such contributions. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall distribute as purse

money 6.93% of such contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 9.02% of the total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association shall not exceed 2.5% of the sum available for distribution as purse money from all parimutuel pools. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Horsemen's Benevolent and Protective Association and the permitholder.

(e) (i) 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 the special trust account established and maintained pursuant to subparagraph (b) of this paragraph.

(ii) 12% of 1% shall be deducted and set aside in a special trust account for the purpose of stabilizing the Thoroughbred Breeding Award Program. These funds shall be used by the New Jersey Racing Commission to supplement both the open and closed award programs. When necessary, the Racing Commission shall forward a portion of the funds to the Department of Agriculture for distribution to New Jersey bred horses that successfully compete in open races. Any sums not used shall revert to the State General Treasury.

(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) (i) of this paragraph.

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

(a) Pay to the commission 3.22% 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 4.22% 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% or 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) (i) 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' 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 the special trust account established and maintained pursuant to subparagraph (b) of this paragraph.

(ii) 20% of 1% shall be deducted and set aside in a special trust account for the purpose of stabilizing the Thoroughbred Breeding Award Program. These funds shall be used by the New Jersey

Racing Commission to supplement both the open and closed award programs. When necessary, the Racing Commission shall forward a portion of the funds to the Department of Agriculture for distribution to New Jersey bred horses that successfully compete in open races. Any sums not used shall revert to the State General Treasury.

(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 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) (i) of this paragraph.

Notwithstanding any other provision of this section, every harness permitholder engaged in the business of conducting harness race meetings shall retain from the funds designated in subsection a. (1) of this section an additional 20% of 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. (3) of this section, during the period of November 1 to March 31, referred to as winter racing days. Any running race permitholder operating pursuant to subsection b. (2) of this section shall retain from the funds designated in subsection b. (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 b. (2) (c), for any winter racing days as herein defined; and commencing June 1, 1982, shall retain from the funds designated in subsection b. (2) (a) an additional 1% of the total contributions during the months of June, July, August and September to all parimutuel pools for his own uses and purposes, in addition to those sums herein mentioned in subsection b. (2) (c), when a harness race meeting, other than one conducted by the New Jersey Sports and Exposition Authority, is operating concurrently.

2. This act shall take effect immediately and shall be retroactive to August 31, 1982.

Approved January 11, 1983.

JOINT RESOLUTIONS

Joint Resolutions

JOINT RESOLUTION No. 1

A JOINT RESOLUTION designating the week of January 31 to February 6, 1982, as Catholic Schools Week.

WHEREAS, The Catholic schools of the State of New Jersey will be celebrating Catholic Schools Week in the State during the period January 31 to February 6, 1982; and

WHEREAS, The Catholic schools in the State of New Jersey have had over a century of service educating millions of Jerseyans in preparation for their responsibilities as citizens of this State and as members of society; and

WHEREAS, Parents who send their children to nonpublic schools assist the State in reducing the rising costs of public education; and

WHEREAS, The 577 Catholic schools in the State currently provide over 200,000 students with a well-rounded educational program in moral values and community service; and

WHEREAS, The welfare of the State requires that this and future generations of school-age children be assured ample opportunity to develop to the fullest their intellectual capacities; and that in the exercise of their constitutional rights to choose nonpublic education for their children, parents who support such education make a major contribution to the public welfare; now, therefore,

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

1. That the week of January 31 to February 6, 1982, is designated as Catholic Schools Week in the State of New Jersey, to be recognized as such by State and municipal agencies throughout New Jersey.

2. That the Governor and the Legislature of the State of New Jersey call on all of the citizens of the State to recognize the

contribution Catholic schools make to education in the State and commend their faculties, students, and parents for their dedication and devotion to the quality education furnished the future citizens of this State.

3. This joint resolution shall take effect immediately.

Approved February 2, 1982.

JOINT RESOLUTION No. 2

A JOINT RESOLUTION designating the Route 40 bridge, also known as the Albany Avenue bridge, in Atlantic county as the "Peter F. Egnor Memorial Bridge."

WHEREAS, Peter F. Egnor dedicated his life to the protection of the citizens of this State as a member of the Atlantic City Police Department; and

WHEREAS, Peter F. Egnor met his untimely death while carrying out his duties as a member of the Atlantic City Police Department on October 14, 1981, in attempting to apprehend a person suspected of having committed a crime; and

WHEREAS, The tragic death of Peter F. Egnor was the result of his selfless dedication to law enforcement and the exemplary performance of his duties; and

WHEREAS, It is altogether fitting and proper that the dedication and courage of Peter F. Egnor be memorialized by the State of New Jersey; now, therefore,

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

1. That the Commissioner of Transportation shall designate the Route 40 bridge, also known as the Albany Avenue bridge, in Atlantic county as the "Peter F. Egnor Memorial Bridge."

2. That the Commissioner of Transportation is authorized to erect appropriate signs bearing such name.

3. This joint resolution shall take effect immediately.

Approved May 17, 1982.

JOINT RESOLUTION No. 3

A JOINT RESOLUTION authorizing certain amendments to the Supreme Court Rules governing pretrial intervention programs.

WHEREAS, The Supreme Court Committee on Pretrial Intervention in its June 19, 1981, report has proposed certain amendments to Rule 3:28, governing pretrial intervention programs in New Jersey; now, therefore,

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

1. Pursuant to N. J. S. 2C:43-19, the Supreme Court may adopt the following amendments to Rule 3:28 of the Rules Governing the Courts of the State of New Jersey:

RULE 3:28. PRETRIAL INTERVENTION PROGRAMS

(a) Each Assignment Judge shall designate a judge or judges to act on all matters pertaining to pretrial intervention programs in the vicinage in accordance with N. J. S. 2C:43-12 and -13, except that only the Assignment Judge shall act on matters involving murder, kidnapping, manslaughter, sexual assault, aggravated sexual assault, aggravated criminal sexual contact, robbery, or sale or dispensing of narcotic drugs by persons not drug-dependent.

(b) Where a defendant charged with a penal or criminal offense has been accepted by the program, the designated judge may, on the recommendation of the person approved by the Supreme Court as program director, and with the consent of the prosecuting attorney and the defendant, postpone all further proceedings against said defendant on such charges for a period not to exceed 6 months.

(c) At the conclusion of such 6-month period, the designated judge shall make one of the following dispositions:

(1) On recommendation of the program director and with the consent of the prosecuting attorney and the defendant, dismiss the complaint, indictment or accusation against the defendant, such a dismissal to be designated "matter adjusted—complaint (or indictment or accusation) dismissed"; or

(2) On recommendation of the program director and with the consent of the prosecuting attorney and the defendant, further postpone all proceedings against such defendant on such charges for an additional period not to exceed six months; or

(3) On the written recommendation of the program director or the prosecuting attorney or on the court's own motion, order the prosecution of the defendant to proceed in the ordinary course. Where a recommendation for such an order is made by the program director or the prosecuting attorney, such person shall, before submitting such recommendation to the designated judge, provide the defendant or his or her attorney with a copy of such recommendation, shall advise the defendant of his or her opportunity to be heard thereon and the designated judge shall afford the defendant such a hearing.

(4) During the conduct of hearings subsequent to an order returning the defendant to prosecution in the ordinary course, no program records, investigative reports, reports made for a court or prosecuting attorney, or statements made by the defendant to program staff shall be admissible in evidence against such defendant. No such hearing with respect to such defendant shall be conducted by the designated judge who issued the order returning the defendant to prosecution in the ordinary course.

(5) No statement or other disclosure, regarding the charge or charges against him, made or disclosed by a participant in pretrial intervention to a person designated to provide supervisory treatment shall be disclosed by such person at any time to the prosecutor, nor shall any such statement or disclosure be admitted as evidence in any civil or criminal proceeding against the participant, provided that the program director shall not be prevented from informing the prosecutor or the court, upon request or otherwise, whether the participant is satisfactorily responding to supervisory treatment.

(d) Where proceedings have been postponed against a defendant for a second period of 6 months, as provided in paragraph (c) (2), at the conclusion of such additional 6-month period, the designated judge may not again postpone proceedings, but shall make a disposition in accordance with paragraph (c) (1) or (3). The aggregate of postponement periods under this rule shall in no case exceed 1 year.

(e) The Administrative Director of the Courts shall establish and maintain a Pretrial Intervention Registry for the purpose of determining applications, enrollments and the degree of completion thereof by a defendant in a program approved by the Supreme Court in accordance with paragraph (a). The Pretrial Intervention Registry shall contain such information and material as directed by the Supreme Court. No order to expunge or seal records of arrest

after dismissal of a complaint, indictment or accusation under paragraph (c) or (d) shall bar the retention of material and information in the Pretrial Intervention Registry for the purposes of determining a defendant's prior applications to, enrollments in and the degree of completion of a Pretrial Intervention Program or for statistical reports required of the Administrative Director of the Courts, by law or the Supreme Court.

(f) When the program director and prosecutor reject an application for participation in the pretrial intervention program, there shall be no pretrial review by an appellate court, except by leave granted under R. 2:2, in cases where the designated judge or assignment judge reverses the prosecutor for denying consent to the enrollment of a defendant.

(g) Denial of acceptance by the program pursuant to this rule may be reviewed on appeal from a judgment of conviction, notwithstanding that such judgment is entered following a plea of guilty.

2. This joint resolution shall take effect immediately.

Approved July 8, 1982.

JOINT RESOLUTION No. 4

A JOINT RESOLUTION creating a commission to study the statutes and regulations concerning the alcoholic beverage industry.

WHEREAS, The Legislature finds that the underlying principles for the State's control of the manufacture, distribution, sale and consumption of alcoholic beverages were established by legislation adopted in 1933; that under this basic mandate, the Division of Alcoholic Beverage Control has promulgated a vast array of rules affecting virtually every aspect of the alcoholic beverage industry; and

WHEREAS, In light of changing social and economic attitudes and conditions, a comprehensive review of the statutory and regulatory controls over alcoholic beverages would serve a valuable public purpose; now, therefore,

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

1. There is established an Alcoholic Beverage Control Study Commission, to consist of 15 members to be appointed as follows:

a. Two from among the members of the Senate, by the President of the Senate, and shall not be of the same political party;

b. Two from among the members of the General Assembly, by the Speaker of the General Assembly, and shall not be of the same political party;

c. Six citizens of the State, to be appointed jointly by the President of the Senate and the Speaker of the General Assembly, who shall be representatives of the alcoholic beverage industry, and no more than three of whom shall be of the same political party;

d. Three citizens of the State, to be appointed by the Governor, including a representative of a local law enforcement agency, the casino industry and the general public, and no more than two of whom shall be of the same political party; and

e. The Director of the Division of Alcoholic Beverage Control, ex officio, or his designee and the Superintendent of the New Jersey Division of State Police, ex officio, or his designee. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

2. It shall be the duty of the commission to study and evaluate the statutes and regulations affecting the manufacture, distribution, sale and consumption of alcoholic beverages, to ascertain whether the existing legal controls are appropriate, effective and continue to serve their intended purposes or whether revisions of the laws or regulations are necessary, practical and feasible.

3. The commission shall organize as soon as possible after the appointment of its members and shall elect a chairman from among its members. The chairman shall appoint a vice-chairman from among its members. The commission may appoint a secretary, who need not be a member of the commission.

4. The commission shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes, and to employ counsel, stenographic and clerical assistants and incur traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for its purposes.

5. The commission may meet and hold hearings at any place or places as it shall designate during the sessions or recesses of the Legislature and shall report within 6 months of the effective date of this Joint Resolution its findings and recommendations to the Legislature and issue its final report after 12 months of the effective date of this Joint Resolution, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

6. The commission shall have all of the powers provided by the provisions of chapter 13 of Title 52 of the Revised Statutes.

7. This Joint Resolution shall take effect immediately and shall expire 1 year following enactment.

Approved July 28, 1982.

JOINT RESOLUTION No. 5

A JOINT RESOLUTION establishing a commission to study the local spending limitations formulas imposed on local governments of this State and to make recommendations thereon.

WHEREAS, The Legislature in 1976 established by statute limitations upon the expenditures of the counties and municipalities of this State in order to protect homeowners from the spiraling cost of local government; and

WHEREAS, These expenditure limitations were imposed on an experimental basis in order to provide for the orderly and periodic review by the Legislature and the Governor of their effects upon the local governments and the taxpayers of the State; and

WHEREAS, The expenditure limitations imposed upon counties and municipalities by P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.) is scheduled to expire on December 31, 1982 and the Legislature will be considering whether the expenditure limitations should be continued; and

WHEREAS, It is essential that the current statutory formulas be studied to determine if, from a technical point of view, they are accomplishing their intended goal in an equitable way and if

they are flexible enough to accommodate changes in municipal development and economic trends; now, therefore,

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

1. There is established a commission to be known as the Local Expenditure Limitations Technical Review Commission. The commission shall consist of the Director of the Division of Local Government Services, the Executive Director of the County and Municipal Government Study Commission, the Executive Director of the New Jersey State League of Municipalities, the Executive Director of the New Jersey Conference of Mayors, the Executive Director of the New Jersey Association of Counties, the Executive Director of the New Jersey Taxpayers' Association, the Director of the Economic Policy Council, and three academicians with expertise in municipal finance, who do not hold elective office, one of whom shall be appointed by the Governor, one of whom shall be appointed by the President of the Senate, and one of whom shall be appointed by the Speaker of the General Assembly.

2. The commission shall select from among its members a chairman and a vice chairman and also shall select a secretary, who need not be a member of the commission.

3. The commission shall review the formulas governing the spending limitations set forth in P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.) to determine whether, from a technical point of view, the formulas are accomplishing their goals in an equitable way and whether the formulas are flexible enough to accommodate changes in economic trends and local needs. The commission may recommend any changes which will make the formulas more equitable and responsive to changing needs and economic circumstances. To the extent possible, the recommendations shall be designed to avoid any significant liberalization or tightening of the spending limitations on a Statewide basis, although it is recognized that the recommendations may result in liberalization or tightening of the spending limitations for individual municipalities and counties. The commission may note ways that the spending limitations could be further liberalized or tightened, if the Legislature is so inclined. The commission shall report its findings, conclusions and recommendations to the Local Budgetary Limitations Review Commission, established pursuant to Joint Resolution No. 6 of 1982, as soon as practicable, but no later than September 15, 1982. Upon receipt

thereof, the Local Budgetary Limitations Review Commission shall transmit the findings, conclusions and recommendations of the Local Expenditure Limitations Technical Review Commission to the Governor and the Legislature.

The commission shall, after reporting its findings, conclusions and recommendations, remain available to provide such technical assistance and services as the Local Budgetary Limitations Review Commission may deem appropriate and necessary.

4. The commission shall be entitled to call to its assistance and avail itself of the services and assistance of such officials and employees of the State and its political subdivisions and their departments, boards, bureaus, commissions and agencies as it may require and as may be available to it for said purpose and may expend such funds as may be appropriated or otherwise made available to it for the purposes of its study.

5. The commission may meet and hold hearings at such places as it shall designate.

6. This joint resolution shall take effect immediately.

Approved July 28, 1982.

JOINT RESOLUTION No. 6

A JOINT RESOLUTION establishing a commission to study the effects of the local spending limitations imposed on local governments of this State and to make recommendations thereon.

WHEREAS, The Legislature in 1976 established by statute limitations upon the expenditures of the counties and municipalities of this State; and

WHEREAS, These expenditure limitations were imposed on an experimental basis in order to provide for the orderly and periodic review by the Legislature and the Governor of their effects upon the local governments and the taxpayers of the State; and

WHEREAS, The expenditure limitations imposed upon counties and municipalities by P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.) is scheduled to expire on December 31, 1982; and

WHEREAS, It is essential that the effects of the local expenditure limitations be reviewed in connection with legislative deliberations concerning the continuance of that law beyond December 31, 1982, and that the Governor and the Legislature make their determinations in that regard on the basis of adequate information concerning the fiscal and other implications of spending limitations for the structure and functions of New Jersey's local governments; now, therefore,

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

1. There is established a commission, to be known as the Local Budgetary Limitations Review Commission. The commission shall consist of 18 members, two of whom shall be the State Treasurer, or his designated representative, and the Commissioner of the Department of Community Affairs, or his designated representative, with the remaining members to be appointed as follows: five members shall be Senators, appointed by the President of the Senate, no more than three of whom shall be of the same political party; five members shall be Assemblymen, appointed by the Speaker of the General Assembly, no more than three of whom shall be of the same political party; two members shall be public members, to be appointed by the Governor, no more than one of whom shall be of the same political party; two members shall be public members, appointed by the President of the Senate, no more than one of whom shall be of the same political party; and two members shall be public members, appointed by the Speaker of the General Assembly, no more than one of whom shall be of the same political party. The public members shall, at the time of appointment and during their service on the commission, be citizens and residents of this State. Any vacancy in the membership of the commission shall be filled by appointment in the same manner as the original appointment.

2. The commission shall select from among its public members a chairman and a vice chairman and also shall select a secretary, who need not be a member of the commission.

3. The commission shall review the effects of P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.) upon the counties and municipalities and taxpayers of the State, and shall report its findings, conclusions and recommendations concerning the continuance of that law beyond December 31, 1982, to the Governor and the Legislature as

soon as practicable, but not later than November 1, 1982, including in its report any legislative bills which it may wish to recommend for enactment by the Legislature and the Governor.

4. The commission shall be entitled to call to its assistance and avail itself of the services and assistance of such officials and employees of the State and its political subdivisions and their departments, boards, bureaus, commissions and agencies as it may require and as may be available to it for said purpose and may expend such funds as may be appropriated or otherwise made available to it for the purposes of its study.

5. The commission may meet and hold hearings at such places as it shall designate during the recesses of the Legislature.

6. This joint resolution shall take effect immediately.

Approved July 28, 1982.

JOINT RESOLUTION NO. 7

A JOINT RESOLUTION memorializing the Congress of the United States to reauthorize "The Clean Air Act," Pub. L. 88-206, without compromising its present integrity or stringency.

WHEREAS, "The Clean Air Act," Pub. L. 88-206, 42 U. S. C. § 7401 et seq., is the cornerstone of our national air quality management program; and

WHEREAS, Federal, State, and local pollution control programs established under "The Clean Air Act" and its subsequent amendments have resulted in significant reductions in air pollutants; and

WHEREAS, Notwithstanding the significant benefits to the nation's health and welfare attributable to "The Clean Air Act," air pollution remains a continuing national health problem, which poses substantial social and economic costs on the citizens of this State and the nation; and

WHEREAS, The State of New Jersey, by virtue of its location, industrial profile, and population density, is especially vulnerable to the threats posed by air pollution and related phenomena, such as acid rain and ozone depletion; and

WHEREAS, Reauthorization of "The Clean Air Act" is currently being considered by the Congress of the United States; now, therefore,

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

1. That the Congress of the United States is respectfully memorialized to reauthorize "The Clean Air Act," without compromising its integrity or stringency, and, by its acts with respect to this key element of our environmental protection programs, to affirm:

a. That the primary goal of air pollution control programs throughout the country must remain the expeditious attainment of healthful levels of ambient air, as defined by national health-based standards;

b. That effective federal oversight is an essential means for carrying out the national mandate to achieve air quality goals and to help resolve interstate and interregional pollution problems;

c. That identification of airborne carcinogens, mutagens, and other hazardous compounds, and the reduced exposure to the public of such compounds be given the highest priority;

d. That air pollution concentration be lowered to levels which will limit damage to agricultural crops and natural resources, and that air quality deterioration must be kept to a minimum in areas of scenic and recreational value, such as national parks and seashores; and

e. That current operative provisions of "The Clean Air Act" with respect to deadlines for compliance, the "Lowest Achievable Emission Rate" standards for new industries locating in nonattainment areas, the prevention of significant deterioration, and vehicle emission standards not be substantially affected.

2. That duly authenticated copies of this resolution, signed by the President of the Senate and Speaker of the General Assembly and attested by the Secretary of the Senate and the Clerk of the General Assembly, be transmitted forthwith to the President of the United States, the Administrator of the United States Environmental Protection Agency, the Chairmen of the House Energy and Commerce Committee and the Senate Environment and Public Works Committee, and to each member of Congress from this State.

3. This joint resolution shall take effect immediately.

Approved August 4, 1982.

JOINT RESOLUTION No. 8

A JOINT RESOLUTION creating a “Coastal Bay Clam Resources Task Force,” which shall study and formulate policies designed to protect, preserve, enhance and promote the development of the bay shellfish industry in this State, and which shall report its findings to the Legislature thereon, including recommendations for possible State action.

WHEREAS, The marine 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; and

WHEREAS, The shellfisheries 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

WHEREAS, The conservation, enhancement and maintenance of viable shellfisheries resources and their habitat, and the protection, preservation, enhancement and promotion of the bay shellfish industry in this State are deemed to be in the public interest; and

WHEREAS, These objectives are amenable to policy formulation and evaluation through the establishment of a task force to consider the ways and means to best effectuate the development of a viable aquaculture industry in the State and the preservation of productive shellfisheries resources; now, therefore,

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

1. There is created the “Coastal Bay Clam Resources Task Force,” which shall comprise 16 members as follows: 4 nonvoting members, including the Commissioners of Environmental Protection and Health, the Secretary of Agriculture, and the Chairperson of the Atlantic Coast Shellfish Council, or their designated representatives; and 12 voting members, including two members of the Senate of different political parties, to be appointed by the President; and two members of the General Assembly of different political parties, to be appointed by the Speaker; the Dean of Cook

College, or his designated representative; and seven public members, to be appointed by the Governor, five of whom shall represent the bay shellfish industry, no two of whom shall represent the same industry organization, at least one of whom shall represent the distribution sector of the shellfish industry and at least one of whom shall represent the processing sector of the shellfish industry. To the maximum extent practical and feasible, the public members shall be chosen so as to collectively provide wide geographical representation.

2. The task force shall organize as soon as may be after the appointment of its members. The Governor shall select a chairman and vice-chairman from among its public members. The task force may select a secretary, who need not be a member of the task force.

3. It shall be the duty of the task force to: a. create Statewide awareness of factors and trends affecting the future of the marine resources of the State and the continued viability of the commercial shellfish industry in New Jersey; b. provide a forum through which citizens may openly offer information and express their views regarding present conditions and future prospects; c. analyze those matters, consideration of which is required for the development in State Government of future-oriented decision-making regarding the bay shellfish industry, including the efficacy of governmental deregulation thereof; d. evaluate, in terms of sound business practices and economic vitality, the various strategies and marketing principles conducive to the development of a healthy transportation and shipping network in order to assure a continuous and uninterrupted supply of fresh shellfish produce to both New Jersey and interstate markets; e. formulate and evaluate alternative ways and means to best effectuate the development of a viable aquaculture industry in the State and the preservation of productive shellfisheries resources; and f. recommend specific proposals for possible State action, including any matters conducive to legislative consideration, and recommend an agenda for realizing these proposals.

4. The task force, in carrying out its duties, shall assemble information regarding present and anticipated economic, environmental and logistical problems and opportunities within the bay shellfish industry, conduct a participation and information program for all citizens, and coordinate its activities and research with other existing commissions, task forces or study groups, whether public or private, created to address the problems of

marine and shellfisheries resources in New Jersey, and cause to be prepared the results of its research and deliberations in monographs suitably detailed, categorizing and enumerating its agenda for action as its findings and conclusions dictate.

5. The task force shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for this purpose, and to employ counsel and stenographic and clerical assistants and incur any 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 these purposes.

The task force shall not expend any money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any purpose, unless money has been provided for that purpose. Any contract made in violation hereof shall be void, and no moneys shall be paid thereon.

6. The task force shall be entitled to apply for and accept grants of funds from the federal government, from private institutions and from any other source.

7. The task force may meet and hold hearings at any place or places as it shall designate during the sessions or recesses of the Legislature. It shall make an interim report of its findings within 1 year following the effective date of this resolution and shall make a final report to the Legislature and the Governor of its findings, conclusions and recommendations within 2 years following the effective date of this joint resolution. The task force shall dissolve upon the issuing of its final report.

8. This joint resolution shall take effect immediately.

Approved November 1, 1982.

JOINT RESOLUTION NO. 9

A JOINT RESOLUTION extending the reporting date of the commission to study governmental laws and regulations relating to fire safety standards created under Joint Resolution No. 7 of 1981.

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

1. The date by which the commission to study governmental laws and regulations relating to fire safety standards, created under Joint Resolution No. 7 of 1981, shall report its findings and recommendations to the Governor and the Legislature is extended to December 10, 1982.

2. This joint resolution shall take effect immediately.

Approved November 9, 1982.

JOINT RESOLUTION NO. 10

A JOINT RESOLUTION extending the reporting date for the Local Expenditure Limitations Technical Review Commission created by Joint Resolution No. 5 of 1982.

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

1. The date for the Local Expenditure Limitations Technical Review Commission, created by Joint Resolution No. 5 of 1982, to report its findings, conclusions and recommendations is hereby extended to October 15, 1982.

2. This joint resolution shall take effect immediately and be retroactive to September 15, 1982.

Approved November 22, 1982.

JOINT RESOLUTION NO. 11

A JOINT RESOLUTION declaring the week beginning December 5, 1982, as "Human Rights Week" in this State.

WHEREAS, On December 10, 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights; and

WHEREAS, The said Declaration is a significant milestone in the progress of humanity towards the goals of defining, establishing, and protecting the basic rights inherent in all human beings by virtue of their humanity; and

WHEREAS, The principles underlying the said Declaration have been more recently embodied in the Helsinki Agreement, entered into by 33 European nations, as well as the United States and Canada, which agreement has initiated a further phase in the struggle to establish basic human rights on a secure and universal basis; and

WHEREAS, It is fitting that the continuing, worldwide effort to secure human rights should be accorded formal and appropriate public recognition and observance; now, therefore,

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

1. The week beginning December 5, 1982, is declared as "Human Rights Week" in New Jersey; and all citizens and all public and private agencies and organizations in this State are urged to recognize the "Human Rights Week" by appropriate observances thereof.

2. This joint resolution shall take effect immediately.

Approved December 6, 1982.

JOINT RESOLUTION NO. 12

A JOINT RESOLUTION declaring the week of October 16 through October 22, 1983, as "Business Women's Week" in the State of New Jersey.

WHEREAS, The Federation of Business and Professional Women's Clubs has declared the week of October 16 through October 22, 1983 as "National Business Women's Week"; and

WHEREAS, The Federation declared the first National Business Women's Week 55 years ago, in 1927, to dramatize women's contributions to the economic, social and political life of the community, state, nation, and the world; and

WHEREAS, The Business and Professional Women's Clubs in New Jersey will be celebrating the week of October 16, 1983 by honoring outstanding business and professional women in the community with the presentation of Woman of the Year Awards, and the conducting of special workshops, seminars and fairs; and

WHEREAS, It is fitting and proper that all the citizens of New Jersey join with the Federation of Business and Professional Women's Clubs in honoring the contributions of women to all aspects of community life within the State; now, therefore,

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

1. The week of October 16 through October 22, 1983 is declared as "Business Women's Week" in the State of New Jersey, in celebration of "National Business Women's Week," as designated by the Federation of Business and Professional Women's Clubs.

2. The Governor is requested to issue a proclamation in accord with this resolution, at a public ceremony honoring the business and professional women of this nation, and of the State of New Jersey, in particular.

3. This joint resolution shall take effect immediately.

Approved December 13, 1982.

PROPOSED AMENDMENT
REJECTED IN 1982
TO THE 1947 CONSTITUTION

Proposed Amendment Rejected in 1982 to the 1947 Constitution

ARTICLE VIII, SECTION V

Amend Article VIII, Section V by adding the following paragraph numbered 2:

2. The Legislature may enact laws to establish the criteria by which consideration shall be fixed for a grant or lease of any land subject to riparian claim asserted by the State pursuant to law. In establishing these criteria, the Legislature may differentiate between properties which are being utilized for different purposes. The consideration fixed pursuant to the criteria established by the Legislature may be less than the fair market value of the State's interest, or nominal.

Rejected November 8, 1982.

EXECUTIVE ORDERS

Executive Orders

EXECUTIVE ORDER No. 1

WHEREAS, The State Prisons and other penal and correctional institutions of the New Jersey Department of Corrections continue to house populations of inmates in excess of their capacities and remain seriously overcrowded; and

WHEREAS, These conditions continue to endanger the safety, welfare and resources of the residents of this State; and

WHEREAS, The scope of this crisis prevents local governments from safeguarding the people, property and resources of the State; and

WHEREAS, Executive Order No. 108 (Byrne) of September 11, 1981, expires on January 20, 1982; and

WHEREAS, The conditions specified in Executive Order No. 106 (Byrne) of June 19, 1981, continue to present a substantial likelihood of disaster;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby declare a continuing state of emergency and ORDER and DIRECT as follows:

1. Executive Orders No. 106 (Byrne) of June 19, 1981, and No. 108 (Byrne) of September 11, 1981, shall remain in effect until May 20, 1982, notwithstanding any sections in them stating otherwise.

2. This Order shall take effect immediately.

Issued January 20, 1982.

EXECUTIVE ORDER No. 2

WHEREAS, In our representative form of government, it is essential that the conduct of public officials shall hold the respect and confidence of the people; and

WHEREAS, Those in government hold positions of public trust that require adherence to the highest standards of honesty, integrity and impartiality; and

WHEREAS, The New Jersey Conflicts of Interest Law prohibits a State officer or employee from having any interest or engaging in any activity that is in substantial conflict with the proper discharge of his duties in the public interest or from undertaking any employment or service which might reasonably be expected to impair his objectivity or independence of judgment; and

WHEREAS, The New Jersey Conflicts of Interest Law prohibits a State officer or employee from acting in his official capacity in any matter wherein he has a direct or indirect personal financial interest that might reasonably be expected to impair his objectivity or independence of judgment; and

WHEREAS, It is the duty of government officials to earn the trust and confidence of the people by avoiding even the appearance of impropriety; and

WHEREAS, The disclosure of personal interests of public officials will serve to restore the public's faith and confidence in its government representatives and will guard against conduct violative of the public trust;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, do hereby ORDER and DIRECT that:

1. Every public officer as defined in section 7 hereof shall file a sworn and duly notarized statement which is current as of five days prior to the date of filing. Each statement shall include the following information:

- a. The name and position of the public officer;
- b. Any occupation, trade, business or profession engaged in by the public officer or by his or her spouse that is subject to licensing or regulation by a State agency;

c. A list of all assets having a value of more than \$1,000, both tangible and intangible, in which a direct or indirect interest is held by the public officer or by his or her spouse, valued as of the statement date; provided, however, that when the value cannot be determined as of that date, a separate valuation date shall be specified for the particular asset. Where stocks and bonds are involved, there should be included the name of the company or government agency issuing them; except that whenever such interest exists through ownership in a mutual fund or holding company, the stocks held by such mutual fund or holding company need not be listed; whenever such interest exists through a beneficial interest in a trust, the stocks and bonds held in such trust shall be listed only if the public officer has knowledge of what stocks and bonds are so held. Where more than 10 percent of the stock of a corporation is held, the percentage of ownership shall be stated. The list shall include any direct or indirect interest, whether vested or contingent, in any contract made or executed by a government instrumentality. In the case of real estate interests, there shall be given the location, including municipality and block and lot number, size, general nature and acquisition date of any real property in New Jersey in which any direct, indirect, vested or contingent interest is held, together with the names of all individuals or entities who share a direct or indirect interest therein and the name of any government instrumentality that is a tenant on such property or that has before it an application, complaint or proceeding directly affecting such property. Assets shall be listed according to the following value categories:

- (i) Greater than \$1,000, but not more than \$10,000;
- (ii) Greater than \$10,000, but not more than \$50,000;
- (iii) Greater than \$50,000, but not more than \$100,000;
- (iv) Greater than \$100,000, but not more than \$250,000;
- (v) Greater than \$250,000;

d. A list of all liabilities of the public officer and of his or her spouse, valued by category in the same manner as assets, except liabilities which are less than \$10,000.00 and owed to a relative as defined in section 7 hereof, or less than \$2,000 and owed to any other person. For each liability so listed, the name of the creditor to whom such liability is owed shall be stated;

e. A list of all sources of income of the public officer and of his or her spouse for the 12 months immediately preceding the statement date, except for the 12 months immediately preceding the date

on which the public officer assumes the office to which he or she has been appointed, including all compensated employment of whatever nature, all directorships and other fiduciary positions for which compensation has or will be claimed, all capital gains, including a description of the individual sources of such gains, all contractual arrangements producing or expected to produce income, and all honoraria, lecture fees and other miscellaneous sources of income; except that the amounts of such income received or to be received need not be supplied unless specifically requested by the Governor, the Attorney General or the Executive Commission on Ethical Standards. Not required to be reported as a source of income are:

(1) Cash gifts in an aggregate amount of less than \$100 received during the preceding 12 months from a person;

(2) Noncash gifts with an aggregate fair market value of less than \$200 received during the preceding 12 months from a person; and

(3) Gifts with an aggregate cash or fair market of less than \$3,000 received during the preceding 12 months from a relative;

f. A list of any offices, trusteeships, directorships or positions of any nature, whether compensated or uncompensated, held by the public officer and by his or her spouse, with any firm, corporation, association, partnership or business that either does business with or is licensed, regulated or inspected by a State agency.

2. Each statement shall contain a certification by the public officer that he has read the statement, that to the best of his knowledge and belief it is true, correct and complete and that he has not and will not transfer any asset, interest or property for the purpose of concealing it from disclosure, while retaining an equitable interest therein.

3. a. Within 60 days from the effective date of this Order, each public officer who has not already done so shall file the signed and notarized statement required herein with the Office of the Governor, the Executive Commission on Ethical Standards (two copies), and with the Attorney General. In furtherance of its duties under the "New Jersey Conflicts of Interest Law," P. L. 1971, c. 182 (C. 52:13D-12 et seq.), and pursuant to this Executive Order, the Executive Commission on Ethical Standards shall review each statement to determine its conformity with the provisions of this Order and other applicable provisions of the law. Upon approving such statement, the commission shall file a copy of it with the Secre-

tary of State for public inspection and copying in accordance with the procedures set forth in P. L. 1963, c. 73 (C. 47:1A-1 et seq.);

b. Each prospective public officer before assuming the office to which he or she has been appointed shall satisfy the filing requirements of this Order, unless the Attorney General grants to such officer an extension from the filing deadline. Such an extension shall not be granted more than twice and shall not be of more than 30 days each;

c. Updated statements shall be filed one year after the submission of the original statement and every year thereafter so long as the person who submitted such statement is a public officer of this State, as defined in section 7 of this Order.

4. The Secretary of State shall keep the approved statements on file for so long as the person submitting such statement is a public officer of this State, and for five years thereafter.

5. The Executive Commission on Ethical Standards shall have the primary responsibility for assuring the proper administration and implementation of this Order and shall have the power to perform the acts necessary and convenient to this end, including, but not limited to, preparing and distributing forms to be utilized by public officers in complying with this Order.

6. A public officer's willful failure to comply with this Order shall constitute cause for his or her removal from office by those having the power of removal.

7. For the purposes of this Order:

a. "Public officer" shall mean any person holding any of the following offices in the Executive Branch of State government, together with any offices added to such list by subsequent gubernatorial Executive Order:

(1) The head of a principal department;

(2) The assistant or deputy heads of a principal department, to include all assistant and deputy commissioners of such department;

(3) The head and assistant heads of a division of a principal department;

b. "Government instrumentality" shall mean the Legislative, Judicial and Executive Branches of State government, including any office, department, division, bureau, board, commission, council, authority or agency therein and any county, municipality, district, public authority, public agency or other political subdivision or public body in the State;

c. "State agency" shall mean any of the principal departments in the Executive Branch of State government, any division, board, bureau, office, commission or other instrumentality within or created by such department, and any independent State authority, commission, instrumentality or agency;

d. "Relative" shall mean a son, daughter, grandson, granddaughter, father, mother, grandfather, grandmother, great-grandfather, great-grandmother, brother, sister, nephew, niece, uncle, or aunt. Relatives by adoption, half-blood, marriage or remarriage shall be treated as relatives of the whole kinship.

8. Executive Order No. 15 of Governor Brendan Byrne and any subsequent Executive Orders issued in conjunction therewith are rescinded, and any regulations adopted and promulgated thereunder shall be null and void.

9. This Order shall be given effect retroactively to the 19th day of January, 1982.

Issued February 11, 1982.

EXECUTIVE ORDER No. 3

WHEREAS, According to the most recent weather reports, in hand as of 1:45 p.m. today, April 6, 1982, severe weather conditions, including snow and high winds have made State roadways hazardous to travel in certain counties in the northern part of the State, more particularly, the Counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren; and

WHEREAS, Also according to the most recent weather reports, travel conditions in such counties are expected to worsen throughout the day and early evening; and

WHEREAS, The storm poses a serious threat and danger to the health, safety and resources of the residents of such counties, who are compelled to travel and is too large in scope to be handled in its entirety by normal municipal operating services; and

WHEREAS, Pursuant to N. J. S. 18A:14-2, Statewide school board elections are required to be conducted on Tuesday, April 6, 1982; and

WHEREAS, The residents of such counties are presently faced with the choice of exercising their constitutional franchise, or endangering their health and safety; and

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, chapter 251 (C. App. A :9-30 et seq.) and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey, do DECLARE and PROCLAIM that a state of emergency exists in the Counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren.

FURTHERMORE, in accordance with the Laws of 1942, chapter 251, as supplemented and amended, I do hereby PROMULGATE and DECLARE that annual school board elections scheduled for Tuesday, April 6, 1982, in the Counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren shall be, and they are hereby, suspended until next Tuesday, April 13, 1982, at the same time, locations and under the same circumstances as though such elections were held on Tuesday, April 6, 1982.

FURTHERMORE, I ORDER and DIRECT that all voting machines in such counties being used in the school board elections be immediately impounded and sealed, that any votes already cast in such elections not be tallied until the close of polls on Tuesday, April 13, 1982, and that all voting registers, absentee ballots, and other voting related material be immediately impounded by those local officials responsible for said elections and remain impounded until the opening of the polls on Tuesday, April 13, 1982.

FURTHERMORE, in accordance with the Laws of 1942, chapter 251, as supplemented and amended, I do hereby PROMULGATE and DECLARE the following regulations, which shall be in addition to all other laws of the State of New Jersey, to be in effect in the affected counties until such time as it is declared by me that an emergency no longer exists:

1. All travel, other than that necessary to provide essential

services, whether public or private, is discouraged for the purpose of facilitating snow removal.

2. All businesses, including places of public entertainment, which do not perform essential services are requested to suspend operations.

3. Citizens are encouraged to stay tuned to public broadcast stations for further announcements relating to the storm emergency, should they be necessary.

Issued April 6, 1982.

EXECUTIVE ORDER No. 4

WHEREAS, Executive Order No. 3, declaring a state of emergency in several counties of this State, was issued on April 6, 1982, because of severe weather conditions; and

WHEREAS, The severity of the weather conditions necessitating the declaration of a state of emergency has eased;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, announce that the state of emergency is hereby terminated effective 1 p.m., April 7, 1982, and that those portions of my Executive Order dated April 6, 1982, suspending in the affected counties the annual school board elections and impounding and sealing the voting machines, securing election material, and precluding a tally of votes cast will continue to remain in effect. However, because of the incidence of school holidays, State holidays, and religious observances, the election is hereby further suspended until April 20, 1982, and the provisions of Executive Order No. 3 pertaining to the suspension are hereby also extended to April 20, 1982.

It is urged, however, that motorists continue to use discretion and caution in traveling, as the main roads, while clear, may be slippery.

I wish to express my gratitude to the people of New Jersey for the manner in which they cooperated during this emergency and to the law enforcement and emergency response personnel, school board and other officials for their untiring efforts.

Issued April 7, 1982.

EXECUTIVE ORDER No. 5

WHEREAS, Executive Orders No. 94, 96, 97, 98, 99, and 103 were signed by Governor Brendan Byrne in 1980 to declare a state of emergency in certain communities in New Jersey in response to unusually dry weather conditions; and

WHEREAS, Governor Brendan Byrne signed Executive Order No. 104 on February 7, 1981, which Executive Order merged Executive Orders No. 94, 96, 97, 98, and 103, in response to the worsening drought conditions; and

WHEREAS, Emergency Resolution No. 81-1, declaring an emergency concerning the water supplies of the Delaware River Basin, was signed in 1981 by the Governors of the member states of the Delaware River Basin Commission: New Jersey, Pennsylvania, New York and Delaware, in response to unusually dry weather conditions; and

WHEREAS, The water conservation measures and water rationing plan established by the above referenced Orders resulted in reduced water consumption at rates adequate to preserve the dwindling water supplies in the State; and

WHEREAS, The Legislature of the State of New Jersey appropriated emergency funds for the construction of water supply projects to improve the capability of interconnections and water supply delivery to the northeastern part of the State; and

WHEREAS, The emergency water supply projects resulted in greater capability by the State of New Jersey and water purveyors to deliver potable water supplies in the event of future water shortages or other emergency conditions requiring interconnection and cooperation by the major water purveyors in this State; and

WHEREAS, Recent rainfall patterns, coupled with the water conservation efforts of the residents and businesses of the State of New Jersey, resulted in improvements in reservoir levels such that the average reservoir levels now exceed 90 percent of capacity; and

WHEREAS, Due to the water conservation efforts of the residents and businesses of this State, and the actions of the Legislature of the State of New Jersey to provide funds for insuring the capability of interconnections and water supplies to the most

populated regions of this State, the recent water supply emergency can be considered over for the present; while noting, however, that the conditions which resulted in a water shortage of such severe proportions continue to exist with a number of the water purveyors and, as a result, there is a continued probability that below normal rainfall could result again in severe water supply shortages; and

WHEREAS, I am recommending that the Board of Public Utilities, pursuant to its authority to establish rates for water supplied by all water purveyors which are subject to the jurisdiction, regulation and control of the Board of Public Utilities, develop and adopt an emergency water rate schedule to be utilized by all applicable purveyors in the event of future water supply emergencies which are declared by the Governor of the State of New Jersey, which emergency water rate schedule should reflect the appropriate and necessary costs of water, given the scarcity of the resource and the need to curtail excessive water supply usage during a declared state of water supply emergency, and should also include consideration of the establishment of reserve accounts by the water purveyors in order to supply the necessary resources to deal with water shortage or emergency situations;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the statutes of this State, do hereby ORDER and DIRECT as follows:

1. a. I hereby declare that a state of emergency no longer exists in the State of New Jersey, except in those municipalities within the Delaware River Basin north of the Salem-Gloucester County line.

b. I hereby further declare that the existing state of emergency in those municipalities within the Delaware River Basin as set forth above shall continue until terminated by resolution of the Delaware River Basin Commission.

2. a. I hereby declare that all uncollected excess water use surcharges imposed pursuant to Executive Orders No. 98 and 104, signed by Governor Byrne, are hereby rescinded. All such uncollected excess water use surcharges shall be deemed null and void.

b. I further order that the excess water use surcharges imposed under Executive Orders No. 98 and 104 be reimbursed in accordance

with the provisions of P. L. 1981, c. 540, section 2(c), by a Drought Coordinator appointed by the Commissioner of the Department of Environmental Protection.

3. a. I hereby direct that the Department of Environmental Protection and the Department of Community Affairs assist the Board of Public Utilities in developing a rate schedule for the retail costs of water supplies during future water emergencies which are declared by the Governor of the State of New Jersey, and which shall be utilized by all applicable water purveyors in the event of such a declared emergency.

b. The Department of Community Affairs, in consultation with the Department of Environmental Protection, shall take such steps as are within its statutory power to ensure that municipal purveyors are authorized to institute the above-mentioned emergency water rate schedule in the event that a water shortage emergency is declared in the future by the Governor of the State of New Jersey.

4. I further direct that, in the event of a future declaration of water shortage emergency, the rates established and collected pursuant to paragraph 3 above shall be the responsibility of the applicable purveyors to collect. Such sums as are collected pursuant to said rate schedule in excess of the amounts collected under normal water rates shall be deposited in an account established by the Department of Treasury for said purposes. This account shall be designated as the "Water Emergency Fund," and shall be disposed as directed by the State Treasurer, in consultation with the Commissioner of the Department of Environmental Protection, for the following purposes:

a. The promotion of water conservation, the purchase of water conservation devices for distribution to water users affected by the water supply emergency, and emergency projects;

b. Reimbursement, in whole or part, to water purveyors for reasonable expenses incurred in the administration and enforcement of the water supply rate program established pursuant to section 3 above; and

c. Reasonable administrative costs directly attributable to the water supply emergency incurred by the State in the discharge of duties and responsibilities under an Executive Order which declares a water supply emergency.

5. I direct that the Department of Environmental Protection, through its Office of Water Conservation, in cooperation with the

water purveyors, through their public relations offices or whatever other means are available, continue to undertake an effort to increase public awareness of the importance of conserving New Jersey's water supplies.

6. I hereby terminate the emergency rules and regulations adopted in response to Executive Order No. 104, and found at N. J. A. C. 7:1G-1 et seq.

7. This Order shall take effect immediately and shall be posted by the municipal clerks of all affected municipalities, in a public place within a municipal building, immediately upon receipt, and shall be sent to all affected water purveyors in the State.

Issued April 27, 1982.

EXECUTIVE ORDER No. 6

WHEREAS, Executive Order No. 3 creates an Interdepartmental Committee on State Water Supply, which Committee has completed its work; and

WHEREAS, Executive Order No. 8 establishes a Cabinet Committee on Urban Affairs, which Committee has completed its work; and

WHEREAS, Executive Order No. 12 declares a storm emergency in various counties on December 1-3, 1974, which emergency has now ceased; and

WHEREAS, Executive Order No. 13 imposes restrictions on State-owned or leased buildings during the energy crisis of 1974 and said immediate emergency has since passed; and

WHEREAS, Executive Order No. 20 establishes a Governor's Committee to Evaluate the State Commission of Investigation to conduct a one-time study and said study has been completed; and

WHEREAS, Executive Order No. 25 names a coordinating officer to respond to certain storm damage in 1975 and said duties have been completed; and

WHEREAS, Executive Order No. 26 names a coordinating officer to respond to the water crisis of 1975 and said emergency has since passed; and

WHEREAS, Executive Order No. 27 directs various Commissioners to cooperate in efforts to alleviate the water crisis of 1975 and said emergency has since passed; and

WHEREAS, Executive Order No. 58 creates a Commission on Professional Health Services, which Commission has issued its report and completed its function; and

WHEREAS, Executive Order No. 59 creates a Governor's Commission on Marine Fisheries, which Commission has since completed its work; and

WHEREAS, Executive Order No. 69 creates a Hudson River Waterfront Study and Planning Commission, which Commission has completed its work; and

WHEREAS, Executive Order No. 72 creates a Voter Registration Advisory Council, which Council has ceased to function and has been replaced by existing programs dedicated to increasing voter registration; and

WHEREAS, Executive Order No. 73 declares a state of emergency in April 1979, during a strike by unions dealing with removal and disposal of sludge, which strike has ended; and

WHEREAS, Executive Order No. 76 creates an Advisory Committee on Hazardous Waste, which has now completed its work; and

WHEREAS, Executive Order No. 81 establishes a Committee on the Garden State Race Track, which Committee has submitted its report and completed its work; and

WHEREAS, Executive Order No. 83 declares a state of emergency with regard to motor fuel, which crisis has since passed; and

WHEREAS, Executive Order No. 85 creates a New Jersey Council on Fitness, which Council has ceased to function and is being replaced; and

WHEREAS, Executive Orders No. 87, 88, 89, 90 and 92 declare a state of emergency in Elizabeth due to an explosion and fire at the Chemical Control Corporation in Elizabeth and said emergency has ceased; and

WHEREAS, Executive Orders No. 35 and 46 provide for development of a State housing goal and allocation plan, which is to be

periodically updated and said plan has proven to be inadequate to effectively meet the housing needs of the citizenry of New Jersey; and

WHEREAS, Each of the above Executive Orders No. 3, 8, 12, 13, 20, 25, 26, 27, 58, 59, 69, 72, 73, 76, 81, 83, 85, 87, 88, 89, 90 and 92 are no longer necessary due to the completion of the designated work or the expiration of the stated emergency; and

WHEREAS, Executive Orders No. 35 and 46 have proven inadequate and ineffective in meeting their stated goal;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT that: Executive Orders No. 3, 8, 12, 13, 20, 25, 26, 27, 58, 69, 72, 73, 76, 81, 83, 85, 87, 88, 89, 90, 35 and 46 of Governor Brendan Byrne are rescinded, and any regulations adopted and promulgated thereunder shall be null and void.

Issued May 4, 1982.

EXECUTIVE ORDER No. 7

WHEREAS, Substantial portions of the annual budgets of the State and its political subdivisions consist of appropriations to fund the various retirement systems established by law for the benefit of public employees and their beneficiaries; and

WHEREAS, The State bears an especially large burden with respect to the funding of public employee pension liabilities, being responsible for employer pension contributions on behalf of approximately 87,500 State workers, 137,000 schoolteachers, 300 judges and many other active and retired public employees; and

WHEREAS, The State Treasurer has estimated that for fiscal year 1983 State contributions to the Teachers' Pension and Annuity Fund and the Public Employees' Retirement System alone, exclusive of payments to fund cost-of-living adjustments to retirees and beneficiaries under those retirement systems, will increase from fiscal year 1982 by approximately 21 percent, with a combined cost of \$294 million; and

WHEREAS, Forecasts for expenditures suggest regular increases of the same magnitude; and

WHEREAS, It is incumbent upon State and local governments to maintain the integrity of their pension funds;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT that:

1. There is hereby created a Pension Systems Review Commission to consist of 11 members. The members of the Commission shall be the Treasurer or his designee; a member of the State Investment Council, to be appointed by the Governor; two elected members of the boards of trustees of the State-administered retirement systems, to be appointed by the Governor; and three public members, to be appointed by the Governor; and four members of the Legislature, two appointed by the Speaker of the General Assembly, representing different political parties, and two appointed by the President of the Senate, representing different political parties. The Governor shall designate one of the three public members to be chairman of the commission. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made. All members of the commission shall serve without compensation, except that the trustee members and public members shall be reimbursed for their expenses actually incurred in the performance of their duties, subject to the availability of funds.

2. The commission shall organize as soon as practicable following the appointment of its members. The commission shall select a vice-chairman from among its members and a secretary, who need not be a member of the commission.

3. It shall be the duty of the commission to study the financing, administration and operation, benefit structures, and investment policies of the State-administered public employee pension systems established under the laws of this State, together with any other matters relating thereto which the commission deems worthy of investigation. In the course of its study, the commission shall consider by what means, consistent with the secure provision of fair and adequate retirement and survivorship benefits to public employees and their beneficiaries, the cost of funding these benefits may best be managed.

4. The commission shall be entitled to incur any traveling and other miscellaneous expenses as it deems necessary in order to perform its duties and as may be within the limits of funds appropriated or otherwise made available to it for these purposes.

5. The Office of the Treasurer shall serve as staff to the commission and shall be responsible for coordinating the research and administrative endeavors of the commission. The commission shall be entitled to call to its assistance and avail itself of the services of any employees of any State, county or municipal department, board, bureau, commission or agency as it requires and as may be available to it for its purposes. The commission may make use of existing studies, surveys, plans, data or other materials in the possession of any agency of the State or of any political subdivision and such agencies are authorized to make the same available to the commission.

6. The officers and personnel of any agency of the State or of any political subdivision of the State may serve at the request of the commission upon any advisory committees which the commission may create, and those officers and personnel may serve upon the committees without forfeiture of office or employment and with no loss or diminution of the compensation, status, rights and privileges which they otherwise enjoy.

7. The commission may conduct public hearings in furtherance of its general purposes at any place or places it designates, and it may request the appearance at these hearings of officials of any State agency and solicit the testimony of interested groups and the general public.

8. The commission shall submit a report of its findings to the Governor and to the Legislature on or before December 1, 1983, accompanying the report with any recommendations and legislative proposals it deems appropriate. The commission may make interim reports concerning its study as it shall determine.

9. This Order shall take effect immediately.

Issued May 4, 1982.

EXECUTIVE ORDER No. 8

WHEREAS, The State Prisons and other penal and correctional institutions of the New Jersey Department of Corrections continue to house populations of inmates in excess of their capacities and remain seriously overcrowded; and

WHEREAS, These conditions continue to endanger the safety, welfare and resources of the residents of this State; and

WHEREAS, The scope of this crisis prevents local governments from safeguarding the people, property and resources of the State; and

WHEREAS, Executive Order No. 1 (Kean) of January 20, 1982, expires May 20, 1982; and

WHEREAS, The conditions specified in Executive Order No. 106 (Byrne) of June 19, 1981, continue to present a substantial likelihood of disaster;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby declare a continuing state of emergency and ORDER and DIRECT as follows:

1. Executive Orders No. 106 (Byrne) of June 19, 1981, No. 108 (Byrne) of September 11, 1981, and No. 1 (Kean) of January 20, 1982, shall remain in effect until January 20, 1983, notwithstanding any sections in them stating otherwise.

2. This Order shall take effect immediately.

Issued May 20, 1982.

EXECUTIVE ORDER No. 9

WHEREAS, Executive Order No. 7 addresses the seriousness of State and local governments' commitment to maintaining the integrity of their pension funds; and

WHEREAS, Certain technical legal objections have been raised with the manner of appointment of members to the Pension System Review Commission created pursuant to that Order; and

WHEREAS, Given the importance of allowing that Commission to be appointed and to commence its efforts promptly, further delay for technical reasons would not be in the public interest;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT that:

1. Executive Order No. 7 is hereby amended so that its section 1 shall now read as follows:

1. There is hereby created a Pension Systems Review Commission to consist of 11 members. The members of the Commission shall be the Treasurer or his designee; a member of the State Investment Council, to be appointed by the Governor; two elected members of the boards of trustees of the State-administered retirement systems, to be appointed by the Governor; and seven public members, to be appointed by the Governor, four of whom shall be members of the Legislature, two from the New Jersey General Assembly and two from the New Jersey State Senate. The Governor shall designate one of the three remaining public members to be chairman of the commission. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made. All members of the commission shall serve without compensation, except that the trustee members and public members shall be reimbursed for their expenses actually incurred in the performance of their duties, subject to the availability of funds.

2. Sections 2 through 9 of Executive Order No. 7 are to remain in effect as originally issued.

3. This Order shall take effect immediately.

Issued June 7, 1982.

EXECUTIVE ORDER No. 10

WHEREAS, There are positions in State government that become vacant through retirement each year; and

WHEREAS, Such vacancies should be reviewed to consider their continued need and proper classification; and

WHEREAS, Procedures should be established to effectuate such a review process;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. A Vacancy Review Board is hereby established to review the duties of and continued need for positions in the Executive Branch of State government that become vacant upon retirement, to determine whether these positions should be eliminated, continued, reclassified or transferred. The Board shall establish procedures necessary to implement this process. All departments of the Executive Branch shall fully cooperate with and provide information and documentation as required to the Board.

2. The Vacancy Review Board shall consist of the State Treasurer, President of the Civil Service Commission and a representative of the Governor's Office or their designees.

3. The Vacancy Review Board shall be located in the Department of Civil Service and that Department shall provide necessary personnel and assistance to the Board.

4. This Order shall take effect immediately.

Issued July 13, 1982.

EXECUTIVE ORDER No. 11

WHEREAS, Executive Order No. 65 fails to include a representative of the New Jersey Historical Commission, a commission which has contributed and continues to contribute greatly to the understanding and appreciation of ethnic and cultural groups in the State of New Jersey; and

WHEREAS, Executive Order No. 65 creates a 16-member Ethnic Advisory Council that could be made better equipped to serve the people of the State of New Jersey by a larger and broader-based membership; and

WHEREAS, The Executive Branch of State government recognizes that the State of New Jersey is one of the most ethnically and culturally diverse states of the 50 United States; and

WHEREAS, New Jersey served as the gateway to the United States for many immigrant ethnic groups, which is of historical significance to the country because of the major role these groups played in the growth and development of the United States; and

WHEREAS, The State's ethnic communities are of historical significance to the State of New Jersey by virtue of the many contributions their members have made to the State's growth, development and governance, contributions which should be recorded and shared with all of the people of the State; and

WHEREAS, The wide variety of customs, languages and histories of these varied ethnic groups significantly enhances and enriches the quality of the State's social and cultural life; and

WHEREAS, The State has previously recognized and supported its ethnic communities through the New Jersey Bicentennial Ethnic Council, the reopening of Ellis Island as a National Park and the beginning of the Liberty Park Complex, the Heritage Festivals held at the Garden State Arts Center, and the Inter-Cultural Relations and Ethnic Studies Institute in the Rutgers University Graduate Department of Education; and

WHEREAS, Awareness, appreciation and understanding of these many ethnic groups would contribute to the quality of life in the State by affirming our unity within a framework of cultural diversity; and

WHEREAS, The ethnic communities in the State need still greater attention and support from the government of the State and should play a significant role in shaping the State's approach to their culture, history and needs;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT that:

1. Executive Order No. 65 of Governor Brendan Byrne is rescinded, and any regulations adopted and promulgated thereunder shall be null and void.

2. There is hereby created an Ethnic Advisory Council, which shall advise the Governor and recommend programs and other efforts the State shall engage in regarding ethnic communities:

(a) The Council shall be placed in the Office of Ethnic Affairs in the Department of State and shall consist of 19 members appointed by the Governor. At least 14 of these appointees shall be representatives of ethnic communities within the State of New Jersey. In selecting the Council membership, consideration shall be given to appointing as broad a representative sample as possible of New Jersey's ethnic communities. All existing members of the Ethnic Advisory Council who have been appointed and are serving on the effective date of this Order shall serve a full two-year term from the date of this Order.

(b) The Commissioners of the Departments of Community Affairs and Education, the Secretary of State, the Chancellor of Higher Education, the Chairman of the State Council on the Arts, the Chairman of the New Jersey Historical Commission, or their designees, and the Ethnic Community Liaison, appointed by the Governor, shall serve on the Council in an ex officio capacity.

(c) All members of the Council shall be residents of the State, and shall be appointed for terms of two years, except that of the members initially appointed, eight shall be appointed for a term of one year, and eight for a term of two years. The term of each of the members first appointed shall be designated by the Governor at the time of appointment.

(d) Each Council member shall hold office for the term of the appointment and until a successor shall have been qualified and appointed. Members shall not serve more than two consecutive terms, notwithstanding the fact that the initial term might be less than two years or for the completion of an unexpired term.

(e) Council vacancies shall be filled by appointment by the Governor for the remainder of the unexpired term.

(f) The Governor shall designate the Chairman of the Council from among the members of the Council. The Chairman shall serve at the pleasure of the Governor.

(g) The Council shall organize itself in any manner it deems appropriate and enact bylaws as deemed necessary to carry forth the responsibilities of the Council.

3. The Council shall meet formally at least four times a year at the call of the Chairman. The Council shall report annually to the Governor as to the activities of the Council.

4. The Council may make recommendations to the Governor concerning ethnic studies programs offered in the State's public schools, colleges, and the State University; the participation of ethnic organizations in providing community and social services; the promotion of ethnic and cultural events; the development of policies affecting ethnic neighborhoods; increasing knowledge and public awareness on ethnic history and culture; the participation of ethnic groups in governmental affairs; and such other matters as deemed appropriate to the purpose of this Executive Order.

5. Members of the Council are hereby charged with consulting with all segments of the State's ethnic communities to invite ideas and solicit suggestions in furtherance of this Executive Order.

6. The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties, if funds are available.

Issued July 23, 1982.

EXECUTIVE ORDER No. 12

WHEREAS, It is important to the future economic health of this State to attract new businesses and the concomitant jobs and income which benefit all of the citizens of the State; and

WHEREAS, An important part of this effort to attract new businesses will involve the State's ability to encourage and support the development of high technology industries and applied research in science and technology, and also will depend on the availability of workers in the State who are trained in the sciences and technology; and

WHEREAS, The State's ability to support the development of high technology industries and to ensure the availability of highly trained workers will depend on a cooperative effort by the State's industry, labor, institutions of higher education, and government;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a commission to be known as the Commission on Science and Technology (hereinafter referred to as the "Commission"). The members of the Commission shall include the following: six representatives from industry within the State; six representatives from the State's higher education community; the Commissioner of Commerce and Economic Development; the Chancellor of Higher Education; a representative of the Governor's office; two members of the Senate, who shall not be of the same political party, to be appointed by the Governor after consultation with the President of the Senate; two members of the General Assembly, who shall not be of the same political party, to be appointed by the Governor after consultation with the Speaker of the General Assembly; and one public member with a background in labor, to be appointed by the Governor. The Chairman shall be designated by the Governor. The members shall serve without compensation, but public members shall be reimbursed for necessary expenses incurred in the performance of their duties. In the absence of the Chairman, the Chancellor of Higher Education or the Commissioner of Commerce and Economic Development, who shall be designated as Vice-Chairmen of the Commission, shall have all the powers and duties of the Chairman.

2. The Chairman shall preside over the meetings and affairs of the Commission and shall create such subcommittees as he deems appropriate to carry out the functions of the Commission. The Chairman shall have such further powers and duties as may be conferred upon him by the Governor. In the absence of the Chairman, the Vice-Chairmen of the Commission shall have all the powers and duties of the Chairman or such powers as may be additionally conferred upon them by the Governor.

3. The Commission shall conduct a thorough study and make recommendations for actions to improve the scientific and technological research and instructional capabilities in the State, and shall determine the requirements of industry, labor, higher education and government in undertaking a joint effort to encourage the development of a high technology economy in the State. In making its recommendations, the Commission shall address the following considerations:

- (a) An analysis of research facility and equipment needs;
- (b) The identification of economic obstacles and incentives for high technology development;
- (c) An analysis of the engineering and computer science capabilities of the institutions of higher education in the State;

(d) The identification of those applications of research and development which will encourage new business activity and employment within the State;

(e) The feasibility of establishing selected industrial-academic "centers of excellence" in specific technical fields;

(f) The requirements for training a more technology-oriented work force at all levels of employment within the State;

(g) Specific actions for inducing high technology industry to establish and maintain research, development, and production operations in the State.

4. The Commission shall proceed promptly with its study and investigation and shall render as soon as practicable to the Governor and Legislature a report of its findings and recommendations, which shall include a plan for the development of a high technology economy in this State by industry, labor, higher education and government.

5. In order to carry out its functions, the Commission may conduct public meetings and hearings and solicit information from the public and any other source as it deems appropriate. If held, notice of public hearings shall be given in such manner as the Chairman may direct to provide an opportunity for interested members of the public to be heard.

6. (a) The Commission is authorized to call upon any department, office, division or agency of the State to supply such data, program reports, and other information, personnel or assistance as it deems necessary to discharge its responsibilities under this Order.

(b) Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commission and to furnish it with such information, personnel and assistance as necessary to accomplish the purposes of this Order.

7. The Departments of Higher Education, and Commerce and Economic Development, to the extent their budgets allow, shall pay the expenses of the Commission, and through those Departments, the Commission is authorized to purchase services and to contract with consultants for assistance not otherwise available from any department, office, division, or agency of the State, as necessary to accomplish the purposes of this Order.

8. This Order shall take effect immediately.

Issued July 23, 1982.

EXECUTIVE ORDER No. 13

WHEREAS, In the decades immediately following World War II, economic expansion created an abundance of resources to fund both the growth of public sector services and the growth of government; and

WHEREAS, The challenge which government must undertake in the 1980s is to balance the public sector demand for quality services with the public sector demand for less taxes;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There shall be a study and analysis of every department in State government, through a process which integrates the experience of State managers and private sector executives in order to ascertain the most efficient and economical manner to perform services by the State of New Jersey for its citizens.

2. This study and analysis will be undertaken on behalf of the Governor by a commission to be known as the Governor's Management Improvement Commission and will be under the direction and leadership of David R. Clare, Alfred E. Fasola, Robert R. Ferguson, Jr., Marie L. Garibaldi, Rocco J. Marano, Eugene J. McCaffrey and Gary S. Stein. This Commission may undertake this study and analysis through appropriate methods, such as the establishment of a nonprofit corporation which may select and retain any agents, assistants and consultants, and may utilize the services of such executives and experts from the private sector as it deems necessary.

3. The Commission is authorized to call upon any department, office, division or agency of the State to supply such statistical data, program reports, and other information or personnel and materials as it deems necessary to discharge its responsibilities under this Executive Order.

4. The Commission will render to the Governor such interim reports as it may deem appropriate or as the Governor may request and, upon the completion of its work, the Commission will render a full report of its findings and recommendations as it deems appropriate.

5. This Order shall take effect immediately.

Issued August 13, 1982.

EXECUTIVE ORDER No. 14

WHEREAS, The prevention and cure of cancer is a national goal of the highest priority;

WHEREAS, The human suffering and economic loss caused by cancer are of continuing concern to all Americans;

WHEREAS, The prevalence of certain types of cancer in areas of New Jersey exceeds that in other states of the nation;

WHEREAS, Several individuals prominent in the field of cancer research and treatment, including the president of the American Cancer Society, have agreed to volunteer their services for the benefit of New Jersey and its residents;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created the Governor's Advisory Committee on Cancer, hereinafter referred to as the Committee.

2. The Committee shall consist of the Commissioner of Health, who shall serve as chairman of the Committee, and at least five public members to be appointed by the Governor, one of whom shall be chosen as co-chairman.

3. The Committee shall be charged with the following responsibilities relating to the prevention, study and control of cancer:

a. Recommend and advise the Governor on policy relating to cancer issues.

b. Review proposed legislation that would impact upon the treatment or prevention of cancer in the State of New Jersey.

c. Recommend legislation to the Governor.

d. Advise the Governor as to what measures need to be taken to coordinate State efforts concerning cancer research, treatment or prevention.

e. Advise the Executive Branch concerning its relationship with voluntary agencies and private sector entities involved in cancer-related activities.

f. Develop and distribute information concerning the treatment of specific forms of cancer.

4. The committee shall determine the frequency of its meetings, but in no case shall meet less than three times a year. Public

members shall receive reasonable reimbursement for expenses incurred as a result of their service on the committee.

5. This Order shall take effect immediately.

Issued August 18, 1982.

EXECUTIVE ORDER No. 15

WHEREAS, The State currently provides housing to over 1,300 State employees; and

WHEREAS, The administration of the employee housing program is decentralized and lacks a coordinated Statewide perspective; and

WHEREAS, The current rental rates charged do not reflect current fair market rates; and

WHEREAS, The State is losing a viable source of revenue by maintaining unreasonably low rentals as well as paying the utility and maintenance charges for all occupants;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The Bureau of Real Property Management in the Department of Treasury (hereinafter the Bureau) shall administer, under the general supervision of the State Treasurer, all State-owned employee housing.

2. State employees shall pay the fair market value of the State-owned housing units which they occupy. Except as provided in paragraphs 5 and 6 of this Order, no State employee shall be granted a reduction of a rental rate due to mandatory occupancy, nor shall any State employee receive rent-free housing. Accordingly, the Bureau shall calculate the fair market rental value of all occupied State-owned employee housing. No sum less than that amount shall be provided by the chief examiner and secretary of Civil Service as rent. The Bureau shall annually review rental rates and shall increase or decrease them as need be according to the current fair market rates. The Consumer Price Index or HUD's section 8 housing rates may be utilized to develop these updates.

When determining fair market value, the Bureau shall take into account whether the housing is located on institutional grounds and shall adjust the rent accordingly.

3. All utility charges directly attributable to a State-owned employee housing unit shall be charged to the occupant, either separately, if it is feasible or practicable to do so, or by reflecting such charges in a fair market rental. All maintenance charges customarily paid by tenants shall be paid by occupants of State-owned housing.

4. The Bureau shall establish policies with regard to the respective landlord-tenant rights and responsibilities of the State and an occupant of State-owned employee housing and incorporate those policies into a standard form lease.

5. State housing occupied by the Commissioner of Corrections, the Chancellor of Higher Education, the Commissioner of Education, State college presidents and superintendents in State correctional facilities shall not be subject to paragraphs 2 and 3 of this Executive Order.

6. Upon the application of a cabinet officer, the State Treasurer may authorize reasonable exceptions or modifications from the requirements of paragraphs 2 and 3 for reasons which include, but are not limited to: (a) that residency in the State housing unit is a condition of employment; (b) that the unit is located on institutional grounds; and (c) that the fair market rental value of the housing is substantially disproportionate to the salary of the employee.

7. Departments which employ personnel occupying State-owned housing shall file with the Bureau a description of its policies with respect to eligibility standards for occupancy, selection procedures, occupancy as a condition of employment and continuation of housing use.

8. The Bureau shall identify any off-premises State-owned employee housing which is not essential for State operations. With the concurrence of the interested cabinet officer, steps shall be taken to commence the sale of the property in accordance with the procedures of the law.

9. The Bureau shall continue to maintain on an ongoing basis its current inventory of State-owned employee housing units, and the Bureau shall provide the Office of Management Services with

quarterly progress reports on housing sales and rental revisions for the first year and semi-annually thereafter.

10. The provisions of this Executive Order shall not apply to armories or other military facilities governed by N. J. S. 38A:12-5, nor to dormitories and other student housing currently administered by the trustees of the State colleges.

11. This Order shall take effect January 1, 1983.

Issued September 8, 1982.

EXECUTIVE ORDER No. 16

WHEREAS, The Declaration of Independence states that it is the natural right of a free people to govern themselves; and

WHEREAS, The 15th Amendment of the United States Constitution recognizes the right to vote as a paramount right; and

WHEREAS, Article 2, paragraph 3, of the New Jersey Constitution acknowledges the importance of voting by all competent citizens, 18 years of age and older; and

WHEREAS, The nation's voting-age population has grown larger and younger as the baby-boom generation becomes of voting age; and

WHEREAS, The U. S. Census Bureau predicts that two of every five persons of voting age will be 25 to 44 years old, and one in five will be under 25 years old; and

WHEREAS, The U. S. Census Bureau predicts that only 32.5 percent of the voting-age population will actually exercise their franchise in 1982, an all-time low in voter participation; and

WHEREAS, It is in the best interest of the people of New Jersey that as many people as possible participate in the process of government, and that voting is the fundamental means of participation;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a Voter Registration Advisory Council, which shall advise the Governor and recommend programs and

other efforts the State shall engage in to increase State voter registration and participation.

a. The Council shall consist of 25 members appointed by the Governor for terms of three years; except that of the first 25 members, 13 shall be appointed for a term of three years, and 12 for a term of two years. The term of each of the members first appointed shall be designated by the Governor at the time of appointment.

b. The Secretary of State shall be appointed Chairman.

c. The Chairmen of the Republican and Democratic State Committees shall be appointed members of the Council.

d. The other 22 members shall be broadly representative of the citizens of the State and have a concern over the declining voter participation.

e. All members of the Council shall be residents of the State.

f. Each Council member shall hold office for the term of the appointment and until a successor shall have been qualified.

g. Council vacancies shall be filled by appointment of the Governor for the remainder of the unexpired term.

h. The Council shall organize itself pursuant to the terms of this Executive Order and enact bylaws as deemed necessary to carry forth the responsibilities of the Council.

2. The Council shall meet at the call of the Chairman, and shall report annually to the Governor on its activities.

3. The Council members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties, subject to the availability of funds therefor.

4. The Council may make recommendations to the Governor concerning review of current voter-registration activities, implementation of new programs, promotional activities and other methods to reverse the declining rate of voter registration in the State of New Jersey.

5. This Order shall take effect immediately.

Issued September 16, 1982.

EXECUTIVE ORDER No. 17

WHEREAS, During the period 1933-1945, six million Jews and millions of other Europeans were murdered in Nazi concentration camps as part of a carefully orchestrated program of cultural, social and political genocide known as the Holocaust; and

WHEREAS, All people should remember the horrible atrocities committed at that time and other times in man's history in the name of bigotry and tyranny and, therefore, should continually rededicate themselves to the principles of human rights and equal protection under the laws of a democratic society; and

WHEREAS, It is desirable to educate our citizens about the events leading up to the Holocaust and about the organization and facilities that were created and used purposefully for the systematic destruction of human beings; and

WHEREAS, It is the policy of the State of New Jersey that Holocaust history is the proper concern of all people, particularly students enrolled in the high schools and colleges supported by the State of New Jersey; and

WHEREAS, The New Jersey Department of Education, in conjunction with the Anti-Defamation League of B'nai B'rith, the New Jersey Education Association, and the New Jersey Council for Social Studies, has developed a curriculum entitled "The Holocaust and Genocide: A Search for Conscience," said curriculum having been implemented into courses of study on a trial basis in Vineland and Teaneck and, subsequently, in other communities; and

WHEREAS, Programs, workshops, institutes, seminars, and other teacher-training activities for the study of the Holocaust have taken place during the past four years at various high schools and colleges in the State of New Jersey; and

WHEREAS, It is desirable to create a state-level, organized body which will cooperate with the Department of Education in the implementation of Holocaust education in the public schools;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a New Jersey Advisory Council on Holocaust Education in the public schools (the Advisory Council). The Advisory Council shall be composed of a Chairperson to be appointed by the Governor, the Commissioner of Education—ex officio, the Chancellor of Higher Education—ex officio, and such other persons as may be appointed by the Governor. The members shall serve without compensation.

2. The Advisory Council shall have the following responsibilities and duties:

a. To draw upon its collective knowledge and experience and provide assistance and advice to the Commissioner of Education with respect to the implementation of Holocaust education in the public schools of the State of New Jersey;

b. To meet with county and local school officials and other interested public and private organizations, in order to assist with the coordination or modification of existing or forthcoming courses of study dealing with the subject of the Holocaust;

c. To survey and inventory the extent of Holocaust education presently being taught in the school systems of the State and to inventory those Holocaust memorials, exhibits, and resources which could be incorporated in courses of study at various locations throughout the State;

d. To compile a roster of individual volunteers who are willing to share their knowledge and experience in classrooms, seminars, and workshops on the subject of the Holocaust. Said volunteers may be survivors of the Holocaust, liberators of concentration camps, scholars, clergymen, community relations professionals, and other persons who, by virtue of their experience or interest, have acquired personal or academic knowledge of the Holocaust and who are willing to share that knowledge with students and teachers;

e. To prepare a report for the Governor, regarding their findings and recommendations may facilitate the inclusion of the Holocaust in public education.

3. a. The Advisory Council is authorized to call upon any department, office, division or agency of the State to supply such data, program reports, and other information, personnel and assistance as it deems necessary to discharge its responsibilities under this Order.

b. All departments and agencies are authorized and directed, to the extent possible and not inconsistent with law, to cooperate with

the Advisory Council and to furnish it with such information, personnel, and assistance as may be necessary to accomplish the purposes of this Order.

4. The Advisory Council should meet at the call of the chairperson.

5. The Advisory Council shall receive administrative staff support from the Department of Education.

6. This Order shall take effect immediately.

Issued October 5, 1982.

EXECUTIVE ORDER No. 18

WHEREAS, The Power Authority of the State of New York owns and operates two hydroelectric power projects on the Niagara and Saint Lawrence Rivers; and

WHEREAS, Licenses issued by the United States Government require that a portion of each project's output be made available for use in neighboring states; and

WHEREAS, Existing contracts for the sale of such power expire on June 30, 1985; and

WHEREAS, The licenses require the Power Authority to negotiate for the sale of such power with a State-appointed bargaining agent, if one has been appointed; and

WHEREAS, Brendan T. Byrne, the then-Governor of the State of New Jersey, on November 17, 1981, signed Executive Order No. 112, which authorized the New Jersey Board of Public Utilities to act as the said bargaining agent for the State of New Jersey for the purchase of such power, but did not specifically authorize the Board to distribute such power to both municipal entities and investor-owned utilities;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The New Jersey Board of Public Utilities, Department of Energy, is designated as the bargaining agent for the State of New

Jersey for the purchase of power generated by the Power Authority of New York's hydroelectric projects on the Niagara and Saint Lawrence Rivers for the period after June 1985, and is authorized to allocate such power to all residential electric consumers, whether they be customers of investor or municipally-owned utilities, pursuant to such terms and conditions as the Power Authority of the State of New York shall deem appropriate.

2. The Board of Public Utilities is empowered to establish regulations and control of rates for such power.

3. Executive Order No. 112 of Governor Brendan T. Byrne is rescinded.

4. This Order shall take effect immediately.

Issued October 12, 1982.

EXECUTIVE ORDER No. 19

WHEREAS, The Executive Branch of State government recognizes that the State of New Jersey is rich in sports activities and facilities; and

WHEREAS, The lowered physical demands of our technological society may increase the risk of serious medical problems and may decrease the ability of persons to fully participate in the tasks and pleasures of life; and

WHEREAS, All New Jerseyans should be afforded the opportunity to develop to their fullest potential, and, in order to further this development, a planned regular program of physical activity will assist the individual in achieving and maintaining optimal health and vigor; and

WHEREAS, Government is and should be concerned with improving the health and well-being of the citizens it serves; and

WHEREAS, The federal government has enacted legislation which encourages the governor of the state to establish a Council on Physical Fitness;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Con-

stitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created in the Governor's Office a Governor's Council on Physical Fitness:

(a) The Council shall consist of no more than 50 public members appointed by the Governor to serve for a term of four years, except that of the members initially appointed, one-third shall be appointed for a term of two years, one-third for a term of three years and one-third for a term of four years. Council membership shall be divided into four categories: general, consisting of committees responsible for Awards and Co-sponsorship, Finance, Program Development and Promotion; Blue Ribbon Committee, whose members shall help generate ideas and solicit funds for Council programs; Celebrity Committee, whose members shall make public appearances and help publicize fitness activities; and County Council Committee, whose members shall chair local county councils, which shall conduct the Council's activities on a local level. The members shall be appointed from among persons who have distinguished records in the area of physical fitness, sports, sports medicine, public health, athletic competition, education, labor, business, management or nutrition.

(b) The Commissioners of the Departments of Community Affairs, Environmental Protection, Health, Labor, Commerce, Education, the Chancellor of Higher Education, the Executive Director of New Jersey Sports and Exposition Authority, and the State Athletic Commissioner, or their designees, shall serve on the Council in an ex officio manner.

(c) Council vacancies shall be filled by appointment by the Governor for the remainder of the unexpired term.

(d) The Governor shall designate the Chairperson of the Council from among the members of the Council, who shall serve at the pleasure of the Governor. The Council members shall choose a Vice-Chairperson from among the members of the Council.

(e) The Council may further organize itself in any manner it deems appropriate and enact bylaws as deemed necessary to carry forth the responsibilities of the Council.

2. The Council shall meet formally at least four times a year at the call of the Chairperson. The Council shall report annually to the Governor as to the activities of the Council.

3. The Governor's Council on Physical Fitness shall, with the assistance of local health and educational agencies, business, labor

unions, health action and advocacy groups, religious, fraternal, and social organizations, and community-based, multi-service recreational agencies:

(a) Promote physical fitness at the local level by coordinating county councils on physical fitness, and endorsing or co-sponsoring special events;

(b) Conduct health- and fitness-related workshops, clinics, conferences, and other special interest activities, and public information programs;

(c) Distribute information on health, physical fitness, sports for all, and Council activities through quarterly newsletters, media, speaking appearances, and special activities;

(d) Support special projects, demonstration programs, and stimulate research in the areas of health, physical fitness and sports;

(e) Assist business, industry and labor to organize fitness programs.

4. The Council shall plan and administer fund-raising programs and may solicit and accept donations to support physical fitness projects, research projects, and public information efforts to promote the development of physical fitness. Money raised by the Council shall be deposited into a special account established by the Department of Health.

5. The Department of Health is authorized and directed, to the extent not inconsistent with the law, to cooperate with the Council and to furnish it with such office space and supplies as necessary to accomplish the purposes of this Order.

6. This Order shall take effect immediately.

Issued October 27, 1982.

EXECUTIVE ORDER No. 20

WHEREAS, The Legislature is considering Senate Bill No. 1687, which authorizes the Port Authority of New York and New Jersey to initiate and participate in certain waterfront development projects in New Jersey; and

WHEREAS, The revitalization and economic development of under-utilized waterfront areas is essential to the future economic well-being of New Jersey; and

WHEREAS, It is desirable and appropriate that those waterfront areas be developed in a way which takes into account both local and regional needs, and which provides for a balance of commercial and residential facilities along the waterfront; and

WHEREAS, The Port Authority has previously been authorized, pursuant to P. L. 1978, c. 110 (C. 32:1-35.72 et seq.), to participate in certain other industrial development projects in New Jersey; and

WHEREAS, It is appropriate that the role of the Port Authority in these waterfront development and industrial development projects be clearly delineated and that the traditional role of the private sector in effectuating such development be preserved; and

WHEREAS, The Port Authority has written a letter to the Governor outlining the role it intends to play in any waterfront development project undertaken in New Jersey, pursuant to the aforementioned legislation;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a committee to be known as the Governor's Port Authority Development Advisory Committee (hereinafter referred to as the "Advisory Committee").

2. The members of the Advisory Committee shall include the following: a representative of organized labor in New Jersey, a representative of industrial/office park developers in New Jersey, and a representative of industrial realtors in New Jersey, all of whom shall be appointed by the Governor; the Commissioner of the Department of Environmental Protection; the Commissioner of the Department of Labor; the Commissioner of the Department of Commerce; the Chairman of the Economic Development Council or a representative designated by the Council; two members of the Senate, who shall not be of the same political party, to be appointed by the Governor, after consultation with the President of the Senate; and two members of the General Assembly, who shall not be of the same political party, to be appointed by the Governor, after consultation with the Speaker of the General Assembly. The Commissioner of the Department of Commerce shall serve as Chairman of the Advisory Committee. The members shall serve without compensation.

3. The Advisory Committee shall advise the Governor prior to the authorization of Port Authority participation in any waterfront development or industrial development project in New Jersey and shall make specific recommendations with respect to the following:

a. The feasibility and desirability of any waterfront development or industrial development project proposed by the Port Authority;

b. The intended role of the Port Authority concerning the financing, development or ownership of any waterfront development or industrial development project, and the extent to which the Port Authority has kept the commitments made to the Governor with respect to such waterfront projects in the aforementioned letter of intent;

c. The desirability of Port Authority participation in additional waterfront development or industrial development projects in New Jersey, other than those proposed by the Port Authority itself;

d. The extent to which New Jersey utilities should or should not be reimbursed by the Port Authority for the costs of the relocation of power lines, water mains and other facilities which is necessitated by any waterfront development or industrial development project undertaken by the Port Authority;

e. The impact on the New Jersey labor force of any waterfront development or industrial development project undertaken by the Port Authority.

4. The Advisory Committee shall meet from time to time and shall render advice to the Governor in the form of a written report of its findings and recommendations. The Advisory Committee shall conduct its affairs in a timely manner, recognizing the public purposes of the waterfront development and industrial development programs.

5. In order to carry out its functions, the Advisory Committee shall have access to the public agenda and minutes of any meeting of the Port Authority's Board of Commissioners, and shall be given such information by the Port Authority as deemed appropriate and necessary to carry out its responsibilities pursuant to this Order.

6. The Advisory Committee is authorized to call upon any department, office, division or agency of the State to supply such data, program reports, and any other information, personnel or assistance as it deems necessary to discharge its responsibilities under this Order. Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law,

to cooperate with the Advisory Committee to furnish it with such information, personnel and assistance as necessary to accomplish the purposes of this Order.

7. This Order shall take effect as of the date on which Senate Bill No. 1687 becomes effective.

Issued November 8, 1982.

EXECUTIVE ORDER No. 21

I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT that:

1. November 26, 1982, the day following Thanksgiving, shall be granted as a day off to employees who work in the Executive Departments of State government and who are paid from State funds, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternative day off shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, precludes such absence on November 26, 1982.

Issued November 12, 1982.

EXECUTIVE ORDER No. 22

WHEREAS, Public Law 97-300, known as the Job Training Partnership Act (hereinafter referred to as the Act), establishing a nationwide job training system, has been enacted by the Congress of the United States and was signed by the President on October 13, 1982; and

WHEREAS, The Act places new and large responsibilities upon the State for the planning, administration, coordination and oversight of programs aimed at preparing persons to enter or return to productive employment; and

WHEREAS, The State is required to fulfill certain conditions in order to qualify for federal funds under the Act; and

WHEREAS, The Act replaces the Comprehensive Employment and Training Act (P. L. 93-203), under which the Commissioner of Labor, acting under the authority of Executive Order No. 5, dated May 16, 1974, has functioned on behalf of the Governor in applying for and administering funds coming to the Governor under that Act;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State and the provisions of the Act, do hereby ORDER and DIRECT that:

1. The Commissioner of Labor (hereinafter referred to as the Commissioner) is designated to act on behalf of the Governor in the planning, administration, coordination and oversight of programs under the Act, and shall have sole authority to apply for federal funds under the Act.

2. The Commissioner shall assure that the State is in compliance with the provisions of the Act.

3. The Commissioner shall provide for corrective actions when necessary, shall exercise the authority of the Governor in resolving disputes, shall designate service delivery areas, shall establish planning and performance requirements, determine procedures for the awarding of incentive funds, and shall carry out such other responsibilities as specified or implied under the Act and its subsequent amendments.

4. A New Jersey State Job Training Coordinating Council is hereby created. Its membership shall be constituted in accordance with section 122 of the Act. Appointment of members and chairperson shall be made by the Governor in accordance with the requirements of the Act.

5. The Division of Employment Policy and Grants Administration in the Department of Labor will be responsible for Job Training Partnership Act planning, administration, coordination, and oversight and will serve as staff of the State Job Training Coordinating Council.

6. The Commissioner periodically shall consider the merits of consolidating other related Statewide advisory bodies created under other federal statutes and make recommendations to the Governor.

7. In accordance with section 125 of the Act, the State Occupational Information Coordinating Committee, created under the

Vocational Education Amendments of 1976, is hereby designated as the Statewide agency responsible for planning and oversight of a Statewide occupational information system. It shall be the sole State agency responsible for the coordination of occupational information. All departments and agencies of the State are directed to operate accordingly.

This Order supplements Executive Order No. 5, dated May 16, 1974, and is to take effect immediately.

Issued December 3, 1982.

EXECUTIVE ORDER No. 23

WHEREAS, I have been advised by the State Treasurer that both revenues on hand and revenues anticipated for the remainder of this fiscal year will be inadequate in amount to allow for expenditures authorized by the Fiscal 1983 Annual Appropriations Act, P. L. 1982, c. 49; and

WHEREAS, The Governor and the State Treasurer agreed in June 1982 upon the anticipated revenue figure to be included in the Fiscal 1983 Annual Appropriations Act, but due to a downturn in the national economy that figure is now less than the amount certified; and

WHEREAS, The State Treasurer, the Economic Policy Council, and the Office of Legislative Services have agreed that there is no present prospect of a sufficiently strong economic recovery before the end of this fiscal year; and

WHEREAS, It is my constitutional and statutory duty and responsibility as Chief Executive of this State, pursuant to Article VIII, Section 2, Paragraph 2, of the State Constitution, and section 17 of P. L. 1944, c. 112 (C. 52:27B-26), to make necessary spending cuts and establish necessary reserve accounts to insure that expenditures shall not exceed the amount of revenues on hand and to be anticipated during the remainder of this fiscal year and to insure that the State has a balanced budget at the end of this fiscal year;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. That the State Treasurer and the Director of the Division of Budget and Accounting shall make spending reductions in the General Fund and the Property Tax Relief Fund in an amount not to exceed 3 percent of the aggregate total appropriation for Direct State Services, 3 percent of the aggregate total appropriation for State Aid, and 3 percent of the aggregate total appropriation for Capital Construction, as contained in the Fiscal Year 1983 Annual Appropriations Act.

2. That no reduction shall be made in any appropriation contained in the Fiscal Year 1983 Annual Appropriations Act for the payment of debt service on obligations of the State or other jurisdictions; no spending reductions shall be made in any employee benefits accounts, including pension benefits and Social Security; and no reductions shall be made in State aid payments which would provide aid to local governments for their calendar year 1982 budgets.

3. That the State Treasurer and the Director of the Division of Budget and Accounting shall take appropriate action to insure that \$50 million of the May 1983 payment for Revenue Sharing and Business Personal Property Tax replacement programs be deferred and held in escrow; this reserve shall be in addition to the immediate cuts authorized in paragraph 1.

4. This Executive Order shall take effect immediately.

Issued December 7, 1982.

EXECUTIVE ORDER No. 24

I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT that:

December 24, 1982 (the day preceding Christmas Day) shall have the effect of a Bank Holiday within the meaning and provisions of Section 36:1-1 of the Revised Statutes.

Issued December 10, 1982.

EXECUTIVE ORDER No. 25

WHEREAS, The State of New Jersey is one of the most heavily populated and trafficked states in the union by reason of its population density, tourist attractions and location; and

WHEREAS, The State has three well-maintained road systems that handle much of the longer-distance driving in the State, namely the New Jersey Turnpike, the Garden State Parkway and the New Jersey Expressway; and

WHEREAS, These three roads are operated by three separate authorities—the New Jersey Turnpike Authority, the New Jersey Highway Authority and the New Jersey Expressway Authority (hereinafter collectively referred to as the “Authorities”)—which are unrelated to one another and have their own staffs and administrative structures; and

WHEREAS, There is a great need to coordinate and integrate the activities of the Authorities with the State of New Jersey’s State Transportation Plan and overall transportation needs and goals, as well as to maximize operating efficiencies;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT that:

1. There is created a New Jersey Authorities Committee, composed of seven members as follows:

- a. The Commissioner of Transportation, who shall be the Chairman of the Committee; and

- b. The Treasurer, or his designee, who shall be the Vice-Chairman; and

- c. Five other members, appointed by the Governor, who are well-informed as to the needs of the State’s motorists and commuters.

2. The Committee shall make recommendations as to how the Authorities can utilize their resources more effectively to meet State and regional transportation needs.

3. The Committee shall further investigate to what extent enabling legislation and bond covenants of the Authorities have in any

way limited the Authorities' ability to be more actively involved in advancing the State's overall transportation goals and to make recommendations regarding legislative changes and other remedial action, if appropriate.

4. The Committee shall also determine what joint role the Authorities can play in the development of highway or transportation projects that may be of assistance to the State's citizens.

5. In order to effectuate the purpose of this Executive Order, the members of the Committee and advisors to the Committee shall have access to all necessary information, records and documents concerning the past, present and future operations of the Authorities. Members of the Authorities and the staff of the Authorities shall fully cooperate with the Committee in the performance of its duties.

6. The Committee shall consult with individuals in the private sector who are knowledgeable regarding financial, legal, transportation and institutional matters.

7. The Department of Transportation shall make available to the Committee such professional, technical and administrative assistance as may be necessary for the Committee to complete its work.

8. This Order shall take effect immediately.

Issued December 23, 1982.

EXECUTIVE ORDER No. 26

WHEREAS, Considerable controversy exists in the field of public employee labor relations with respect to the appropriate scope of negotiations, the identification of those issues which are properly subject to labor negotiations and binding arbitration and those issues which are considered management prerogatives and hence unnegotiable, and the extent to which there should be a category of issues which are permissive and may be negotiated at the discretion of the parties; and

WHEREAS, Existing statutory and administrative procedures available to resolve disputes in the area of public employee relations may be so time-consuming and expensive that the benefits of those procedures are thereby diluted; and

WHEREAS, My administration has introduced a series of bills designed to reform the current Civil Service system; and

WHEREAS, From time to time I am presented with legislation which would affect public employee-employer relations; and

WHEREAS, The State should have a coherent and comprehensive policy dealing with public employee relations to assure that public employees are treated fairly and uniformly, where appropriate, with recognition that differences among the types of public employees may on occasion generate rules and procedures peculiar to those groups;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a committee to be known as the Governor's Public Employment Advisory Committee (hereinafter referred to as the "Advisory Committee").

2. The Advisory Committee shall consist of 13 members, 10 of whom shall be representatives of public employees and public employers, who shall be appointed immediately by me, the Commissioners of the Departments of Civil Service and Labor, and a chairman, who shall be a recognized expert in the field of public employee labor relations, with a balanced union-management background, who shall also be appointed by me. I reserve the right to appoint additional members as appropriate; provided the additional members are equally representative of public employees and public employers. The members of the Advisory Committee shall serve without compensation.

3. The Advisory Committee shall study the following issues and make periodic reports to me on its findings and recommendations. In its deliberations, the Advisory Committee shall focus on those issues which have broad application to public employees. The Advisory Committee shall not reach conclusions on issues that apply only to a limited group of specialized public employees. For example, it would be inappropriate for this committee to issue findings and recommendations on issues which apply only to public employee relations in education, such as teacher tenure proceedings. In order to properly address those issues, other members of the education community, including the Chancellor of Higher Education and the Commissioner of Education, would have to participate

in the deliberations. With this limitation, the Advisory Committee shall consider the following issues:

a. The appropriate scope of negotiations in public sector collective bargaining, including consideration of binding arbitration, mandatory, permissive and nonnegotiable subjects, the procedures for resolving disputes regarding the scope of negotiations and the provisions of Assembly Bill No. 585 and any other legislation dealing with this issue.

b. The current procedures and provisions of the Civil Service law and, in particular, the civil service bills proposed by the Administration, and any other statutory and administrative procedures available to public employees and management to resolve labor disputes.

4. The Advisory Committee shall meet from time to time and shall render advice to the Governor in the form of written memoranda of findings and recommendations. The Advisory Committee shall conduct its affairs in a timely manner, recognizing the importance of these issues to public employees and government officials.

5. The Advisory Committee is authorized to call upon any department, office, division or agency of the State to supply such data, program reports and any other information, personnel or assistance as it deems necessary to discharge its responsibilities under this Order. Each department, office, division or agency of the State is authorized, to the extent not inconsistent with law, to cooperate with the Advisory Committee to furnish it with such information, personnel and assistance as necessary to accomplish the purposes of this Order.

6. This Order shall take effect immediately and shall expire one year after its effective date.

Issued January 6, 1983.

EXECUTIVE ORDER No. 27

WHEREAS, The State Prisons and other penal and correctional institutions of the New Jersey Department of Corrections continue to house populations of inmates in excess of their capacities and remain seriously overcrowded; and

WHEREAS, These conditions continue to endanger the safety, welfare and resources of the residents of this State; and

WHEREAS, The scope of this crisis prevents local governments from safeguarding the people, property and resources of the State; and

WHEREAS, Executive Order No. 8 (Kean) of May 20, 1982, expires January 20, 1983; and

WHEREAS, The conditions specified in Executive Order No. 106 (Byrne) of June 19, 1981, continue to present a substantial likelihood of disaster;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby declare a continuing state of emergency and ORDER and DIRECT as follows:

1. Executive Orders No. 106 (Byrne) of June 19, 1981; No. 108 (Byrne) of September 11, 1981; No. 1 (Kean) of January 20, 1982; and No. 8 (Kean) of May 20, 1982, shall remain in effect until July 20, 1983, notwithstanding any sections in them stating otherwise.

2. This Order shall take effect immediately.

Issued January 10, 1983.

REORGANIZATION PLAN

REORGANIZATION PLAN OF THE
DEPARTMENT OF LABOR

The Department of Labor, formerly known as the Department of Labor and Industry, is presently organized and administered pursuant to the provisions of the Reorganization Plan of the Department of Labor and Industry, which took effect in July 1972. Significant portions of the 1972 Plan have been superseded or obsoleted by the Department of Commerce and Economic Development Act, P. L. 1981, c. 122 (C. 52:27H-1 et seq.). That law among other things gave the Department of Labor its present name and transferred certain divisions, offices, commissions, authorities and public corporations to the newly created Department of Commerce and Economic Development from the Department of Labor and Industry. The provisions of the 1972 Plan do not fulfill the present needs of the Department of Labor for an organizational structure facilitating efficient operational and fiscal management. These needs, and proposals for meeting them, have been identified and recommended by various bodies that have had occasion in recent years to review the operations of this Department. The principal recommendations made by these reviewers, and incorporated in this Plan, are creation of the position of Deputy Commissioner to serve as the Department's chief operating officer, and establishment of the title of Assistant Commissioner for Finance and Controller to administer the Department's fiscal, business and tax functions. The creation of these positions, as well as the other provisions of this Plan, are deemed necessary to accomplish the purposes set forth in section 2 of the Executive Reorganization Act of 1969, P. L. 1969, c. 203 (C. 52:14C-2).

1. The executive and administrative head of the Department of Labor is the Commissioner. His administrative and executive powers shall be those set forth in P. L. 1948, c. 446, s. 3 (C. 34:1A-3), as these powers may be modified or supplemented by law.
2. There is hereby created an office of the Deputy Commissioner, who, under the direction and supervision of the Commissioner, shall be responsible for day-to-day operations of the Department, for long-term planning, budgeting and policy implementation, and for monitoring and evaluation of Department programs.
3. There is hereby created an office of Assistant Commissioner for Finance and Controller, who, under the supervision of the Deputy Commissioner, shall implement and administer the Department's fiscal, tax and budget operations.

4. There is hereby created an office of Assistant Commissioner for Administrative Services, who, under the supervision of the Deputy Commissioner, shall develop and implement policies and procedures governing the organization, administration and management of the Department, except for financial affairs.

5. There is hereby created an office of Assistant Commissioner for Human Resources, who, under the supervision of the Deputy Commissioner, shall implement and administer all employment, training and rehabilitation programs operated by the Department.

6. There is hereby created an office of Assistant Commissioner for Labor Relations and Workplace Standards, who, under the supervision of the Deputy Commissioner, shall implement and administer all wage and hour and workplace health and safety programs operated by the Department.

7. There is hereby created an office of Assistant Commissioner for Income Security, who, under the supervision of the Deputy Commissioner, shall implement and administer unemployment insurance, disability insurance and workers' compensation programs operated by the Department.

8. The Deputy Commissioner and the Assistant Commissioners shall be appointed by the Commissioner to serve at his pleasure. The Commissioner shall delegate to the Assistant Commissioners responsibility for specific programs or functions operated or performed by the Department.

9. The Commissioner shall have authority to delegate responsibility for the employment service program and the unemployment insurance program to the same Assistant Commissioner, if he shall deem this necessary to improve administrative efficiency of these programs in light of a recent similar consolidation of responsibility at the federal level by the United States Department of Labor.

10. All divisions, offices, bureaus, commissions, councils, boards, services and committees that shall be in, or in but not of, the Department of Labor at the time this Plan takes effect, whether created or continued by the 1972 Reorganization Plan of the Department of Labor and Industry or by administrative order, shall, consistent with law and the provisions of this Plan, continue in existence under this Plan as provided in the 1972 Plan or in such administrative order; provided that the Commissioner, pursuant to authority granted him by P. L. 1948, c. 446, s. 3 (C. 34:1A-3), shall

have power, consistent with law and the provisions of this Plan, to administer such divisions, offices, bureaus, commissions, councils, boards, services and committees, and to modify or rescind such administrative orders, as he may deem necessary or appropriate.

11. The 1972 Reorganization Plan of the Department of Labor and Industry is hereby abolished.

12. All acts and parts of acts inconsistent with any of the provisions of this Reorganization Plan are superseded to the extent of such inconsistencies.

13. Any provisions of this Plan that conflict with federal law shall be null and void, and shall be severable from the rest of the Plan.

Filed June 28, 1982.

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- Juvenile-family crisis intervention units, established, C. 2A:4A-76 et seq., Ch. 80.
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- "New Jersey Code of Juvenile Justice," C. 2A:4A-20 et seq., amends N. J. S. 2A:4-41 and 2C:4-11, repeals N. J. S. 2A:4-1 et al., Ch. 77.

CIGARETTES

- Tax, surtax, C. 54:40A-8.2 and 54:40A-37.1, amends C. 54:40A-8 and 54:40A-11, Ch. 40.

CIVIL ACTIONS

- Comparative negligence, recovery when contributory negligence not greater than combined negligence of multiple defendants, amends C. 2A:15-5.1 and N. J. S. 59:9-4, Ch. 191.
- Judgments for periodic payments in Chancery Division, docketing, certain, amends N. J. S. 2A:16-11 et al., Ch. 65.

CIVIL DEFENSE

- Emergencies, violations, penalty procedure clarified, amends C. App. A:9-49, Ch. 108.

CIVIL RIGHTS

- "Human Rights Week," week beginning December 5, 1982, J. R. 11.

CIVIL SERVICE

- Chief Examiner and Secretary position abolished, deputy commissioner created, C. 11:1-1.1 and 11:2-8, repeals R. S. 11:2-1 et al., Ch. 181.
- County police, permanent appointment, certain, Ch. 152.
- Sheriff's officers, appointment, certain, C. 40A:9-117.6 et seq., Ch. 133.

COLLEGES AND UNIVERSITIES

- "County Colleges Contracts Law," procedures established, C. 18A:64A-25.1 et seq., repeals C. 18A:64A-12.1, Ch. 189.
- County institutions, certain, board of trustees, reference corrected, amends C. 18A:64A-53, Ch. 209.
- County institutions, certain, consolidation permitted, C. 18A:64A-50 et seq., Ch. 42.
- "Educational Opportunity Loan Fund," established, C. 18A:72-26 et seq., amends C. 18A:72-10.3, Ch. 135.
- Hazing, violence incidence, monitoring program required, C. 18A:62-5 et seq., Ch. 223.
- "Public College Auxiliary Organization Act," establishment and operation of auxiliary organizations of State colleges, authorized, C. 18A:64-26 et seq., Ch. 16.
- Public, courses for credit, senior citizens, tuition-free, permitted, amends C. 18A:62-3, Ch. 137.
- Student loan delinquency, State employees, wage garnishment, C. 18A:72-23 et seq., Ch. 117.
- University of Medicine and Dentistry of New Jersey, physicians and dentists; interns, residents or fellows; pension participation, exemption, amends C. 18A:66-170 and 18A:66-171, Ch. 126.

COMMISSIONS

- Agent Orange Commission, permanent, amends section 6 of P. L. 1979, c. 443, Ch. 132.
- Alcoholic Beverage Control Study Commission, created, J. R. 4.
- Fire safety standards law and regulation study commission, reporting date extended, J. R. 9.
- Local Budgetary Limitations Review Commission, established, J. R. 6.
- Local Expenditure Limitations Technical Review Commission, established, J. R. 5; reporting date extended, J. R. 10.
- "New Jersey Statue of Liberty Centennial Commission," created, Ch. 194.
- North Jersey district water supply commission, contract threshold which requires public bidding, increased, amends R. S. 58:5-20, Ch. 93.
- Waterfront Commission, longshoremen's register, persons, certain, included, amends C. 32:23-114, Ch. 33.

COMMUNICATIONS

- CATV service, mobile home park tenants, access, amends C. 48:5A-49, Ch. 231.

CONSTITUTION, STATE

- Amendment, proposed, riparian land claims, Art. VIII, Sec. V, rejected.

CONSUMER AFFAIRS

- Insurance contracts, plain language compliance, Commissioner of Insurance, responsibility, C. 56:12-8.2, amends C. 56:12-2 et al., Ch. 88.
- "Refund Policy Disclosure Act," retail businesses, policy posted, C. 56:8-2.14 et seq., Ch. 29.
- Securities or commodities transactions, certain, exempt from plain language law, amends C. 56:12-1, Ch. 195.
- Signed documents, certain, consumer copy required, C. 56:8-2.22, Ch. 98.

CORPORATIONS

- Division of Commercial Recording in Department of State, established, C. 52:16A-35 et seq., Ch. 150.

CORRECTIONS

Investigators in the Department of Corrections, police powers, amends C. 2A:154-4, Ch. 230.
Overcrowding state of emergency, parole acceleration permitted, C. 30:4-123.70 et seq., Ch. 112.
Parole, county inmates, eligibility, determination, C. 30:4-123.51a, amends C. 30:4-123.49 et al., Ch. 71.
State facility in Camden, employees, residents' preference, C. 30:4-3.1 et seq., Ch. 44.

COUNTIES

Atlantic County Improvement Authority, sundry amendments, C. 40:37A-131.1, amends C. 40:37A-45 et al., repeals C. 40:37A-59 and 40:48-8.41, Ch. 113.
Boards of Taxation, members, certain, training proof by July 1, 1982, Ch. 136.
Budgets, 1982, time for processing, extended, Ch. 14.
Budgets, 1983, time for processing, "cap" law, extended, amends section 7 of P. L. 1976, c. 68, Ch. 225.
Detectives, appointment of lieutenants in certain counties, number increased, amends N. J. S. 2A:157-8, Ch. 187.
Detectives, second class counties, appointment, amends N. J. S. 2A:157-4, Ch. 142.
Insurance fund, commissioners, organization, secretary, amends N. J. S. 40A:10-8 et seq., Ch. 25.
Jail, location outside the county seat, counties of third class, amends C. 40:19A-1, Ch. 12.
Police, first class county, permanent appointment, certain, Ch. 152.
Runaway, homeless youths, service organizations, certain, appropriation authorized, C. 40:5-2.10b, Ch. 56.
Sheriff's officers, appointment, certain, C. 40A:9-117.6 et seq., Ch. 133.

COURTS

Family court, established; juvenile and domestic relations courts abolished, C. 2A:4A-1 et al., Ch. 78.
Family court, judges, number increased, amends C. 2A:4A-3, Ch. 185.
Intake services, juvenile delinquency complaints and juvenile-family crisis referrals, established, C. 2A:4A-70 et seq., Ch. 81.
Municipal, nuisance, abatement of unsafe or unhealthy conditions, amends N. J. S. 2C:33-12 and 2C:33-12.1, Ch. 233.
Pretrial intervention, court rules, amendments authorized, J. R. 3.

CRIMES

Controlled dangerous substance look-alikes, manufacture, distribution, possession, certain, prohibited, C. 24:21-19.1 and 24:21-19.2, Ch. 38.
Fingerprinting, shoplifters and certain others, amends R. S. 53:1-15, Ch. 219.
Interference with custody, crime of the fourth degree, amends N. J. S. 2C:13-4, Ch. 199.
Murder, certain, death sentence permitted, procedure, amends N. J. S. 2C:11-3 and 2C:43-7, Ch. 111.
Obscene material, sale, certain, crime of the fourth degree, amends N. J. S. 2C:34-2, Ch. 211.

CRIMES (Continued)

Penalties, added, juveniles, disorderly persons and petty disorderly persons, funding of claims, use by Violent Crimes Compensation Board, amends C. 2C:43-3.1, Ch. 164.

Possession of firearm, use against property, sentencing, C. 2C:43-6.1, amends N. J. S. 2C:43-6, Ch. 119.

Reckless endangerment, deleterious treats, candy, food, mandatory minimum sentence, amends N. J. S. 2C:12-2, Ch. 160.

State investigators, Division of Criminal Justice, oaths, administer, certain, C. 41:2-3.2, Ch. 221.

Victims' compensation, increased; counseling service established, C. 52:4B-25 and 52:4B-18.1, amends C. 52:4B-18, Ch. 192.

Victims' compensation, out-of-pocket loss requirement eliminated for persons aged 60 or older and for disabled persons, amends C. 52:4B-18, Ch. 193.

DOMESTIC RELATIONS

"Prevention of Domestic Violence Act," sundry amendments, amends C. 2C:25-3 et al., Ch. 82.

DRUGS

Look-alikes, controlled dangerous substances, manufacture, distribution, possession, certain, prohibited, C. 24:21-19.1 and 24:21-19.2, Ch. 38.

Narcotic and drug abuse treatment centers, location, certain, notice required, C. 26:2H-11.1, Ch. 149.

ELECTIONS

Congressional Districts, created, C. 19:46-4 and 19:46-5, repeals C. 19:46-2 et al., Ch. 1.

Deputy superintendent, counties, certain, office established, C. 19:32-1.1 and 19:32-1.2, amends R. S. 19:32-1 et al., Ch. 46.

School, voter signatures, separate poll list, amends N. J. S. 18A:14-50 et al., Ch. 118.

"Uniform Nonpartisan Elections Law," date of run-off elections, certain, amends C. 40:45-19, Ch. 13.

ENVIRONMENT

Federal "Clean Air Act," reauthorize, Congress memorialized to, J. R. 7.

"Hazardous Discharge Fund," audit required by December 31 of each year, C. 52:24-4.1, Ch. 30.

Hazardous discharge sites, master list, order of cleanup, ranking established, C. 58:10-23.15 et seq., Ch. 202.

Hazardous discharges, facility closing, compliance monitoring, license suspension or revocation, DEP powers, amends C. 58:10-23.11f, Ch. 122.

Hazardous waste transportation, certain, false manifests, penalties, amends C. 13:1E-9, Ch. 123.

"Spill Compensation Fund," audit required by December 31 of each year, C. 52:24-4.2, Ch. 32.

EXECUTIVE ORDERS

Appropriations, reductions, No. 23.

Authorities Committee, New Jersey, No. 25.

Bank Holiday, Dec. 24, 1982, No. 24.

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Correctional facilities, overcrowding, continuing state of emergency, No. 1, 8, 27.

EXECUTIVE ORDERS (Continued)

Ethnic Advisory Council, No. 11.

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Job Training Partnership Act, Commissioner of Labor, responsibility, No. 22.

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School board elections, suspended, No. 3; further suspended, No. 4.

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State employees, financial disclosure, public officers, Executive Branch, No. 2.

State employees, holiday, day following Thanksgiving, No. 21.

State employees, housing, State-owned, No. 15.

Vacancy Review Board, No. 10.

Voter Registration Advisory Council, No. 16.

Water supply, state of emergency, limited, No. 5.

FIREMEN

Fire districts, debt service, certain, appropriation, amends C. 40A:14-78.5, Ch. 174.

Song of the volunteer firemen of New Jersey, "The Volunteer," designated, C. 40A:14-105.1, Ch. 90.

FISH AND GAME

Coastal Bay Clam Resources Task Force, created, J. R. 8.

Licenses, fees, determination, "All Around Sportsman License," issuance, C. 23:3-1.1 and 23:3-1a, amends R. S. 23:3-3 et al., Ch. 180.

FOOD

"Food Bank Good Samaritan Act," donated food, distribution, certain, immunity, C. 24:4A-1 et seq., Ch. 178.

"Milk Case Recovery Act," C. 4:12A-63 et seq., amends the title of P. L. 1941, c. 274, Ch. 216.

GAMES AND GAMBLING

"Casino Revenue Fund," investment income credited to the fund, C. 5:12-145.1 and 5:12-145.2, Ch. 26.

Casinos, advertising, certain, permitted; casino hotel alcoholic beverage licenses unified, amends C. 5:12-70 and 5:12-103, Ch. 148.

Games of skill, mechanical or electronic devices, free games authorized, amends N. J. S. 2C:37-1, Ch. 60.

Raffles, license fees, off-premises, certain, amends C. 5:8-53 and 5:8-62, Ch. 110.

Raffles, prizes, authorized, increased, amends C. 5:8-62, Ch. 109.

Slot machines, manufacture, sale, distribution or repair, casino service industry license required, amends C. 5:12-12 and 5:12-92, Ch. 57.

HEALTH

Narcotic and drug abuse treatment centers, location, certain, notice required, C. 26:2H-11.1, Ch. 149.

HEALTH (Continued)

Nitrous oxide, uses, certain, Department of Health regulate, C. 24:6G-1 et seq., Ch. 127.

Poison control and drug information program, Commissioner of Health establish, C. 26:2-119 et seq., Ch. 177.

Smoking, prohibited, signs; size, appearance, content, amends C. 26:3D-3 et al., Ch. 175.

Smoking, signs prohibiting, as required by law, delayed until September 1, 1982, Ch. 34.

HISTORICAL AFFAIRS

"Women's History Week," designated as the second week of March in each year, C. 36:2-4 and 36:2-5, Ch. 11.

HOLIDAYS

"Law Day," designated as May 1, C. 36:2-6, Ch. 232.

HOUSING

Urea-formaldehyde foam insulation removal, Mortgage Finance Agency loan eligibility, amends C. 17:1B-5.1, Ch. 206.

HUMAN SERVICES

"Child Placement Review Act," permanent, sundry amendments, C. 30:4C-58.1 and 30:4C-62.1, amends C. 30:4C-52 et al., Ch. 24.

Department facilities, Glen Gardner Center for Geriatrics and Forensic Psychiatric Hospital, included, amends R. S. 30:1-7 and 30:4-160, Ch. 116.

INSURANCE

"Commercial Insurance Deregulation Act of 1982," C. 17:29AA-1 et seq., amends C. 17:36-5.15 and 17:36-5.22, Ch. 114.

Consumer contracts, plain language, Commissioner, responsible, C. 56:12-8.2, amends C. 56:12-2 et al., Ch. 88.

Credit insurance, joint basis, permitted, amends N. J. S. 17B:29-1 and 17B:29-2, Ch. 184.

Medical service corporation benefits, eligible, nurse-midwifery services, C. 17:48A-34, Ch. 171.

Medicare supplement contract, for hospital or medical service benefits, standards, regulations, C. 17:35C-1 et seq., Ch. 95.

Medicare supplement insurance, standards, regulations, C. 17B:26A-1 et seq., Ch. 94.

JOINT RESOLUTIONS

Alcoholic Beverage Control Study Commission, J. R. 4.

Business Women's Week, J. R. 12.

Catholic Schools Week, J. R. 1.

"Clean Air Act," memorializing U. S. Congress to reauthorize, J. R. 7.

Coastal Bay Clam Resources Task Force, J. R. 8.

Egnor Memorial Bridge, J. R. 2.

Fire safety standards, commission to study laws and regulations relating to, reporting date extended, J. R. 9.

Human Rights Week, J. R. 11.

Local Budgetary Limitations Review Commission, J. R. 6.

Local Expenditure Limitations Technical Review Commission, established, J. R. 5; reporting date extended, J. R. 10.

Pretrial intervention programs, J. R. 3.

JUDGES

Family court, number increased, amends C. 2A:4A-3, Ch. 185.

Retirement, certain, final salary as adjusted effective January 19, 1982, C. 43:6A-3.1, Ch. 22.

LABOR

Department of Labor, fees, certain, increased, amends R. S. 34:7-3 et al., Ch. 54.

MILITARY

Agent Orange Commission, permanent, amends section 6 of P. L. 1979, c. 443, Ch. 132.

MOBILE HOMES

CATV service, park tenants, access, amends C. 48:5A-49, Ch. 231.

Taxation, moratorium, New Jersey Mobile Home Taxation Commission created, amends section 1 of P. L. 1981, c. 358, Ch. 204.

MOTOR VEHICLES

Driver's written examination in high school for reading-disabled student, reading by instructor or teacher permitted, certain, C. 39:3-13a, Ch. 188.

Drunk driving, second or subsequent offense, rights of discovery, amends R. S. 39:4-50, Ch. 58.

Fees, certain, increased, amends C. 39:3-10a et al., Ch. 53.

Fines, disposition, amends R. S. 39:5-41 et al., Ch. 31.

"Habitual offender," defined, license suspension, penalties, C. 39:50-30a et seq., Ch. 85.

License applicant, surrender of foreign or out-of-State license required, driving on revoked list and other violations, fines, penalties, amends R. S. 39:3-10 et al., Ch. 45.

"Motorcycle," definition, 3-wheeled vehicles, certain, excluded, amends R. S. 39:1-1, Ch. 87.

Motorized bicycles, juvenile violators, suspension periods, C. 39:4-14.3h, Ch. 28.

Point system, revised, C. 39:5-30.5 et seq., amends R. S. 39:5-30, repeals C. 39:5-30.3, Ch. 43.

Retail franchises, granting, relocating, reopening, establishing, regulated, C. 56:10-16 et seq., Ch. 156.

Title reassignment, procedure, amends R. S. 39:10-11, Ch. 27.

Trucks, registered out-of-State, violations, certain, schedule of fines established, amends R. S. 39:3-15, Ch. 217.

MUNICIPALITIES

Alcoholic beverage retail consumption licenses, retirement, payment authorized, time extended, amends C. 40:48-2.41 and 40:48-2.44, Ch. 62.

Annexation of land, procedure revised, planning board report, review, C. 40A:7-12.1, amends N. J. S. 40A:7-12, Ch. 182.

Atlantic City Convention Center Authority, convention center contract, initial, effective date, amends C. 52:27H-37, Ch. 104.

Atlantic City, luxury tax, allocation formula, time changed, amends C. 40:48-8.21, Ch. 10.

Atlantic City, luxury tax, increased, convention hall operating deficit, funded, certain, C. 40:48-8.21a and 40:48-8.25b, amends C. 40:48-8.17 et al., Ch. 125.

Bedminster, township, retirement benefits to R. Earl Smith, authorized, Ch. 59.

Bridgeton, fire chief, appointment, Ch. 124.

MUNICIPALITIES (Continued)

- Budgets, 1982, introduction, approval and adoption dates, Ch. 4.
- Budgets, 1983, time for processing, "cap" law, extended, amends section 7 of P. L. 1976, c. 68, Ch. 225.
- Burlington, city of, retail sales of alcoholic beverages on Sunday, certain, permitted, Ch. 147.
- County taxes, remission, certain, C. 54:4-5a, repeals C. 54:4-5.1 and 54:4-5.2, Ch. 36.
- "Distressed," payment of certain judgment authorized, method, C. 40A:4-55.18 et seq., Ch. 66.
- Harbor and waterfront commissions, threshold amount of liability requiring governing body approval, increased, amends C. 40:68-24, Ch. 168.
- Initiative and referendum procedures under Walsh and Faulkner Acts, uniform, amends C. 40:69A-184 et al., Ch. 145.
- Insurance fund, commissioners, organization, secretary, amends N. J. S. 40A:10-8 et seq., Ch. 25.
- Mayor-Council Plan D, certain, housing counsellor permitted, C. 40:69A-67.1 and 40:69A-67.2, Ch. 47.
- Mayor-Council Plan F, certain, adoption of Police and Firemen's Retirement System permitted, temporary option, Ch. 212.
- Municipal manager form (1923), manager residency requirement, council waive, amends R. S. 40:82-2, Ch. 69.
- Parking authorities, additional members, mayoral appointments, amends C. 40:11A-4, Ch. 151.
- Port authorities, dissolution, amends C. 40:68A-38, Ch. 179.
- Runaway, homeless youths, service organizations, certain, appropriation authorized, C. 40:5-2.10b, Ch. 56.
- State Uniform Construction Code, fees, certain, exemptions, C. 52:27D-126b and 52:27D-130.1, Ch. 73.
- State Uniform Construction Code, officials, certain, civil service, amends C. 52:27D-126, Ch. 210.
- Streets, certain, services with; dedication required, owner refusal permitted, amends C. 40:67-23.1, Ch. 190.
- Tourist Development Commission, establishment; license fees, additional, fund, C. 40:54C-1 et al., Ch. 68.
- Townships, officers, certain, residency not required, provision according to law, amends R. S. 40:145-12, Ch. 159.

PENSIONS AND RETIREMENT

- Judges, certain, final salary as adjusted effective January 19, 1982, C. 43:6A-3.1, Ch. 22.
- Municipality, Mayor-Council Plan F, certain, adoption of Police and Firemen's Retirement System permitted, temporary option, Ch. 212.
- Physicians and dentists; interns, residents or fellows at University of Medicine and Dentistry of New Jersey; participation, exemption, amends C. 18A:66-170 and 18A:66-171, Ch. 126.
- Police and firemen, special retirement, pension based on final compensation, C. 43:16A-11.1a, amends C. 43:16A-1 and 43:16A-11.1, Ch. 198.
- Public Employees' Retirement System, persons in classified service under C. 11:22-44.6, Trenton neighborhood health center, contribution exemption, certain, Ch. 64.

POLICE

Donation of bulletproof vests to the State, permitted, C. 52:17B-4.3, Ch. 41.
Municipal special police, requirements concerning carrying firearms, clarified, amends N. J. S. 40A:14-146, Ch. 226.

PROFESSIONS AND OCCUPATIONS

"Business Women's Week," October 16 through October 22, 1983, J. R. 12.
Dental radiographs, diagnostic or treatment purposes only, C. 45:6-18.2 and 45:6-18.3, Ch. 99.
Physicians, sign directories, permitted, amends R. S. 45:9-16, Ch. 91.
Professional corporations, use of "P. C." or "professional corporation" permitted, annual reports, filing date, amends C. 14A:17-14 and 14A:17-15, Ch. 97.
State Board of Certified Public Accountants, name changed to State Board of Accountancy, C. 45:2B-4.1, amends C. 45:2B-3 et al., Ch. 96.

PUBLIC CONTRACTS

Local public contracts, materials used by contractor, manufactured in United States, amends C. 40A:11-18, Ch. 107.
Local public contracts, thermal energy produced by a cogeneration facility, certain, authorized, amends C. 40A:11-15, Ch. 67.
Local public contracts, work by handicapped persons employed by sheltered workshop, exception, amends C. 40A:11-5, Ch. 208.
Public school contracts, joint, electronic data processing, permitted, C. 18A:18A-14.1 et seq., amends N. J. S. 18A:18A-5, Ch. 161.

PUBLIC EMPLOYEES

Disciplinary determinations, review procedures, negotiable, certain, amends C. 34:13A-5.3, Ch. 103.
State employees, wage garnishment, student loan delinquency, certain, C. 18A:72-23 et seq., Ch. 117.

PUBLIC UTILITIES

"Lifeline Credit," increased, amends C. 48:2-29.17, Ch. 140.
Management audits, procedures established, gas or electric utilities, C. 48:2-16.4, Ch. 222.
"Tenants' Lifeline Assistance," increased, amends C. 48:2-29.33, Ch. 139.

RACING

Garden State Racetrack, private acquisition, operation, C. 5:5-94 et seq., amends C. 5:5-88, repeals P. L. 1978, c. 27, Ch. 201.
Parimutuel pool, running races, September, distribution, certain, amends C. 5:5-66, Ch. 234.

REAL PROPERTY

Deeds or instruments, preparer signature requirement, applicability, amends section 2 of P. L. 1981, c. 228, Ch. 213.
Lis pendens, procedure, certain, required, amends N. J. S. 2A:15-7, Ch. 200.
Riparian maps, State-owned lands, filing with register of deeds and mortgages, amends C. 13:1B-13.4, Ch. 101.

REFERENDA

"New Jersey Public Purpose Buildings Construction Bond Act of 1980," disabled veterans' facilities, federal matching requirement removed, amends section 5 of P. L. 1980, c. 119, Ch. 128.
Nuclear arms freeze, nonbinding, Ch. 35.

REORGANIZATION PLAN

Labor, Department of.

SCHOOLS

Accounts and demands for payment, audit and approval by a person in addition to secretary designated by the board, C. 18A:19-4.1, amends N. J. S. 18A:9-1 et al., Ch. 196.

Basic child study teams, procedure, composition, C. 18A:46-5.1 and 18A:46-5.2, Ch. 162.

Budgets, 1982, defeated, review by governing body, time extended, Ch. 18.

Catholic Schools Week, January 31 to February 6, 1982, J. R. 1.

Evening education, public, certain out-of-district pupils considered in resident enrollment for State aid, amends N. J. S. 18A:48-1, Ch. 7.

Marine Academy of Science and Technology, contract with New Jersey Marine Sciences Consortium, C. 18A:54C-2.1, Ch. 165.

Marine Academy of Science and Technology, establishment, C. 18A:54C-1 et seq., Ch. 146.

Period of silence in public schools, allowed at opening of school day, C. 18A:36-4, Ch. 205.

Pre-school handicapped, program implementation changed from 1982-1983 to 1983-1984 school year, amends section 9 of P. L. 1981, c. 415, Ch. 100.

Pupils residing on federal property, tuition, procedure, C. 18A:38-7.1 et seq., Ch. 155.

Regional school board, organizational meeting, date, amends N. J. S. 18A:13-12, Ch. 17.

Regular high school diplomas, authorized for certain seniors withdrawing prior to May 1982 because of changes in Social Security Educational Benefits, Ch. 23.

Transportation contracts, bid threshold increased, increase permitted in multi-year contracts, amends N. J. S. 18A:39-2 and 18A:39-3, Ch. 74.

Violence, incidents, reports required, C. 18A:17-46 et seq., repeals C. 18A:4-29.1 et seq., Ch. 163.

Vocational education, local categorical program support, anticipate, certain, Ch. 102.

SENIOR CITIZENS

Centers, nonprofit, municipal or county contributions authorized, amends C. 40:48-9.4, Ch. 138.

Public colleges, courses for credit, tuition-free, permitted, amends C. 18A:62-3, Ch. 137.

SEWERAGE

Passaic valley sewerage district, municipal contracts, quarterly payments, C. 58:14-15.1, Ch. 92.

STATE

Cabinet officers, salaries increased, amends C. 52:14-15.107, Ch. 2.

Commercial filing and recording fees, increased, amends N. J. S. 12A:9-404 et al., Ch. 52.

Division of Commercial Recording in Department of State, established, C. 52:16A-35 et seq., Ch. 150.

Division of Criminal Justice investigators, oaths, administer, certain, C. 41:2-3.2, Ch. 221.

STATE (Continued)

Leases, President of Senate, approval officer, Ch. 20.

Real property, certain, surplus, sale authorized, Chs. 51, 197.

TAXATION

Assessment of real property, residential new construction, added to list after certificate of occupancy issued, C. 54:4-23a, Ch. 220.

Atlantic City Luxury Tax, increased, C. 40:48-8.21a and 40:48-8.25b, amends C. 40:48-8.17 et al., Ch. 125.

Cigarettes, surtax, C. 54:40A-8.2 and 54:40A-37.1, amends C. 54:40A-8 and 54:40A-11, Ch. 40.

Corporation business tax, depreciation computation under net worth and average value, amends C. 54:10A-4 and 54:10A-6, Ch. 50.

Corporation business tax, net worth tax phased out, indebtedness to certain shareholders excluded from net worth, amends C. 54:10A-4 and 54:10A-5, Ch. 55.

County board members, certain, training proof by July 1, 1982, Ch. 136.

County taxes, remission, certain, C. 54:4-5a, repeals R. S. 54:4-5 et al., Ch. 36.

County taxes, remission, under C. 54:4-5a, "county institution" defined, C. 54:4-5b, Ch. 121.

Farmland assessment applications, timely filing, amends C. 54:4-23.13, Ch. 72.

Gross income, above \$50,000, rate 3.5%, amends N. J. S. 54A:2-1, Ch. 229.

Municipal revaluation, implementation, certain, permissive, temporary, Ch. 224.

Public utility, gas or electric energy, imported from out-of-State, corporate business tax and gross receipts tax on certain corporations, exemptions, amends C. 54:10A-6 and R. S. 54:13-11, Ch. 39.

Sales tax, 6%; exemptions, certain, C. 54:32B-8.37 and 54:32B-8.38, amends C. 54:32B-3 et al., Ch. 227.

Solar energy heating, cooling systems, exemption, extended through 1987, amends section 9 of P. L. 1977, c. 256, Ch. 218.

TRANSPORTATION

Rail lines, passenger or freight, counties and municipalities authorized to acquire and operate, lease or sell, amends C. 40:9-2.1 et seq., Ch. 15.

UNEMPLOYMENT COMPENSATION

Benefits, regular and extended, conformed to minimum federal standards, C. 43:21-6.1, amends C. 43:21-24.11 et al., Ch. 144.

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Deeds or instruments, recorded without preparer signature, certain, Ch. 213.

Fire districts, bond proceedings, Chs. 106, 115.

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Possession, special police, certain, off-duty, amends N. J. S. 2C:39-6 and 40A:14-146, Ch. 154.

Signalling devices, distress, U. S. Coast Guard approved, exemption, amends N. J. S. 2C:39-6 et al., Ch. 173.

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"Dependent child," redefined, amends C. 44:10-1, Ch. 3.