

LAWS=NEW JERSEY
1985

New Jersey State Library

ACTS
OF THE
Second Annual Session
OF THE
Two Hundred and First Legislature
OF THE
STATE OF NEW JERSEY
AND
Thirtieth Under the New Constitution



New Jersey State Library

1985

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

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* Died in office 8/8/85.

† Sworn in 11/18/85.

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** Sworn in 4/15/85.

*** Sworn in 2/4/85.

† Died in office 2/9/85.

†† Resigned 2/4/85.

LAWS

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

CHAPTER 1

AN Act establishing a Crime Prevention Advisory Committee and a crime prevention resource center, amending and supplementing P. L. 1961, c. 56, supplementing chapter 2 of Title 53 of the Revised Statutes, and making an appropriation.

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

1. Section 6 of P. L. 1961, c. 56 (C. 52:17B-71) is amended to read as follows:

C. 52:17B-71 Powers of commission.

6. The commission is vested with the power, responsibility and duty:

a. To prescribe standards for the approval and continuation of approval of schools at which police training courses authorized by this act and in-service police training courses shall be conducted, including but not limited to presently existing regional, county, municipal and police chief association police training schools;

b. To approve and issue certificates of approval to such schools, to inspect such schools from time to time, and to revoke any approval or certificate issued to such schools;

c. To prescribe the curriculum, the minimum courses of study, attendance requirements, equipment and facilities, and standards of operation for such schools. Courses of study in crime prevention may be recommended to the Police Training Commission by the

Crime Prevention Advisory Committee, established by section 2 of P. L. 1985, c. 1 (C. 52:17B-77.1). The Police Training Commission may prescribe psychological and psychiatric examinations for police recruits while in such schools;

d. To prescribe minimum qualifications for instructors at such schools and to certify, as qualified, instructors for approved police training schools and to issue appropriate certificates to such instructors;

e. To certify police officers who have satisfactorily completed training programs and to issue appropriate certificates to such police officers;

f. To appoint an executive secretary, to serve at its pleasure, who shall perform general administrative functions, and to fix his compensation;

g. To employ such other persons as may be necessary to carry out the provisions of this act, and to fix their compensation;

h. To make such rules and regulations as may be reasonably necessary or appropriate to accomplish the purposes and objectives of this act;

i. To make a continuous study of police training methods and to consult and accept the cooperation of any recognized federal or State law enforcement agency or educational institution;

j. To consult and cooperate with universities, colleges and institutes in the State for the development of specialized courses of study for police officers in police science and police administration;

k. To consult and cooperate with other departments and agencies of the State concerned with police training;

l. To participate in unified programs and projects relating to police training sponsored by any federal, State, or other public or private agency;

m. To perform such other acts as may be necessary or appropriate to carry out its functions and duties as set forth in this act;

n. To extend the time limit for satisfactory completion of police training programs upon a finding that health, extraordinary workload or other factors have, singly or in combination, effected a delay in the satisfactory completion of such training programs;

o. To furnish approved schools, for inclusion in their regular police training courses and curriculum, with information concerning the advisability of high speed chases, the risk caused thereby, and the benefits resulting therefrom.

C. 52:17B-77.1 Crime Prevention Advisory Committee.

2. (New section) There is created in the Police Training Commission in the Department of Law and Public Safety a Crime Prevention Advisory Committee comprised of 14 members. The committee shall consist of: the Attorney General, who shall be chairman of the committee, or his designee; the Commissioner of the Department of Community Affairs or his designee; the Commissioner of the Department of Commerce and Economic Development or his designee; the Commissioner of Education or his designee; the Director of the Division of Criminal Justice in the Department of Law and Public Safety; the Superintendent of State Police; a representative of the Police Training Commission; a representative of the New Jersey Crime Prevention Officers' Association; a representative of the New Jersey State Association of Chiefs of Police; a representative of the National Crime Prevention Council; and four citizens of the State to be appointed by the Governor with the advice and consent of the Senate, one of whom shall represent a public utility company, one of whom shall represent the insurance industry, and one of whom shall represent the banking industry. The four members appointed by the Governor shall serve for terms of three years, except that of the four members initially appointed by the Governor, one shall be appointed for a term of one year, one shall be appointed for a term of two years, and two shall be appointed for terms of three years.

Members shall be eligible for reappointment to the council, and vacancies in the committee shall be filled in the same manner as the original appointments but for the unexpired terms only. The statutory members of the Crime Prevention Advisory Committee who are also statutory voting members of the Police Training Commission shall be nonvoting members of the Crime Prevention Advisory Committee.

The members of the committee shall serve without compensation but shall be reimbursed for necessary expenses actually incurred in the performance of their duties as required by this act.

C. 52:17B-77.2 Services of commission employees.

3. (New section) The committee shall be entitled to call to its assistance and avail itself of the services of the employees of the Police Training Commission. The committee may incur whatever traveling and other miscellaneous expenses as it may deem necessary in order to perform its duties, within the limits of funds appropriated or otherwise made available to it.

C. 52:17B-77.3 Recommendation of standards.

4. (New section) The committee shall recommend standards for training programs in crime prevention to be offered to law enforcement officers at schools approved and authorized by the Police Training Commission.

C. 52:17B-9.17 Crime prevention resource center.

5. (New section) There is established in the Division of State Police in the Department of Law and Public Safety a crime prevention resource center. The resource center shall:

- a. Provide materials, information and technical assistance throughout the State in the area of crime prevention;
- b. Recommend standards for Statewide crime prevention programs and crime prevention programs in municipal police departments; and
- c. Instruct municipal police departments in ways of obtaining and utilizing federal, State and local financial support and grants for crime prevention programs in the municipality.

6. There is appropriated \$25,000.00 from the General Fund to the Division of State Police in the Department of Law and Public Safety for the purpose of implementing the provisions of this act. There is also appropriated \$10,000.00 from the General Fund to the Crime Prevention Advisory Committee in the Police Training Commission in the Department of Law and Public Safety for the purpose of implementing the provisions of this act.

7. This act shall take effect on the ninety-first day after enactment.

Approved January 8, 1985.

CHAPTER 2

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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. 1984, c. 58, the following sums are appropriated out of the General Fund for the following purposes:

CAPITAL CONSTRUCTION

DEPARTMENT OF HUMAN SERVICES

Educational, Cultural and Intellectual Development

Operation and Support of Educational Institutions

7600 Division of Mental Retardation

Capital Projects:

Development and improvement of community facilities for the men- tally retarded	(\$11,000,000)
Woodbine Developmental Center sewage treatment plant improve- ments	(2,000,000)
Total Appropriation, Department of Human Services	\$13,000,000

2. This act shall take effect immediately.

Approved January 8, 1985.

CHAPTER 3

AN ACT concerning condominium properties and amending P. L.
1969, c. 257.

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

1. Section 26 of P. L. 1969, c. 257 (C. 46:8B-26) is amended to
read as follows:

C. 46:8B-26 Condominium termination.

26. Any condominium property may be removed from the pro-
visions of this act by agreement of unit owners of units to which
at least 80% of the votes in the association are allocated, or any
larger percentage that the master deed or any amendment thereto
specifies. Termination shall be effective upon the filing of a deed of
revocation duly executed by unit owners of units to which at
least 80% of the votes in the association are allocated, or any larger
percentage that the master deed or any amendment thereto specifies

or the sole owner of the property and recorded in the same office as the master deed.

2. This act shall take effect immediately and shall apply to all condominiums heretofore or hereafter created pursuant to P. L. 1969, c. 257 (C. 46:8B-1 et seq.).

Approved January 8, 1985.

CHAPTER 4

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, 1985, and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, there is appropriated out of the General Fund the following sum for the purpose specified:

CAPITAL CONSTRUCTION

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

5630 University of Medicine and Dentistry of New Jersey

Capital Project:

Medical education building, Stratford (\$9,450,000)

No funds shall be expended or otherwise made available for construction of the medical education building except upon the approval of the Board of Higher Education.

There shall not be offered any basic science medical education program in the medical education building in Stratford.

2. This act shall take effect July 1, 1984.

Approved January 10, 1985.

CHAPTER 5

AN ACT concerning the expansion of the hypertension control program by the Commissioner of the Department of Health and making an appropriation therefor.

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

C. 26:2-124 Findings, declarations.

1. The Legislature finds and declares that the rising incidence of heart disease, kidney disease and stroke is causing increased concern among public health officials and private practitioners who feel that it is imperative that new initiatives be developed to combat the high blood pressure which is so often associated with these life threatening conditions.

The Legislature further finds that the expansion of the comprehensive hypertension control program presently operated by the New Jersey State Department of Health with funds from federal block grants is in the best interests of the citizens of the State of New Jersey in an effort to minimize the incidence of death and disability which so often accompany uncontrolled high blood pressure.

C. 26:2-125 Definitions.

2. As used in this act:

- a. "Commissioner" means the Commissioner of the Department of Health;
- b. "Department" means the State Department of Health;
- c. "Program" means the hypertension control program established by the commissioner.

C. 26:2-126 Expansion of hypertension control program.

3. The commissioner shall expand the existing hypertension control program within the department, which shall have central authority and responsibility for the development of a system of community based high blood pressure control programs.

The commissioner shall take any action he deems necessary, including the provision of advisory and technical assistance and the development of training and educational programs, to assist qualified individuals and agencies to develop comprehensive and coordinated hypertension programs.

C. 26:2-127 Components of community program.

4. A community based high blood pressure control program shall provide:

- a. Hypertension screening;
- b. Treatment referral;
- c. Counseling for victims of high blood pressure as to proper diet, weight control and appropriate care and treatment of the condition; and
- d. Patient follow-up and evaluation of treatment methods.

C. 26:2-128 Authority of commissioner.

5. The commissioner is authorized to:

- a. Enter into necessary contracts and agreements with counties, municipalities and other units of government, colleges, universities, associations, agencies, corporations and individuals for the development and expansion of community hypertension programs;
- b. Gather data relative to the detection of high blood pressure and the incidence of heart disease, kidney disease and stroke;
- c. Promote programs of professional education for physicians, dentists, nurses, pharmacists, and public health professionals relative to the prevention, detection and control of high blood pressure and the rehabilitation of victims of heart disease, stroke and kidney disease which result from uncontrolled hypertension;
- d. Conduct scientific investigation into the prevention, cause, detection and control of high blood pressure;
- e. Develop more effective methods for the screening, evaluation and control of hypertension; and
- f. Apply for and accept any grant of money from the federal government or any other source available for the purposes of this act.

C. 26:2-129 Regulations.

6. Pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), the commissioner shall promulgate any regulations necessary to effectuate the provisions of this act.

7. The sum of \$100,000.00 is appropriated to the department from the General Fund to effectuate the provisions of this act.

8. This act shall take effect immediately.

Approved January 10, 1985.

CHAPTER 6

AN ACT concerning education and amending N. J. S. 18A:38-1.

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

1. N. J. S. 18A:38-1 is amended to read as follows:

Eligibility for free education.

18A:38-1. Public schools shall be free to the following persons over five and under 20 years of age:

(a) Any person who is domiciled within the school district;

(b) Any person who is kept in the home of another person domiciled within the school district and is supported by such other person gratis as if he were such other person's own child, upon filing by such other person with the secretary of the board of education of the district, if so required by the board, a sworn statement that he is domiciled within the district and is supporting the child gratis and will assume all personal obligations for the child relative to school requirements and that he intends so to keep and support the child gratuitously for a longer time than merely through the school term, and a copy of his lease if a tenant, or a sworn statement by his landlord acknowledging his tenancy if residing as a tenant without a written lease, and upon filing by the child's parent or guardian with the secretary of the board of education a sworn statement that he is not supporting the child, accompanied by documentation to support the validity of the sworn statements, information from or about which shall be supplied only to the board and only to the extent that it directly pertains to the support or nonsupport of the child; provided, however, that the board of education may contest the validity of the sworn statement in proceedings before the commissioner, except that no child shall be denied admission during the pendency of any such proceedings before the commissioner, and the resident shall have the burden of proving by a preponderance of the evidence before the commissioner that the child is eligible for a free education under the criteria listed in this subsection. If in the judgment of the commissioner this evidence does not support the claim of the resident, he may assess the resident tuition for the student prorated to the time of the board's request for a sworn statement from the resident. Tuition shall be computed on the basis of 1/180 of the

total annual per pupil cost to the local district multiplied by the number of days of ineligible attendance;

(c) Any person who fraudulently allows a child of another person to use his residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his child to a person in another district commits a disorderly persons offense;

(d) Any person whose parent or guardian, even though not domiciled within the district, is residing temporarily therein, but any person who has had or shall have his all-year-round dwelling place within the district for one year or longer shall be deemed to be domiciled within the district for the purposes of this section;

(e) Any person for whom the Division of Youth and Family Services in the Department of Human Services is acting as guardian and who is placed in the district by said bureau.

2. This act shall take effect immediately.

Approved January 11, 1985.

CHAPTER 7

AN ACT concerning taxation, amending P. L. 1963, c. 44, and repealing section 7 of P. L. 1963, c. 44.

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

1. Section 2 of P. L. 1963, c. 44 (C. 54:39A-2) is amended to read as follows:

C. 54:39A-2 Definitions.

2. For the purpose of this act, unless inconsistent with the context:

(a) "User" means every person, firm or corporation who or which operates or causes to be operated any motor vehicle on any highway in this State. The term shall include a rental company in the case of a rental vehicle.

(b) "Motor vehicle" means any omnibus that has seats for more than 10 passengers in addition to the driver, or road tractor, or any truck tractor, or any truck having a gross or registered weight, whichever is greater, in excess of 18,000 pounds alone or in combination with a motor-drawn vehicle.

(c) "Exempt vehicle" means:

(1) Any vehicle owned or operated by an agency of this State or any political subdivision thereof, or any quasi-governmental authority of which this State is a participating member, or any agency of the federal government or the District of Columbia, or of any state or province or political subdivision thereof.

(2) School bus as defined in R. S. 39:1-1.

(3) Vehicles operated under authority of dealer, manufacturer, converter and transporter general registration plates such as prescribed in R. S. 39:3-18 and similar laws of other states.

(4) Special mobile equipment not designed or used primarily for the transportation of persons or property.

(5) Vehicles operated not for profit by any religious or charitable organization.

(6) Vehicles operated by a public utility as defined in R. S. 48:2-13, whose operations are limited to the State of New Jersey.

(7) Vehicles operated, not for hire, by a farmer as defined in R. S. 39:3-25.

(8) Vehicles used to transport farm labor.

(d) "Operations" means operations of all motor vehicles, whether loaded or empty, whether for compensation or not for compensation, and whether owned by, contracted for use by, or leased by the user who operates or causes them to be operated, except operations of an omnibus within any municipality of this State in the regular route passenger service provided under operating authority conferred pursuant to R. S. 48:4-3.

(e) The term "motor fuels" means any combustible liquid or gaseous substance used, or suitable, for the generation of power to propel motor vehicles.

(f) "Motor fuel tax" means the tax imposed under R. S. 54:39-1 et seq.

(g) "Director" shall mean the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

(h) "Purchaser" means the person, firm or corporation who or which purchased the fuel, and paid the motor vehicle fuel tax thereon, used in the motor vehicles of the user.

(i) "Vendor" means any person, firm or corporation licensed, or required by law to be licensed, by the Director of the Division of Taxation to sell, distribute, import or transport motor fuels within this State.

(j) "Bulk fuel" means fuel in quantities of not less than 500 gallons, delivered into storage tanks owned, or rented under lease for a term of not less than one year, by the user for future consumption. For the purposes of this act the term "storage tanks" shall not apply to vehicle storage tanks used only to carry motor fuels for use in propelling the vehicle carrying these tanks.

(k) "Rental vehicle" means a vehicle owned by a rental company and rented to the general public on an hourly, daily, trip, or other short-term basis.

(l) "Rental company" means a person engaged in the business of renting vehicles to the general public, including motor carriers, on an hourly, daily, trip, or other short-term basis.

2. Section 8 of P. L. 1963, c. 44 (C. 54:39A-8) is amended to read as follows:

C. 54:39A-8 Credit for motor fuel tax paid.

8. Every user subject to the tax hereby imposed shall be entitled to a credit against such tax paid equivalent to the rate per gallon of the motor fuel tax which is currently in effect, for all motor fuels purchased within this State by the user or a lessor of the user at the time of purchase for use in the user's operations. Evidence of the purchase of such fuel and the payment of such tax shall be maintained by the user, as part of the records required by this act, in the form of a fuel purchase receipt or invoice supplied by the vendor in such form as hereinafter prescribed.

(a) When the amount of the credit herein provided to which any user is entitled for any tax quarter exceeds the amount of the tax for which such user is liable for the same tax quarter, such excess shall be allowed as a credit in the next succeeding tax quarter.

(b) When any user has established bulk motor fuel storage facilities within this State and the required records of his entire operations within and without this State are made available for audit within this State, he shall be entitled to a refund of any credit in excess of the tax due for the reporting period for those bulk fuels pumped into service tanks of the vehicles; provided he has submitted proof acceptable to the director that the motor fuel on which motor fuel tax refund is claimed was not used within this State and files an application for the refund on a form provided by the division, or notifies the director in writing by certified mail of his intention to file an application, within one year following the end of the reporting quarter in which the fuel was pumped into the service tanks of the vehicles. No refund claim may be allowed when

the amount claimed for a single tax quarter does not exceed the tax on 2,000 gallons of motor fuel or on 1% of the total fuel purchased by the user or a lessor of the user in this State, whichever is greater. No refund shall be allowed unless an audit of the user's records has been made by the director or his employee. A refund may be allowed prior to such audit if the user has given a bond issued by a surety company authorized to do business within this State in an amount not less than the total amount of all unaudited claims. The condition of the bond shall be that if subsequent audit reveals the claim to be partially or entirely unallowable the full amount of the unallowable portion of the claim shall be repaid to the State together with interest at the rate of $1\frac{1}{2}\%$ per month or fraction thereof from the date the refund was paid to the user to the date he repays the State. The bond shall remain in force until the claim has been audited and approved.

(c) No user shall be entitled to credit or refund for any motor fuel tax otherwise lawfully paid except as herein provided and no user exempt from filing quarterly reports shall be entitled to a refund.

(d) Any vendor who shall deliver motor fuels into the fuel tanks servicing the propulsion of any vehicle of a user or lessor of the user shall provide the purchaser or his agent, at the time of delivery of the fuel, with an original serially numbered receipt or invoice on which is shown:

- (1) The name and station address of the vendor, machine printed or credit card imprinted.
- (2) Date of delivery.
- (3) Name of purchaser.
- (4) Kind and number of gallons of fuel delivered and price per gallon.
- (5) (Deleted by amendment, P. L. 1985, c. 7.)
- (6) Signature of person who received the fuel.
- (7) Company unit number or motor vehicle license number of the power unit.

(e) Any vendor who shall deliver motor fuels in bulk quantities into a bulk storage or bulk transportation tank in the possession of a user within this State or deliver motor fuels in bulk quantities to a user in any manner within this State shall provide said user with an original serially numbered receipt or invoice, not later than 30 days following the end of the calendar quarter during which the fuel was delivered, on which is shown:

(1) The name of the vendor and address from which the fuel was delivered.

(2) The name of the purchaser and address to which the fuel was delivered.

(3) The date of delivery.

(4) The kind and number of gallons of fuel delivered.

(5) The motor fuel tax rate per gallon charged unless the purchaser is licensed to purchase said fuel without payment of said tax.

(f) Any vendor, or his employee, who fails to supply a receipt or invoice to the user, his agent, or lessor at the time of delivery, and in the form prescribed herein shall be fined upon conviction in an amount not less than \$25.00 nor more than \$100.00 for each offense.

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

C. 54:39A-10 Identification cards, markers.

10. The director shall issue to every user a motor fuel user identification card, which shall be safely preserved in the user's offices for as long as the card is valid. The user shall place a photographic copy of said card in the cab of each motor vehicle used in his operations. The director shall also issue for each vehicle operated by the user an identification marker, which shall be affixed to the vehicle in such manner as shall be prescribed by the director. The fee for each original such marker and any replacement marker shall be \$25.00. Every identification card and marker shall remain the property of the State and may be recalled for any violation of this act or of the regulations promulgated hereunder, or for failure to pay any monies due the State under this act or any other law administered by the director. Identification cards and markers shall be issued on an annual basis as of April 1 of the year and shall be valid through the next succeeding March 31. The form and content of the card and marker shall be as prescribed by the director. Any card and marker issued pursuant to this act may be deemed by the director as satisfying the equivalent requirements of any other law administered by him, and any marker and card issued by him pursuant to any other law, regulation, reciprocity agreement or arrangement, or declaration may be deemed as satisfying the equivalent requirements of this act. It shall be illegal to operate or cause to be operated in this State any motor vehicle, unless the vehicle bears the identification marker and carries the copy of the

identification card required by this section; provided, however, that upon the request of a user the director may issue by mail or telecommunication a permit valid for the operation of a vehicle for a period not exceeding 25 days, pending the application for and issuance of an identification card or marker, or both. The fee for such permit shall be \$8.00, which may be credited against the identification marker fee applicable to the same vehicle. A user whose vehicles in the aggregate make not more than six trips into or through this State in a 12-month period may be issued single trip permits valid for 96 hours for each round trip so made. The fee for such trip permit shall be \$10.00, which shall be in lieu of reports, fees and taxes which may otherwise be applicable to said trip under this act.

4. Section 12 of P. L. 1963, c. 44 (C. 54:39A-12) is amended to read as follows:

C. 54:39A-12 Failure to file report.

12. If any user shall fail to make any report required under this act within the time prescribed herein the director shall make demand upon the user for the filing of the report and payment of any tax due within 45 days after notice shall have been mailed to the user. If the user fails to file said report within said 45 days it shall be deemed that 40 gallons of fuel were consumed in this State by each vehicle used in the user's operations for each day during the quarter for which no report was filed. The director shall make an assessment against such user for the tax on all such fuel so deemed to have been consumed in this State during said quarter and shall proceed to compel payment of the tax, plus penalty and interest, in the manner prescribed in this act.

5. Section 14 of P. L. 1963, c. 44 (C. 54:39A-14) is amended to read as follows:

C. 54:39A-14 Penalty.

14. When any user fails to file a report within the time prescribed by this act for the filing thereof he shall pay as a penalty the sum of \$25.00. In addition to the penalty herein imposed any unpaid tax shall bear interest at the rate of 1½% per month or fraction thereof until the same is paid. The penalty and interest charges herein imposed shall be paid to the director in addition to the tax due. The director, if satisfied that the failure to file the report or pay the tax was excusable, may remit or waive the payment of the whole or part of any penalty; provided the report is filed within 30 days after the due date.

6. Section 15 of P. L. 1963, c. 44 (C. 54:39A-15) is amended to read as follows:

C. 54:39A-15 Additional penalty.

15. All taxes, penalties and interest assessed pursuant to the provisions of this act, unless earlier payment is provided by law, shall be paid within 15 days after notice and demand shall have been mailed to the user by the director. If such taxes, penalties and interest so assessed pursuant to sections 11, 12 and 13 shall not be paid within the said 15 days, there shall be added to the amount of assessment, in addition to interest as already provided and any other penalties provided by law, a sum equivalent to 5% of the tax.

Repealer.

7. Section 7 of P. L. 1963, c. 44 (C. 54:39A-7) is repealed.

8. This act shall take effect immediately.

Approved January 16, 1985.

CHAPTER 8

AN ACT concerning the care, custody, guardianship, maintenance and supervision of children, and amending P. L. 1951, c. 138, the title of P. L. 1962, c. 142 as said title was amended by P. L. 1964, c. 102, and the body of said act.

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

1. Section 2 of P. L. 1951, c. 138 (C. 30:4C-2) is amended to read as follows:

C. 30:4C-2 Definitions.

2. For the purposes of this act the following words and terms shall, unless otherwise indicated, be deemed and taken to have the meanings herein given to them:

(a) The title "Division of Youth and Family Services" successor to the "Bureau of Children's Services" means the State agency for the care, custody, guardianship, maintenance and protection of children, as more specifically described by the provisions of this act, and succeeding the agency heretofore variously designated by

the laws of this State as the State Board of Child Welfare or the State Board of Children's Guardians.

(b) The word "child" includes stepchild and illegitimate child, and further means any person under the age of 18 years.

(c) The term "care" means cognizance of a child for the purpose of providing necessary welfare services, or maintenance, or both.

(d) The term "custody" means continuing responsibility for the person of a child, as established by a surrender and release of custody or consent to adoption, for the purpose of providing necessary welfare services, or maintenance, or both.

(e) The term "guardianship" means control over the person and property of a child as established by the order of a court of competent jurisdiction, and as more specifically defined by the provisions of this act. Guardianship by the Division of Youth and Family Services shall be treated as guardianship by the Commissioner of Human Services exercised on his behalf wholly by and in the name of the Division of Youth and Family Services, acting through the chief executive officer of the division or his authorized representative. Such exercise of guardianship by the division shall be at all times and in all respects subject to the supervision of the commissioner.

(f) The term "maintenance" means moneys expended by the Division of Youth and Family Services to procure board, lodging, clothing, medical, dental, and hospital care, or any other similar or specialized commodity or service furnished to, on behalf of, or for a child pursuant to the provisions of this act; maintenance also includes but is not limited to moneys expended for shelter, utilities, food, repairs, essential household equipment, and other expenditures to remedy situations of an emergent nature to permit, as far as practicable, children to continue to live with their families.

(g) The term "welfare services" means consultation, counseling, and referral to or utilization of available resources, for the purpose of determining and correcting or adjusting matters and circumstances which are endangering the welfare of a child, and for the purpose of promoting his proper development and adjustment in the family and the community.

(h) The term "foster parent" means any person other than a natural or adoptive parent with whom a child in the care, custody or guardianship of the Division of Youth and Family Services is placed by said division, or with its approval, for temporary or

long-term care, but shall not include any person with whom a child is placed for the purpose of adoption.

(i) The term “foster home” means and includes private residences, group homes, residential facilities and institutions wherein any child in the care, custody or guardianship of the Division of Youth and Family Services may be placed by the said division or with its approval for temporary or long-term care, and shall include any private residence maintained by persons with whom any such child is placed for adoption.

(j) The singular includes the plural form.

(k) The masculine noun and pronoun include the feminine.

(l) The word “may” shall be construed to be permissive.

(m) The term “group home” means and includes any single family dwelling used in the placement of 12 children or less pursuant to law, recognized as a group home by the Department of Human Services in accordance with rules and regulations adopted by the Commissioner of Human Services; provided, however, that no group home shall contain more than 12 children.

(n) The term “youth facility” means a facility within this State used to house or provide services to children under this act, including but not limited to group homes, residential facilities, day care centers, and day treatment centers.

(o) The term “youth facility aid” means aid provided by the Division of Youth and Family Services to public, private or voluntary agencies to purchase, construct, renovate, repair, upgrade or otherwise improve a youth facility in consideration for an agreement for the agency to provide residential care, day treatment or other youth services for children in need of such services.

(p) The term “day treatment center” means a facility used to provide counseling, supplemental educational services, therapy, and other related services to children for whom it has been determined that such services are necessary, but is not used to house these children in a residential setting.

(q) The term “residential facility” means a facility used to house and provide treatment and other related services on a 24-hour basis to children determined to be in need of such housing and services.

(r) The term “legally responsible person” means the natural or adoptive parent, or the spouse of a child receiving maintenance from or through the Division of Youth and Family Services.

2. Section 22 of P. L. 1951, c. 138 (C. 30:4C-22) is amended to read as follows:

C. 30:4C-22 Full guardianship.

22. The care, custody or guardianship of the Division of Youth and Family Services shall be full and complete for all purposes and shall vest in the division the custody and control of both the person and property of children in its custody or care, and of its wards, whether committed prior or subsequent to the effective date of this act, when the children are in foster homes, without the necessity of giving bond, and notwithstanding any previous appointment of a guardian for the children under its custody or care or such wards.

Such care, custody or guardianship of the division shall enable the division, acting through the chief executive officer of the division or his authorized representative, to prosecute suits, claims and any and all manner of proceedings or actions in law or equity for and on behalf of the children under its custody or care or its wards when the children are in foster homes; to demand and receive from all persons, including guardians previously appointed, any and all property of the children under its custody or care or its wards when the children are in foster homes; and to hold and administer the real and personal property of the children under its custody or care or its wards when the children are in foster homes, or any interest they may have therein; provided, however, that it shall be proper for the division, in its discretion, to hold funds of the children under its custody or care or its wards when the children are in foster homes on deposit in one or more banks, building and loan associations, or trust companies in this State, and to apply funds, other than earned income or the corpus of any trust, devise or intestate share, or the proceeds of an insurance contract or a personal injury award which a court specifically awards to a child to make the child whole as a result of an injury, of any child under its custody or care or any ward when the child is in a foster home against expenditures for the maintenance of such child under its custody or care or ward when the child is in a foster home.

A court of competent jurisdiction shall hear and determine petitions by the division, on behalf of the children under its custody or care or its wards when the children are in foster homes, for the transfer of any or all assets being held by guardians previously appointed. The court shall have jurisdiction, in its discretion, to waive costs in any proceedings by the division on behalf of the children under its custody or care or its wards when the children are in foster homes.

Title amended.

3. The title of P. L. 1962, c. 142, as said title was amended by P. L. 1964, c. 102, is amended to read as follows: An act authorizing the Division of Youth and Family Services in the Department of Human Services to hold certain persons liable for payment or partial payment for the provision of care and custody of children when the children are in foster homes by the division and providing for liens upon the property of certain persons who are held liable and the enforcement thereof.

4. Section 1 of P. L. 1962, c. 142 (C. 30:4C-29.1) is amended to read as follows:

C. 30:4C-29.1 Liability for maintenance costs.

1. a. In any case in which the Department of Human Services, through the Division of Youth and Family Services, is providing care or custody for any child when the child is in a foster home, any legally responsible person of the child, if of sufficient financial ability, is liable for the full costs of maintenance of the child incurred by the division. If the legally responsible person is of insufficient financial ability, the person is liable in an amount which a court of competent jurisdiction directs according to a scheduled rate approved by the division. Nothing contained herein shall prevent the legally responsible person from voluntarily executing an agreement for payment to the division for the costs of maintenance of the child receiving care or custody when the child is in a foster home.

b. The division shall have a lien against the property of the legally responsible person in an amount equal to the amount to be paid, which lien shall have priority over all unrecorded encumbrances.

c. If the legally responsible person fails to reimburse the department, through the Division of Youth and Family Services, for the costs of maintenance of a child incurred by the division when the child is in a foster home, a court of competent jurisdiction, upon the complaint of the Commissioner of Human Services, may summon the legally responsible person and other witnesses, and may order the legally responsible person to pay an amount to the department, according to a scheduled rate approved by the division.

d. In any case in which the department, through the Division of Youth and Family Services, has agreed to provide youth facilities aid to a public, private or voluntary agency pursuant to this act, the division shall have a lien against the property of any person,

persons or agency so contracting, in an amount equal to the amount or amounts so contracted to be paid, which lien shall have priority over all unrecorded encumbrances. Such lien shall be reduced for each year of service provided by the agency at a rate to be negotiated by the division and the agency, but in no case more than 20% a year; provided, however, that annual reductions shall not exceed \$10,000.00.

5. Section 2 of P. L. 1962, c. 142 (C. 30:4C-29.2) is amended to read as follows:

C. 30:4C-29.2 Lien on real property.

2. At any time during the period during which said child is within the care and custody of the division and within two years after the date upon which said care and custody is terminated, the division, through any officer or employee authorized by it so to do, may execute and file a certificate with the county clerk, or if there be such an officer in the county, with the register of deeds and mortgages of the county, or with the clerk of the Superior Court, as the case may be, which certificate shall state the name of the child, the date when the child came under the care and custody of the division and the date of the agreement, if any, the name of the person or persons by whom the agreement was made, if any, and the sum or sums which said person or persons agreed or is liable to pay to the division for the support and maintenance of said child, and the amount due the division for such service at the time of the filing of the certificate, and the rate of accumulation, if any shall occur thereafter, and the person or persons from whom such sum or sums are or will become due, and upon the filing of said certificate the lien shall immediately attach to and become binding upon all real property in the ownership of the person or persons against whom it is filed in the county, if it is filed in the county, or wherever situate in the State, if it is filed in the Superior Court, and it shall have the force and effect of a judgment at law.

At any time after the signing of an agreement to provide youth facilities aid under this act for the duration of both that agreement and any service agreement, the division, through any officer or employee authorized so to do, may execute and file a lien certificate with the county clerk or with the clerk of the Superior Court, which shall state the names and addresses of both parties, the date of the signing of the contract, the sum or sums which were disbursed to the agency in the expectation that the agency would provide con-

tract services to the division in the future, and the amount due the division at the time of filing of said certificate.

6. Section 30 of P. L. 1951, c. 138 (C. 30:4C-30) is amended to read as follows:

C. 30:4C-30 75% State, 25% county share.

30. Except as provided in section 27 hereof relating to hospital care, the cost of maintenance provided under this act for or on behalf of any child shall be shared 75% by the State and 25% by that county where such child may be or may have been at the time of the filing of an application seeking care or custody or at the time of the filing of a petition seeking guardianship.

The Governor shall fix and determine and state in his annual budget message a sum sufficient to pay the estimated amount required to carry into effect the provisions of this act, together with the deficiencies, if any, incurred in the previous year. The Legislature shall include the amount so determined and stated, in the annual appropriations bill.

Payments from State funds appropriated for the provision of maintenance as authorized by this act shall be made monthly in advance by the State Treasurer, on the warrant of the Director of the Division of Budget and Accounting to the Division of Youth and Family Services, upon statements furnished by the division, approved by the Department of Human Services.

The division may fix the rate of per capita payment for the maintenance of children in each State program and subprogram, including the allowance for clothing.

The division shall annually fix and determine and report to the board of chosen freeholders of each county a sum sufficient to pay the estimated amount of the county's proportionate share of maintenance. Each board of chosen freeholders shall appropriate and make available such amount to the order of the division. Should the amount so appropriated, however, be expended or exhausted during the year and for the purpose for which it was appropriated, additional sums shall be appropriated by such board of chosen freeholders as occasion demands to carry out the provisions of this act, from funds in the county treasury available therefor. Where such county funds are not available or adequate, or should there be no such county funds, such additional sums shall be raised by temporary loans or notes, certificates of indebtedness or temporary loan bonds, to be issued as otherwise provided and limited by law for counties of this State, and the amounts necessary to pay such

obligations shall be placed in the budget for the next ensuing fiscal year.

Payments from county funds appropriated for the provision of maintenance as authorized by this act shall be made monthly in advance by the treasurer of the county to the division on the basis of commitments for such county upon bills furnished by the division.

7. This act shall take effect 90 days after enactment.

Approved January 16, 1985.

CHAPTER 9

AN ACT concerning municipal tax collectors, and amending P. L. 1979, c. 384.

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

1. Section 2 of P. L. 1979, c. 384 (C. 40A:9-145.2) is amended to read as follows:

C. 40A:9-145.2 Certification as tax collector.

2. Commencing on the effective date of this act, the director shall hold examinations semi-annually, and at such other times as he may determine appropriate, for certification as tax collector. An applicant for examination shall furnish proof to the director, not less than 30 days before an examination, that the applicant is not less than 21 years of age, is a citizen of the United States, is of good moral character, has obtained a certificate or diploma issued after at least four years of study in an approved secondary school or has received an academic education considered and accepted by the Commissioner of Education as fully equivalent, and has graduated from a four year course at an institution of higher education of recognized standing, and has not less than two years' full-time experience in tax collection.

An applicant who does not meet the college education requirement may substitute on a year-to-year basis full-time experience in tax collection or accounting. An applicant who does not meet the college education requirement or full-time experience requirement permitted as a substitution for the college education requirement may substitute certificates of completion of municipal tax

collection I, II and III courses offered through Rutgers, The State University. The proofs required pursuant to this section shall be provided on such application forms and in such manner as shall be prescribed by the director. Each completed application form shall be accompanied by a fee in the amount of \$10.00 to the order of the State Treasurer. Examinations shall be written, or both written and oral, and shall be of such character as fairly to test and determine the qualifications, fitness and ability of the person tested to actually perform the duties of tax collector.

2. Section 5 of P. L. 1979, c. 384 (C. 40A:9-145.5) is amended to read as follows:

C. 40A:9-145.5 Revocation, suspension of certificate.

5. Any tax collector certificate may be revoked or suspended by the director for dishonest practices, or willful or intentional failure, neglect or refusal to comply with the Constitution of the State of New Jersey or laws relating to the collection of taxes, or inefficiency, or inability to properly fulfill the duties and functions of tax collector in compliance with laws and regulations pertaining thereto or other good cause. The governing body or chief executive officer of any municipality may request a review by the director of the behavior or practices of a certified tax collector. No certificate shall be revoked or suspended except upon a proper hearing before the director or his designee after due notice. If the tax collector certificate of a person serving as tax collector shall be revoked, such person shall be removed from office by the director, his office shall be declared vacant, and such person shall not be eligible to hold that office, nor may he make application for recertification, for a period of five years from the date of such revocation.

3. This act shall take effect immediately and shall apply to any applicant for examination whose application is submitted on or after the effective date of this act.

Approved January 16, 1985.

CHAPTER 10

AN ACT concerning the theft of certain electric current, gas, water or cable television services and amending N. J. S. 2C:20-8.

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

1. N. J. S. 2C:20-8 is amended to read as follows:

Theft of services.

2C:20-8. Theft of Services. a. A person is guilty of theft if he purposely obtains services which he knows are available only for compensation, by deception or threat, or by false token, slug, or other means, including but not limited to mechanical or electronic devices or through fraudulent statements, to avoid payment for the service. "Services" include labor, professional service, transportation, telephone, or other public service, accommodation in hotels, restaurants or elsewhere, entertainment, admission to exhibitions, use of vehicles or other movable property. Where compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants, absconding without payment or offer to pay gives rise to a presumption that the service was obtained by deception as to intention to pay.

b. A person commits theft if, having control over the disposition of services of another, to which he is not entitled, he knowingly diverts such services to his own benefit or to the benefit of another not entitled thereto.

c. Any person who, without permission and for the purpose of obtaining electric current, gas or water with intent to defraud any vendor of electricity, gas or water or a person who is furnished by a vendor with electric current, gas or water:

(1) Connects or causes to be connected by wire or any other device with the wires, cables or conductors of any such vendor or any other person; or

(2) Connects or disconnects the meters, pipes or conduits of such vendor or any other person or in any other manner tampers or interferes with such meters, pipes or conduits, or connects with such meters, pipes or conduits by pipes, conduits or other instruments—is guilty of a disorderly persons offense.

The existence of any of the conditions with reference to meters, pipes, conduits or attachments, described in this section, is presumptive evidence that the person to whom gas, electricity or water is at the time being furnished by or through such meters, pipes, conduits or attachments has, with intent to defraud, created or caused to be created with reference to such meters, pipes, conduits or attachments, the condition so existing; provided, however, that the presumption shall not apply to any person so furnished with gas, electricity or water for less than 31 days or until there has been at least one meter reading.

A violation of this section shall be deemed to be a continuing offense as long as the conditions described in this section exist.

d. Any person who, without permission or authority, connects or causes to be connected by wires or other devices, any meter erected or set up for the purpose of registering or recording the amount of electric current supplied to any customer by any vendor of electricity within this State, or changes or shunts the wiring leading to or from any such meter, or by any device, appliance or means whatsoever tampers with any such meter so that the meter will not measure or record the full amount of electric current supplied to such customer, is guilty of a disorderly persons offense.

The existence of any of the conditions with reference to meters or attachments described in this subsection or in subsection c. is presumptive evidence that the person to whom electricity is at the time being furnished by or through such meters or attachments has, with intent to defraud, created or caused to be created with reference to such meters or attachments, the condition so existing; provided, however, that the presumption shall not apply to any person so furnished with electricity for less than 31 days or until there has been at least one meter reading.

A violation of this section shall be deemed to be a continuing offense as long as the conditions described in this section exist.

e. Any person who, with intent to obtain cable television service without payment, in whole or in part, of the lawful charges therefor, or with intent to deprive another of the lawful receipt of such service, damages, cuts, tampers with, installs, taps or makes any connection with, or who displaces, removes, injures or destroys any wire, cable, conduit, apparatus or equipment of a cable television company operating a CATV system; or who, without authority of a cable television company, intentionally prevents, obstructs or delays, by any means or contrivance, the sending, transmission, con-

veyance, distribution or receipt of programming material carried by equipment of the cable television company operating a CATV system, is a disorderly person.

The existence of any of the conditions with reference to wires, cables, conduits, apparatus or equipment described in this subsection is presumptive evidence that the person to whom cable television service is at the time being furnished has, with intent to obtain cable television service without authorization or compensation or to otherwise defraud, created or caused to be created the condition so existing.

f. Any person who purposely or knowingly manufactures, constructs, sells, offers for sale, distributes or installs any equipment, device or instrument designed or intended to facilitate the interception, decoding or receipt of any cable television service with intent to obtain such service and avoid the lawful payment of the charges therefor to the provider, in whole or in part, is a disorderly person.

Any communications paraphernalia prohibited under this subsection shall be subject to forfeiture and may be seized by the State or any law enforcement officer in accordance with the provisions of N. J. S. 2C:64-1 et seq.

g. Any person who purposely or knowingly maintains or possesses any equipment, device or instrument of the type described in subsection f. of this section or maintains or possesses any equipment, device or instrument actually used to facilitate the interception, decoding or receipt of any cable television service with intent to obtain such service and avoid the lawful payment, in whole or in part, of the charges therefor to the provider, is a disorderly person.

Any communications paraphernalia prohibited under this subsection shall be subject to forfeiture and may be seized by the State or any law enforcement officer in accordance with the provisions of N. J. S. 2C:64-1 et seq.

2. This act shall take effect immediately.

Approved January 16, 1985.

CHAPTER 11

AN ACT concerning certain liens and amending 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 Hazardous discharge cleanup.

7. a. Whenever any hazardous substance is discharged, the department may, in its discretion, act to remove or arrange for the removal of such discharge or may direct the discharger to remove, or arrange for the removal of, such discharge. If the discharge occurs at any hazardous or solid waste disposal facility, the department may order the facility closed for the duration of the removal operations. The department may monitor the discharger's compliance with any such directive. Any discharger who fails to comply with such a directive shall be liable to the department in an amount equal to three times the cost of such removal, and shall be subject to the revocation or suspension of any license or permit he holds authorizing him to operate a hazardous or solid waste disposal facility.

Removal of hazardous substances and actions to minimize damage from discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan for removal of oil and hazardous substances established pursuant to section 311 (c) (2) of the federal Water Pollution Control Act Amendments of 1972 (P. L. 92-500, 33 U. S. C. § 1251 et seq.).

Whenever the department acts to remove a discharge or contracts to secure prospective removal services, it is authorized to draw upon the money available in the fund. Such 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; or

(2) Has not been discharged, if the department determines that such substance is not satisfactorily stored or contained and said substance possesses any one or more of the following characteristics:

(a) Explosiveness;

(b) High flammability;

(c) Radioactivity;

(d) Chemical properties which in combination with any discharged hazardous substance at the same storage facility would create a substantial risk of imminent damage to public health or safety or an imminent and severe damage to the environment;

(e) Is stored in a container from which its discharge is imminent as a result of contact with a hazardous substance which has already been discharged and such additional discharge would create a substantial risk of imminent damage to public health or safety or imminent and severe damage to the environment; or

(f) High toxicity and is stored or being transported in a container or motor vehicle, truck, railcar or other mechanized conveyance from which its discharge is imminent as a result of the significant deterioration or the precarious location of the container, motor vehicle, truck, railcar or other mechanized

conveyance, and such discharge would create a substantial risk of imminent damage to public health or safety or imminent and severe damage to the environment; or

(3) Has been discharged prior to the effective date of P. L. 1976, c. 141.

c. If and to the extent that he determines that funds are available, the administrator shall approve and make payments for any cleanup and removal costs incurred by the department for the removal of a hazardous substance other than petroleum as authorized by subsection b. of this section; provided that in determining the availability of funds, the administrator shall not include as available funds revenues realized or to be realized from the tax on the transfer of petroleum, to the extent that such revenues result from a tax levied at a rate in excess of \$0.01 per barrel, pursuant to subsection 9b. of P. L. 1976, c. 141 (C. 58:10-23.11h), unless the administrator determines that the sum of claims paid by the fund on behalf of petroleum discharges or removals plus pending reasonable claims against the fund on behalf of petroleum discharges or removals is greater than 30% of the sum of all claims paid by the fund plus all pending reasonable claims against the fund.

d. The administrator may only approve and make payments for any cleanup and removal costs incurred by the department for the removal of a hazardous substance discharged prior to the effective date of P. L. 1976, c. 141, pursuant to subsection b. of this section, if, and to the extent that, he determines that adequate funds from another source are not or will not be available; and 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 one year period pay more than \$18,000,000.00 in total or more than \$3,000,000.00 for any discharge or related set or series of discharges.

e. Notwithstanding any other provisions of P. L. 1976, c. 141, the administrator, 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, in each instance, a debt of the discharger to the fund. The debt shall constitute a lien on all property owned by the discharger when a notice of lien, incorporating a description of the property of the discharger subject to the cleanup and removal and an identification of the amount of cleanup, removal and related costs expended from the fund, is duly filed with the clerk of the Superior Court. The clerk shall promptly enter upon the civil judgment or order docket the name and address of the discharger and the amount of the lien as set forth in the notice of lien. Upon entry by the clerk, the lien, to the amount committed by the administrator for cleanup and removal, shall attach to the revenues and all real and personal property of the discharger, whether or not the discharger is insolvent. The notice of lien filed pursuant to this subsection which affects the property of a discharger subject to the cleanup and removal of a discharge shall create a lien with priority over all other claims or liens which are or have been filed against the property, except if the property comprises six dwelling units or less and is used exclusively for residential purposes, this notice of lien shall not affect any valid lien, right or interest in the property filed in accordance with established procedure prior to the filing of this notice of lien. The notice of lien filed pursuant to this subsection which affects any property of a discharger, other than the property subject to the cleanup and removal, shall have priority from the day of the filing of the notice of the lien over all other claims and liens filed against the property, but shall not affect any valid lien, right, or interest in the property filed in accordance with established procedure prior to the filing of a notice of lien pursuant to this subsection.

2. This act shall take effect immediately and shall apply to all liens which are or have been filed pursuant to P. L. 1976, c. 141 (C. 58:10-23.11 et seq.).

Approved January 22, 1985.

CHAPTER 12

AN ACT to increase the penalties for air pollution violations and amending P. L. 1954, c. 212 and P. L. 1962, c. 215.

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

1. Section 19 of P. L. 1954, c. 212 (C. 26:2C-19) is amended to read as follows:

C. 26:2C-19 Violations; penalties.

19. a. If any person violates any of the provisions of this act or any code, rule, regulation or order promulgated or issued pursuant to the provisions of this act, the department may institute a civil action in a court of competent jurisdiction for injunctive or any other appropriate relief to prohibit and prevent such violation or violations and the said court may proceed in the action in a summary manner.

b. Any person who violates the provisions of this act or any code, rule, regulation or order promulgated or issued pursuant to this act shall be liable to a civil administrative penalty of not more than \$10,000.00 for the first offense, not more than \$25,000.00 for the second offense, and not more than \$50,000.00 for the third and each subsequent offense. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense. No civil administrative penalty shall be levied except upon an administrative order issued pursuant to section 14 of P. L. 1954, c. 212 (C. 26:2C-14).

c. 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.

d. Any person who violates the provisions of P. L. 1954, c. 212 (C. 26:2C-1 et seq.) or any code, rule, regulation, or other promulgated or issued pursuant to that act, or a court order issued pursuant to subsection a. of this section, or who fails to pay a civil administrative penalty in full pursuant to section 9 of P. L. 1962, c. 215 (C. 26:2C-14.1), is subject, upon order of the court, to a civil penalty of not more than \$10,000.00 for the first offense,

not more than \$25,000.00 for the second offense, and not more than \$50,000.00 for the third and each subsequent offense. If the violation is of a continuing nature, each day during which the violation continues, or each day in which the civil administrative penalty is not paid in full, constitutes an additional, separate and distinct offense. Any penalty imposed under this subsection may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.). The Law Division of the Superior Court has jurisdiction to enforce "the penalty enforcement law."

e. A person who causes a release of air contaminants in a quantity or concentration which poses a potential threat to public health, welfare or the environment or which might reasonably result in citizen complaints shall immediately notify the department. A person who fails to so notify the department is liable to the penalties and procedures prescribed in this section.

2. Section 14 of P. L. 1954, c. 212 (C. 26:2C-14) is amended to read as follows:

C. 26:2C-14 Order to cease.

14. Whenever the department has cause to believe that any person is violating any code, rule or regulation promulgated by the department, the department shall cause a prompt investigation to be made in connection therewith.

If upon inspection the department discovers a condition which is in violation of the provisions of this act or any code, rule or regulation promulgated pursuant thereto, it shall be authorized to order such violation to cease and to take such steps necessary to enforce such an order. The order to cease the violation issued by the commissioner and sent to the violator by certified mail or personal service shall include a reference to the section of the statute, regulation, order, or permit condition violated; the amount of the fine which shall be imposed; a concise statement of the facts alleged to constitute the violation; and a statement of the right of the violator to a hearing.

The person responsible shall make the corrections necessary to comply with the requirements of this act or code, rule or regulation promulgated pursuant thereto within the time specified in the order.

Nothing herein shall be deemed to prevent the department from prosecuting any violation of this act or any code, rule or regula-

tion promulgated pursuant thereto, notwithstanding that such violation is corrected in accordance with its order.

3. Section 9 of P. L. 1962, c. 215 (C. 26:2C-14.1) is amended to read as follows:

C. 26:2C-14.1 Hearing on request; final order.

9. Any person aggrieved by an order of the department has 20 days from receipt of the order within which to deliver to the commissioner a written request for a hearing. Subsequent to the hearing, if requested, and upon a finding that a violation has occurred, the commissioner may issue a final order to cease the violation and assessing the amount of the fine specified in the order. If no hearing is requested, the order is a final order upon the expiration of the 20 day period. Payment of the penalty is due when a final order is issued or when the order becomes a final order. The authority to levy a civil administrative penalty is in addition to all other enforcement provisions in P. L. 1954, c. 212 (C. 26:2C-1 et seq.), and the payment of a civil administrative penalty does not affect the availability of any other enforcement provision in connection with the violation for which the penalty is levied. Pending the determination by the department and upon application therefor the department may stay the operation of such order upon such terms and conditions as it may deem proper.

4. Section 22 of P. L. 1954, c. 212 (C. 26:2C-22) is amended to read as follows:

C. 26:2C-22 Municipal, county regulation.

22. No ordinances of any governing body of a municipality or county or board of health more stringent than this act or any code, rules or regulations promulgated pursuant thereto shall be superseded by this act. Nothing in this act or in any code, rules or regulations promulgated pursuant thereto shall preclude the right of any governing body of a municipality or county or board of health, subject to the approval of the department, to adopt ordinances or regulations more stringent than this act or any code, rules or regulations promulgated pursuant thereto. Penalties for violations of ordinances of a governing body of a municipality, county or board of health shall not exceed \$2,500.00.

5. This act shall take effect immediately.

Approved January 22, 1985.

CHAPTER 13

AN ACT appropriating monies from the Community Development Bond Fund for the purpose of capitalization of the New Jersey Local Development Financing Fund.

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

1. There is appropriated to the Department of Commerce and Economic Development from the Community Development Bond Fund, created pursuant to the "Community Development Bond Act of 1982," P. L. 1981, c. 486, the sum of \$15,000,000.00 for the capitalization of the New Jersey Local Development Financing Fund, created pursuant to the "New Jersey Local Development Financing Fund Act," P. L. 1983, c. 190.

2. The expenditure of the sum appropriated by this act is subject to the provisions of P. L. 1983, c. 190. The terms and form of agreement of loans from the fund are subject to the prior approval of the New Jersey Economic Development Authority by a vote of a majority of its members.

3. Expenditures from the fund for administrative costs are subject to the prior approval of the Director of the Division of Budget and Accounting in the Department of the Treasury.

4. This act shall take effect immediately.

Approved January 23, 1985.

CHAPTER 14

AN ACT concerning parking offenses and repealing P. L. 1973, c. 274.

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

C. 39:4-139.2 Short title.

1. This act shall be known and may be cited as "The Parking Offenses Adjudication Act."

C. 39:4-139.3 Definitions.

2. As used in this act:

a. "Director" means the Director of the Division of Motor Vehicles.

b. "Division" means the Division of Motor Vehicles in the Department of Law and Public Safety.

c. "Parking offense" means a violation of a State statute, an ordinance or resolution adopted by a county, municipality or authority or a regulation issued by a State authority which regulates the parking of vehicles. For purposes of this act, violations of ordinances or regulations will be within the civil jurisdiction of the court.

d. "Parking ticket" means the summons issued alleging that a parking offense has occurred.

C. 39:4-139.4 Parking ticket.

3. a. The complaint and summons shall be a uniform traffic ticket in the form prescribed by the Administrative Director of the Courts and shall contain information advising the person to whom it is issued of the manner in which and the time within which an answer to the offense alleged is required. The parking ticket shall also advise that penalties may result from a failure to answer, that the failure to answer or appear shall be considered an admission of liability, and that a default judgment may be entered against the owner of the vehicle.

b. A parking ticket shall be served personally upon the operator of a vehicle who is present at the time of service, and his name shall be recorded on the parking ticket, together with the plate number and type as shown by the registration plates of the vehicle and the make or model of the vehicle. If the operator is not present, the parking ticket shall be served upon the owner of the vehicle by affixing the parking ticket to the vehicle in a conspicuous place, or by any other method appropriate under R. 4:4-4 of the Rules Governing the Courts of the State of New Jersey.

c. A parking ticket shall also contain sufficient information to inform the person of the nature, date, time and location of the offense alleged. Service of a parking ticket by affixation as provided in subsection b. of this section shall have the same effect as if the parking ticket was personally served on the owner or operator of the vehicle.

d. The original parking ticket shall be signed by the complainant, who shall certify to the truth of the facts set forth therein. The original parking ticket or a true copy of the parking ticket shall be considered a record kept in the ordinary business of the enforcement agency and shall be prima facie evidence of the facts contained therein.

e. An operator of a vehicle who is not the owner, but who uses or operates the vehicle with the permission of the owner, express or implied, shall be considered the agent of the owner to receive parking tickets served in accordance with subsection b. of this section.

C. 39:4-139.5 Liability for parking offense.

4. a. Except as provided in subsection b. of this section, the owner and operator shall be jointly liable for parking offenses, unless the owner can show that the vehicle was used without his consent, express or implied. An owner who pays any fine, penalty, civil judgment, costs or administrative fees in connection with a parking offense shall have the right to recover that sum from the operator in a court of competent jurisdiction.

b. (1) The owner of a motor vehicle who has leased the motor vehicle shall not be liable for a parking offense when the motor vehicle is under the control or in the possession of the lessee if, upon notice of a parking offense, the owner of a motor vehicle which was leased at the time of the offense notifies the clerk of the court where the case is pending, by a notarized statement of the name and address of the lessee. The notarized statement shall be in a form prescribed by the Administrative Director of the Courts.

(2) After providing the name and address of the lessee, the owner shall not be required to attend a hearing on the offense, unless notified that the offense may have been caused by mechanical failure of the vehicle which resulted from the owner's failure to maintain the vehicle.

(3) Paragraph (1) of this subsection shall not apply to a parking offense which was caused by mechanical failure of the vehicle which resulted from the owner's failure to maintain the vehicle.

The lessee of the motor vehicle who intends to claim the offense resulted from the owner's failure to maintain the vehicle shall notify the clerk of the court where the case is pending and the owner of the vehicle of this claim within five days after receiving notice of the offense or at least seven days prior to the date the case will be heard by the court, whichever is later.

(4) If the owner of the vehicle fails to comply with the provisions of paragraph (1) of this subsection, the court hearing the violation may take any action which the interests of justice require, including finding the owner of the motor vehicle liable for the parking offense.

C. 39:4-139.6 Procedures.

5. The municipal court shall immediately upon expiration of time to answer or appear, with respect to residents of New Jersey, follow the procedures set forth in R. 7:6-3(a) of the Rules Governing the Courts of the State of New Jersey. These procedures include the mailing of a notice of offense or a failure to appear notice to defendant. That notice shall be on a form approved by the Administrative Director of the Courts and shall inform the defendant of the parking offense charged; the time and date of the parking offense; the amount of fines, penalties and costs due; of his right to have a hearing; that a civil judgment may be entered against him for failure to appear or pay the amount due; and that his driver's license may be suspended; that his driving privileges may be revoked; and that a warrant may be issued for his arrest.

The procedures set forth in R. 7:6-3(c) of the Rules Governing the Courts of the State of New Jersey shall be followed in the case of a nonresident.

C. 39:4-139.7 Answer.

6. a. In answer to a parking ticket or failure to appear notice, a person to whom a parking ticket or failure to appear notice was issued may:

(1) Admit the commission of the parking offense by payment of the fine and penalty due; or

(2) Deny liability and appear in court in accordance with the instructions on the summons or otherwise as provided by court rule.

b. A person to whom a parking ticket or failure to appear notice has been issued may answer by personal appearance or by mail in accordance with instructions on the summons.

c. A person who admits the commission of a parking offense shall, at the same time he submits his answer, pay the civil fine and any additional penalties established pursuant to local ordinance or regulation, which may be due for failure to answer within the time required.

C. 39:4-139.8 Default judgment.

7. a. The officer issuing the ticket shall not be required to appear at the hearing of a case unless the respondent has denied that the parking offense occurred by his commission and the court determines that the officer's presence is required. The court may grant a reasonable adjournment if the officer is not available at the time of hearing. It shall not be required that evidence other than the parking ticket and information from the division identifying the owner of the vehicle be submitted to the court, and that documentation in proper form shall be considered prima facie evidence that the registered owner of the vehicle was the person who committed the parking offense.

b. If a person to whom a failure to appear notice has been issued fails to answer or fails to appear at a hearing when he is required to do so, or, having admitted commission of the parking offense, fails to pay the fine and penalties assessed by the court, the court may, in addition to all other remedies and penalties currently available to the court for failure to appear, enter a judgment by default sustaining the charges, fix the appropriate fine and assess appropriate penalties and costs, if any.

c. A judgment by default may be vacated by the court within one year after its entry only upon written application setting forth both a sufficient defense to the charge and an excusable neglect as to the respondent's failure to attend the hearing. If a failure to appear notice was mailed to the registered owner at the address appearing on the records of the division, the failure to receive the notice shall not be considered a defense unless the owner can prove that the division was advised of the owner's correct address prior to the date of the parking offense.

d. If payment is not made within 10 days after entry of a default judgment for a parking offense, the order of the court may be filed in the office of the clerk of the Superior Court and, when filed, shall have the effect of a civil money judgment. Judgments for parking offenses shall be maintained in a separate judgment roll from other civil judgments. Execution may be levied and other measures may be taken for the collection of the judgment which are authorized for the collection of an unpaid civil judgment. The court may assess costs against a judgment debtor, not to exceed \$25.00 for each violation, to be paid upon satisfaction of the judgment.

e. If a notice of appeal is filed by the person against whom judgment is entered within 10 days after entry of the judgment and the

payment of costs which the court shall require, a hearing de novo shall be held in accordance with the rules of the court. Service of a notice of appeal shall not stay the enforcement of a judgment appealed from unless the appellant shall have posted a bond in the amount of the judgment plus court costs at or before service of the notice of appeal.

f. A default judgment under this act may be filed by the court at any time within three years after the parking ticket was issued.

C. 39:4-139.9 Operating costs; civil contempt.

8. a. For a period of 24 months from the effective date of this act, \$2.00 out of each parking penalty assessed where a failure to appear notice issued under these provisions and disbursed to the municipality shall be earmarked and distributed to the municipal court by the municipality to provide for the operating costs to administer this act. These funds shall be in addition to the municipal court's normal budget allocation but in no event shall exceed those additional costs to the court incurred as a result of this act.

b. If a respondent defaults in the payment of a fine, penalty or costs, or of an installment, the court may require the respondent to show cause why the default should not be treated as a civil contempt and may issue a summons or order to show cause or a bench warrant of arrest for the respondent's appearance. The officers of a corporation or the partners, directors or officers of an association may be held in contempt upon a default by the corporation or association.

C. 39:4-139.10 Suspension of license.

9. a. If a person has failed to respond to a failure to appear notice or has failed to pay a parking judgment, the municipal court may give notice of that fact to the division in a manner prescribed by the director. If notice has been given under this section of a person's failure to respond to a failure to appear notice or to pay a parking judgment and if the fines and penalties are paid or if the case is dismissed or otherwise disposed of, the municipal court shall promptly give notice to that effect to the division.

b. The judge or the division may suspend the driver's license of an owner, lessee, or operator who has not answered or appeared in response to a failure to appear notice or has not paid or otherwise satisfied outstanding parking fines or penalties.

c. The division shall keep a record of a suspension ordered by the court pursuant to subsection b. of this section.

C. 39:4-139.11 Restoration of license.

10. a. When a person whose license has been suspended pursuant to subsection b. of section 9 of this act satisfies the fines and any penalties imposed by the court, the court shall forward to the division a notice to restore the person's driver's license.

b. Upon receiving a notice to restore pursuant to subsection a. of this section, the division shall record the restoration and notify the person of the restoration.

C. 39:4-139.12 \$3 fee.

11. There shall be included in the fines and penalties imposed by the court on a person whose license has been suspended pursuant to subsection b. of section 9 of this act a fee of \$3.00 which shall be transferred by the court to the division. All fees so transferred shall be deposited in a fund established to effectuate the purposes of this act.

C. 39:4-139.13 Impoundment; public auction.

12. a. The governing body of every municipality may make, amend, repeal and enforce an ordinance authorizing the impoundment or immobilization of a vehicle found within the jurisdiction of that municipality if there are any outstanding warrants against the vehicle.

b. Except for vehicles owned by lessors who have complied with paragraphs (1) and (2) of subsection b. of section 4 of this act, if the outstanding warrants are not paid by midnight on the 30th day following the day on which the vehicle was impounded or immobilized, the vehicle may be sold at a public auction. The municipality shall give notice of the sale by certified mail to the owner, if his name and address are known, and to the holder of any security interest filed with the director, and by publication in a form to be prescribed by the director by one insertion, at least five days before the date of the sale, in one or more newspapers published in this State and circulating in the municipality in which the motor vehicle has been impounded or immobilized.

c. At any time prior to the sale, the owner of the motor vehicle or other person entitled to the motor vehicle may reclaim possession of the motor vehicle upon payment of the reasonable costs of removal and storage of the motor vehicle, any fine or penalty and court costs assessed against him for a violation that gave rise to the impoundment or immobilization of the motor vehicle, and any outstanding warrants against the vehicle; however, the owner-lessee of a motor vehicle who has complied with paragraphs (1)

and (2) of subsection b. of section 4 of this act shall be entitled to reclaim possession without payment and the lessee shall be liable for any fine, penalty, court costs and outstanding warrants against the vehicle.

d. Any proceeds obtained from the sale of a vehicle at public auction pursuant to subsection b. of this section in excess of the amount owed to the municipality for the reasonable costs of removal and storage of the motor vehicle, any fine or penalty and court costs assessed against him for a violation that gave rise to the impoundment or immobilization of the motor vehicle, and any outstanding warrants against the vehicle, shall be returned to the owner of the vehicle, if his name and address are known.

C. 39:4-139.14 Contracts subject to court approval.

13. A municipality may enter into a contract with a public agency or private organization for services to be rendered in the processing of parking offenses under this act. A municipality which contracts for processing services shall submit a plan to the Supreme Court describing the services to be provided and the procedures to be used. The Supreme Court shall approve a plan submitted by a municipality prior to the implementation of that plan.

Repealer.

14. P. L. 1973, c. 274 (C. 39:4-139.1) is repealed.

15. This act shall take effect on the one hundred and eightieth day after enactment.

Approved January 23, 1985.

CHAPTER 15

AN ACT concerning motor vehicles and amending P. L. 1967, c. 237.

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

1. Section 4 of P. L. 1967, c. 237 (C. 39:3-76.5) is amended to read as follows:

C. 39:3-76.5 Motorcycle passenger restrictions.

4. a. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator

shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator. A passenger shall ride astride on a motorcycle only if the feet of that passenger rest firmly upon the footrests attached to the motorcycle as required by subsection b. of this section. A passenger on a motorcycle, whether riding astride or in a sidecar attached to the motorcycle, shall wear a securely fitted helmet of a size proper for that passenger as required under section 6 of P. L. 1967, c. 237 (C. 39:3-76.7).

A motorcycle operator who carries a passenger in violation of this subsection shall be fined not less than \$50.00 nor more than \$100.00.

b. Motorcycles designed to carry more than one person shall be equipped with adequate footrests for each passenger. Seats and footrests shall be of a type approved by the director. Handholds shall be required only insofar as they are necessary to comply with federal regulations.

2. Section 6 of P. L. 1967, c. 237 (C. 39:3-76.7) is amended to read as follows:

C. 39:3-76.7 Protective helmets.

6. No person shall operate or ride upon a motorcycle unless he wears a securely fitted protective helmet of a size proper for that person and of a type approved by the director. Such a helmet must be equipped with either a neck or chin strap and be reflectorized on both sides thereof. The director is authorized and empowered to adopt rules and regulations covering the types of helmets and the specifications therefor and to establish and maintain a list of approved helmets which meet the specifications as established hereunder. For the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering.

3. This act shall take effect immediately.

Approved January 23, 1985.

CHAPTER 16

AN ACT concerning surplus lines insurance and amending and supplementing P. L. 1960, c. 32.

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

1. Section 11 of P. L. 1960, c. 32 (C. 17:22-6.45) is amended to read as follows:

C. 17:22-6.45 Eligibility as surplus lines insurer.

11. No surplus lines agent shall place any coverage with any unauthorized insurer which is not then an eligible surplus lines insurer as provided for under this section. No unauthorized insurer shall be or become an eligible surplus lines insurer unless made eligible by the commissioner in accordance with the following conditions:

(a) Eligibility of the insurer must be requested in writing by a licensed surplus lines agent;

(b) The insurer must be currently an authorized insurer in the state or country of its domicile as to the kind or kinds of insurance proposed to be so placed, and must have been such an insurer for not less than one full year preceding; or must be the subsidiary of an admitted insurer or of an already eligible surplus lines insurer that has been so admitted or eligible for a period of not less than one full year preceding;

(c) Before granting eligibility the requesting surplus lines agent or the insurer shall furnish the commissioner with duly authenticated copies of its current annual financial statement, one in the language and monetary values of the country of the insurer, and the other in the English language and with all monetary values therein expressed in United States dollars, at the current exchange rate shown in the statement, and with such additional information relative to the insurer as the commissioner may require;

(d) The insurer shall establish satisfactory evidence of financial integrity, and:

(1) Have capital and surplus, or its equivalent under the laws of its domiciliary jurisdiction, which is not less than twice the amount of minimum capital and surplus required for like admitted insurers; except that any eligible insurer which does not possess

on the effective date of this amendatory and supplementary act the minimum capital and surplus requirements shall have three years from the effective date of this amendatory and supplementary act to comply therewith. In addition, an alien insurer shall maintain in the United States an irrevocable trust fund in a state or federally chartered bank in an amount not less than \$1,500,000.00 for the protection of all of its policyholders in the United States. The trust fund shall consist of cash, securities, letters of credit, or of investments of substantially the same character and quality as those which are eligible investments for the capital and statutory reserves of admitted insurers authorized to write like kinds of insurance in this State. The trust fund shall not be included in any calculation of capital and surplus or its equivalent and shall have an expiration date which at no time shall be less than five years. In lieu of the above capital and surplus requirements, and trust fund amount, any Lloyd's or other similar unincorporated group of alien individual insurers shall maintain a trust fund of not less than \$50,000,000.00 as security to the full amount thereof for all policyholders and creditors in the United States of each member of the group, and the trust shall likewise comply with the terms and conditions hereinabove set forth; and

(2) Have caused to be provided to the commissioner a copy of its current annual statement certified by the insurer, which, relative to the period reported upon, is no more than 18 months old, and which is either: (A) filed with and approved by the regulatory authority in the domicile of the unauthorized insurer; or (B) certified by an accounting or auditing firm licensed in the jurisdiction of the insurer's domicile;

(e) The condition or methods of operation of the insurer must not be such as would render its operation hazardous to the public or its policyholders in this State;

(f) The insurer must be of good reputation as to the providing of service to its policyholders and the payment of losses and claims;

(g) No insurer shall be eligible the management of which is found by the commissioner to be incompetent or untrustworthy, or so lacking in insurance company managerial experience as to make the proposed operation hazardous to the insurance-buying public; or which the commissioner has good reason to believe is affiliated directly or indirectly through ownership, control, reinsurance transactions or other insurance or business relations, with any person or persons whose business operations are or have been

detrimental to policyholders, stockholders, investors, creditors or to the public;

(h) No insurer shall be eligible the voting control or ownership of which is held in whole or substantial part by any government or governmental agency, or which is operated for or by any such government or agency. Membership in a mutual insurer, or subscribership in a reciprocal insurer, or ownership of stock of an insurer by the alien property custodian or similar official of the United States, or supervision of an insurer by public insurance supervisory authority shall not be deemed to be an ownership, control, or operation of the insurer for the purposes of this subsection.

The commissioner shall from time to time publish a list of all currently eligible surplus lines insurers, and shall mail a copy thereof to each licensed surplus lines agent at his office last of record with the commissioner.

This section shall not be deemed to cast upon the commissioner any duty or responsibility to determine the actual financial condition or claims practices of any unauthorized insurer; and the status of eligibility, if granted by the commissioner, shall indicate only that the insurer appears to be sound financially and to have satisfactory claims practices, and that the commissioner has no credible evidence to the contrary.

Where it appears that any particular insurance risk which is eligible for export, but insurance coverage thereon, in whole or in part, is not procurable from the eligible surplus lines insurers, then the surplus lines agent may file a supplemental affidavit stating such facts and advising the commissioner that such part of the risk as shall be unprocurable, as aforesaid, is being placed with named unauthorized insurers, in the amounts and percentages set forth in the affidavit. Such named unauthorized insurer shall, however, before accepting any risk in this State, deposit with the commissioner United States government bonds in an amount acceptable to the commissioner, which shall be held by said commissioner for the benefit of New Jersey policyholders only and the surplus lines agent shall procure from such unauthorized insurer and file with the commissioner a certified copy of its current annual statement of financial condition. If such deposit is made and the statement reveals, including both capital and surplus, net assets of at least \$500,000.00 consisting of at least \$300,000.00 liquid assets, then the surplus lines agent may proceed to consummate the con-

tract of insurance. Whenever any insurance risk or any part thereof is placed with an unauthorized insurer, as provided herein, the policy, binder or cover note shall bear conspicuously on its face in boldface type the following notation: "All or some of the insurers participating in this risk have not been admitted to transact business in the State of New Jersey, nor have they been approved as a surplus lines insurer by the insurance commissioner of this State. The placing of such insurance by a duly licensed surplus lines agent in this State shall not be construed as approval of such insurer by the insurance commissioner of the State of New Jersey." All other provisions of this Title shall apply to such placement the same as if such risks were placed with an eligible surplus lines insurer.

C. 17:22-6.55a Advisory organizations.

2. (New section) a. Advisory surplus lines organizations of surplus lines agents may be formed to: (1) facilitate and encourage compliance by its members with the laws of this State and the rules and regulations of the commissioner relative to surplus lines insurance; (2) provide means for the examination, which shall remain confidential, of all surplus lines coverages written by its members to determine whether the coverages comply with the laws and regulations; (3) communicate with organizations of admitted insurers with respect to the proper use of the surplus lines market; and (4) receive and disseminate to its members information relative to surplus lines coverages.

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, (2) a copy of its bylaws, and the rules and regulations governing its activities, (3) a current list of its members, (4) the name and address of a resident of this State upon whom notices or orders of the commissioner or processes issued at his direction may be served, and (5) an agreement that the commissioner may examine the advisory organization in accordance with the provisions of this section.

c. The commissioner may, whenever he deems it necessary and at least once every three years, make or cause to be made an examination of each advisory organization. The reasonable cost of any examination shall be paid by the advisory organization upon presentation to it by the commissioner of a detailed account of the cost. The officers, managers, agents and employees of the advisory organization may be examined at any time, under oath, and shall

exhibit all books, records, accounts, documents or agreements governing its method of operation. The commissioner shall furnish two copies of the examination report to the advisory organization examined and shall notify the organization that it may, within 20 days thereof, request a hearing on the report or on any facts or recommendations therein. If the commissioner finds the advisory organization or any member thereof to be in violation of this section, he may issue an order requiring the discontinuance of the violation, and may impose a penalty not exceeding \$1,000.00 for the first offense and not exceeding \$2,000.00 for each succeeding offense, to be enforced and collected by the commissioner in the name of the State in a summary proceeding in accordance with "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.).

d. The commissioner may contract with a surplus lines advisory organization, which shall render advice and assistance in carrying out the purposes of the surplus lines law, and whereby the affidavits, reports, certificates or statements required by the surplus lines law may be filed with and maintained by the advisory organization. The services performed by the advisory organization shall be funded by a stamping fee assessed on each surplus lines policyholder whose policy is submitted to the advisory organization, which stamping fee shall be established by the board of governors of the advisory organization from time to time and shall be subject to approval by the commissioner.

e. The advisory organization may submit reports and make recommendations to the commissioner regarding the financial condition of any surplus lines insurer. These reports and recommendations shall not be considered to be public information or subject to any State or federal freedom of information law. There shall be no liability on the part of nor shall any cause of action of any nature be sustained against surplus lines insurers, the advisory organization or its members, agents or employees, the directors, or the commissioner or authorized representatives of the commissioner for statements in any reports or recommendations made by them in good faith under this section.

3. This act shall take effect immediately.

Approved January 23, 1985.

CHAPTER 17

AN ACT concerning fees imposed upon the recording of deeds transferring title to real property and amending P. L. 1968, c. 49.

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

1. Section 6 of P. L. 1968, c. 49 (C. 46:15-10) is amended to read as follows:

C. 46:15-10 Realty transfer fee exemptions.

6. The fee imposed by this act shall not apply to a deed:

(a) For a consideration, as defined in section 1 (c), of less than \$100.00;

(b) By or to the United States of America, this State, or any instrumentality, agency, or subdivision thereof;

(c) Solely in order to provide or release security for a debt or obligation;

(d) Which confirms or corrects a deed previously recorded;

(e) On a sale for delinquent taxes or assessments;

(f) On partition;

(g) By a receiver, trustee in bankruptcy or liquidation, or assignee for the benefit of creditors;

(h) Eligible to be recorded as an "ancient deed" pursuant to R. S. 46:16-7;

(i) Acknowledged or proved on or before July 3, 1968;

(j) Between husband and wife, or parent and child;

(k) Conveying a cemetery lot or plot;

(l) In specific performance of a final judgment;

(m) Releasing a right of reversion;

(n) Previously recorded in another county and full realty transfer fee paid or accounted for, as evidenced by written instrument, attested by the grantee and acknowledged by the county recording officer of the county of such prior recording, specifying the county, book, page, date of prior recording, and amount of realty transfer fee previously paid;

(o) By an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State;

(p) Recorded within 90 days following the entry of a divorce decree which dissolves the marriage between the grantor and grantee.

2. This act shall take effect immediately.

Approved January 25, 1985.

CHAPTER 18

AN ACT concerning fiduciary responsibilities for certain senior citizens and supplementing P. L. 1977, c. 387 (C. 26:2H-47 et seq.).

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

C. 26:2H-47.1 Notification of fund exhaustion.

1. In order to facilitate the provision of assistance to certain residents by skilled or intermediate care nursing facilities in obtaining medical assistance or other payment mechanisms for nursing home facility care pursuant to sections 1 and 2 of P. L. 1977, c. 387 (C. 26:2H-47 and 26:2H-48), the fiduciary of any resident, 65 years of age or older, for whom the fiduciary expends funds for the nursing home facility care of the resident shall, at least 90 days before those funds are exhausted, notify in writing the resident, the nursing facility to whom the funds are paid, the resident's next of kin and any other person or agency interested in the resident's welfare, of the impending exhaustion of those funds.

2. This act shall take effect immediately.

Approved January 25, 1985.

CHAPTER 19

AN ACT concerning county and municipal support of volunteer fire companies and first aid, emergency, volunteer ambulance or rescue squad associations and amending N. J. S. 40A:14-34 and R. S. 40:5-2.

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

1. N. J. S. 40A:14-34 is amended to read as follows:

Appropriations for fire companies.

40A:14-34. The governing body of any municipality may raise and appropriate funds to be granted to the boards of fire commissioners of any fire district or volunteer fire companies located therein, up to a total appropriation of \$45,000.00 annually. In any municipality in which there are more than three such boards or companies, or both, the governing body may raise and appropriate an additional \$15,000.00 annually for each such additional board or company. Any such board or company shall use not less than 50% of the funds received pursuant to this section for the purchase of fire equipment, materials and supplies. All funds appropriated under this section shall be accounted for to the governing body annually.

Any municipality may appropriate such additional sums as it may deem necessary for the purchase of fire equipment, supplies and materials for use by fire companies or boards, the title to which shall remain with the municipality, provided that the funds shall be controlled and disbursed by the municipality. In the case of a joint purchase made by the governing bodies of two or more municipalities pursuant to the provisions of the "Consolidated Municipal Service Act," P. L. 1952, c. 72 (C. 40:48B-1 et seq.), the title to the purchase shall be held by the joint meeting formed by the contracting governing bodies.

2. R. S. 40:5-2 is amended to read as follows:

Contributions to first aid squads.

40:5-2. Any county or municipality may make a voluntary contribution of not more than \$25,000.00 annually to any duly incorporated first aid and emergency or volunteer ambulance or rescue squad association of the county, or of any municipality therein,

rendering service generally throughout the county, or any of the municipalities thereof. In addition, if any such associations experience extraordinary need, the county or municipality may contribute an additional amount of not more than \$25,000.00 annually; provided, however, that the need for such additional funds is established by the association and is directly related to the performance of said association's duties. The chief financial officer of the county or municipality shall receive an audit performed by a certified public accountant or a registered municipal accountant in any year in which any contribution is made of each association's financial records for the previous fiscal year and shall file a copy thereof with the clerk of the county or municipality.

Any county or municipality may appropriate such additional sums as it may deem necessary for the purchase of first aid vehicles, equipment, supplies and material for use by these associations, the title to which shall remain with the county or municipality, provided that the funds are controlled and disbursed by the county or municipality.

In the case of a joint purchase made by the governing bodies of two or more local units pursuant to the provisions of the "Consolidated Municipal Service Act," P. L. 1952, c. 72 (C. 40:48B-1 et seq.), the title to the purchase shall be held by the joint meeting formed by the contracting governing bodies.

3. This act shall take effect immediately.

Approved January 25, 1985.

CHAPTER 20

AN ACT concerning voters who by reason of an inability to read or write may need assistance and amending P. L. 1944, c. 230 and R. S. 19:50-3.

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

1. Section 2 of P. L. 1944, c. 230 (C. 19:31A-8) is amended to read as follows:

C. 19:31A-8 Signature comparison records; identification statements; disability certificates.

2. Every person qualified to vote in any election shall at any time after the opening of the polls be at liberty to enter the polling place or room and claim his right to vote at such election in his proper district, and he shall claim such right in person before the district board in the district. The board shall permit no person to vote whose name does not appear in the signature copy register of its election district. Each voter in claiming the right to vote shall first give his full name and address to the member of the district board having charge of the duplicate permanent registration binder and voting record and the signature comparison record. Such clerk shall thereupon locate the permanent registration form and voting record and signature comparison record of the voter and shall require the voter to thereupon sign his name in the proper space on his signature comparison record if the voter has previously signed his name on the line marked sample signature. If the voter has not so signed, the member of the district board shall require the voter to sign the line marked sample signature and compare the sample signature with the signature made by such person at the time he registered and if satisfied that they were made by one and the same person he shall then permit the voter to sign his name in the proper space on the signature comparison record. The voter shall sign his name without assistance using black ink in the proper column on the signature comparison record. Such signature being completed on the signature comparison record the member of the board having charge of the duplicate permanent registration binder shall audibly and publicly announce the name of the claimant and if the member of the board has ascertained from the duplicate permanent registration binder that the claimant is registered as a qualified voter and upon comparison the member of the board is satisfied that the signature of the claimant and the sample signature on the signature copy register has been made by one and the same person, the member of the board who compared the signature of the voter shall place his initials in the proper column on the signature comparison record signifying that he has made such comparison and is satisfied that the signature of the claimant and sample signature has been made by one and the same person; whereupon the voter shall be eligible to receive a ballot unless it be shown to the satisfaction of a majority of the members of the district board that he is not entitled to vote in the district or has otherwise become disqualified.

In addition to signing the signature comparison record and after the comparison of the signature with the signature in the register,

a person offering to vote at a primary election for the general election shall announce his name and the party primary in which he wishes to vote.

After a person has voted, the member of the district board having charge of the signature copy register shall place the number of the person's ballot in the proper column on the record of voting form of such person, which number shall constitute a record that the person has voted. In the case of a primary election for the general election such member of the district board shall also place in the proper column on the record of voting form the first three letters of the name of the political party whose primary ballot such person has voted.

No person shall be required to sign the signature comparison record as a means of identification if he shall have been unable to write his name when he registered, or if, having been able to write his name when registered, he subsequently shall have lost his sight or lost the hand with which he was accustomed to write or shall by reason of disease or accident be unable to write his name when he applies to vote, but each such person who alleges his inability to sign his name on the signature comparison record shall establish his identity as follows: one of the members of the district board shall read the same list of questions to the voter as were required upon registration, such questions shall be provided at each election by the commissioner of registration and are to be known as "identification statements for election day." The member of the board shall write the answers of the voter upon the identification statement. These statements shall be inserted in the front of the duplicate registry binders, at each election, and shall be numbered serially from one to twenty.

Each statement shall contain the same questions as the voter was required to answer upon registration. The questions answered upon registration shall not be turned to or inspected until the answers to the questions shall have been written on election day by the member of the board.

At the end of each list of questions shall be printed the following statement: "I certify that I have read to the above named voter each of the foregoing questions and that I have duly recorded his answers as above to each of said questions"; and the member of the board who has made the above record shall sign his name to such certificate and date the same, and note the time of day of making such record. If the answers to the questions asked of the

voter on election day agree with the answers given by him to the same questions at the time he registered, he shall then be eligible to receive a ballot. Any person who shall permit or attempt to furnish the answers on behalf of the voter shall be guilty of a misdemeanor. The commissioner of registration shall furnish sufficient identification statements for each election district in each county. The statements shall be printed on sheets approximately ten by sixteen inches and shall contain a margin of approximately two inches for binding and shall be inserted in the front of the duplicate registry binders each election and shall be in substantially the following form:

IDENTIFICATION STATEMENT FOR

ELECTION DAY,

19

Affidavit Number	Name of Voter	What is, or was your father's full name?	What is, or was your mother's full name?	Are you Married or Single?	Where Did You Actually Reside Prior to Taking Up Your Present Residence. State Floor and Character Premises.	I Certify that I Have Read to the Elector Each of the Foregoing Questions and That I Have Truly Recorded His Answer to Each of the said Questions
1A						
2A						Signature of Member of the Board of Registry and Election.
3A						Signature of Member of the Board of Registry and Election.
4A						Signature of Member of the Board of Registry and Election.
5A						Signature of Member of the Board of Registry and Election.
6A						Signature of Member of the Board of Registry and Election.
7A						Signature of Member of the Board of Registry and Election.
8A						Signature of Member of the Board of Registry and Election.
9A						Signature of Member of the Board of Registry and Election.
10A						Signature of Member of the Board of Registry and Election.
11A						Signature of Member of the Board of Registry and Election.
12A						Signature of Member of the Board of Registry and Election.
13A						Signature of Member of the Board of Registry and Election.
14A						Signature of Member of the Board of Registry and Election.
15A						Signature of Member of the Board of Registry and Election.
16A						Signature of Member of the Board of Registry and Election.
17A						Signature of Member of the Board of Registry and Election.
18A						Signature of Member of the Board of Registry and Election.
19A						Signature of Member of the Board of Registry and Election.

At any election any person who declares under oath and establishes to the satisfaction of a majority of all the members of the district board, that by reason of an inability to read or write, blindness or other physical disability he is unable to mark his ballot without assistance, shall have the assistance of two members of the board of opposite political faith, to be assigned by the board, in preparing his ballot. Such members shall retire with such voter to the booth and assist him in the preparation of his ballot and folding the same. The member acting as clerk of the district board shall make an entry on a disability certificate for assistance, which entry shall be in the form of an oath and be inserted in the front of the duplicate registry binders each election.

In every instance when such oath was administered to a voter as herein provided, it shall state briefly what facts were sworn to and the names of the members of the board who aided such voter. Any members of the district board shall be eligible to witness the preparation of the ballot of any such voter, but no other person shall be allowed to assist him in marking his ballot or to witness the marking of the same. No member of the board shall reveal the name of any person for whom such voter has voted or anything that took place while he was being assisted.

Such voter, if blind, disabled, or unable to read or write, may, in lieu of the assistance of the board as above provided, have assistance of some person of his own selection in preparing his ballot. Such person shall retire with such voter to the booth and assist him in the preparation of his ballot and folding the same. The name and address of such person shall be recorded as above. In such case, no other person than the one so selected by the voter shall be allowed to assist such voter in marking his ballot or witness the marking of the same. No person so selected shall reveal the name of any person for whom such voter has voted or anything that took place while he was being assisted.

The disability certificates shall be numbered serially one to twenty. The commissioner of registration shall furnish sufficient disability certificates for assistance for each election district in his county. The disability certificates for assistance shall be printed on sheets approximately ten by sixteen inches and shall contain a margin of approximately two inches for binding and shall be in substantially the following form:

[illegible]

The commissioner of registration in each county shall furnish sufficient certificates of signature comparison records for each election district in his county to be filled in and signed at the close of the polls by the members of the district board. A blank space shall also be provided for on the certificate for the signatures of the members of the election board. Under said certificate there shall also be printed the word "Remarks" together with a number of blank lines. The commissioner shall insert one of such certificates in the front of the signature copy register in each election district in the county. At primary elections the certificate shall be in substantially the following form:

PRIMARY ELECTION
CERTIFICATION OF SIGNATURE COMPARISON RECORD

The undersigned constituting the district board of election in the County of in the
(City, Town, Township,
Borough or Village)
..... Ward District hereby
certify that (.....) is the correct total of the number of
(Figures)
names of voters who actually signed the signature comparison
records and voted in the DEMOCRATIC PRIMARY ELECTION held on the
..... day of 194....

And hereby certify that (.....) is the correct total of
(Figures)
the number of names of voters who actually signed the signature
comparison records and voted in the REPUBLICAN PRIMARY ELECTION
held on the day of 194....

DISTRICT

..... Judge Clerk.

BOARD OF

..... Inspector Clerk.

ELECTION

Remarks:

.....

.....

.....

.....

.....

At all other elections the certificates shall be in substantially the following form:

CERTIFICATION OF SIGNATURE COMPARISON RECORD

The undersigned constituting the district board of election in the County of in the
(City, Town, Township,
Borough or Village)

..... Ward District hereby
certify that (.....) is the correct total of the number of
(Figures)

names of voters who actually signed the signature comparison
records and voted in the
(General, Special or other Election as the
case may be)

election held on the day of, 194....

..... Judge Clerk. DISTRICT
..... Inspector Clerk. BOARD OF
ELECTION

Remarks:
.....
.....
.....
.....
.....

After each election the commissioner of registration shall remove from the binders the identification statements, the disability certificates for assistance, and certifications of signature comparison records and shall preserve them in his office in a suitable place for a period of two years.

2. R. S. 19:50-3 is amended to read as follows:

Voting machine model; voter assistance.

19:50-3. For instructing the voters on any election day there shall, so far as practicable, be provided by the county board of elections or the superintendent of elections or the municipal clerk,

as the case may be, having custody of voting machines, for each polling place a mechanically operated model of a portion of the face of the machine. Such model, if furnished, shall, during the election, be located on the district election officers' table or in some other place which the voters must pass to reach the machine, and each voter shall, before entering the voting machine booth, be instructed regarding the operation of the machine and such instruction illustrated on the model, and the voter given opportunity to personally operate the model. The voter's attention shall also be called to the diagram of the face of the machine so that the voter can become familiar with the location of the questions and the names of the officers and candidates. If any voter, before entering the voting machine booth, declares under oath, and establishes to the satisfaction of a majority of all the members of the district board that by reason of an inability to read or write, blindness or other physical disability he is unable to cast his vote without assistance, he shall have the assistance of two members of the board of opposite political faith, to be assigned by the board. Such members shall retire with such voter to the booth and assist him. The member acting as clerk of the district board shall make an entry on a disability certificate for assistance, which entry shall be on the form of an oath inserted in the front of the duplicate registry binders at each election.

In every instance when such oath is administered to a voter as herein provided, it shall state briefly what facts were sworn to and the names of the members of the board who aided such voter shall be signed on the form. Any members of the district board shall be eligible to assist any such voter, but no other person except as hereinafter provided shall be allowed to assist him. No member of the board shall reveal the name of any person for whom such voter has voted or anything that took place while he was being assisted.

Such voter, if blind, disabled or unable to read or write, may, in lieu of the assistance of the board as above provided, have assistance of some person of his own selection. Such person shall retire with such voter to the booth and assist him in voting. The name and address of such person shall be recorded as above. In such case, no other person than the one so selected by the voter shall be allowed to assist such voter. No person so selected shall reveal the name of any person for whom such voter has voted or anything that took place while he was being assisted.

The disability certificates shall be numbered serially 1 to 20. The commissioner of registration shall furnish sufficient disability certificates for assistance for each election district in his county which shall be inserted in the front of the duplicate registry binders.

3. This act shall take effect immediately.

Approved January 25, 1985.

CHAPTER 21

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 6 of P. L. 1975, c. 217 (C. 52:27D-124) is amended to read as follows:

C. 52:27D-124 Powers of the commissioner.

6. Powers of the commissioner. The commissioner shall have all the powers necessary or convenient to effectuate the purposes of this act, including, but not limited to, the following powers in addition to all others granted by this act:

a. To adopt, amend and repeal, after consultation with the code advisory board, rules: (1) relating to the administration and enforcement of this act and (2) the qualifications or licensing, or both, of all persons employed by enforcing agencies of the State to enforce this act or the code, except that plumbing inspectors shall be subject to the rules adopted by the commissioner only insofar as such rules are compatible with such rules and regulations regarding health and plumbing for public and private buildings, as may be promulgated by the Public Health Council in accordance with Title 26 of the Revised Statutes.

b. To enter into agreements with federal and State of New Jersey agencies, after consultation with the code advisory board, to provide insofar as practicable (1) single-agency review of construction plans and inspection of construction and (2) intergovernmental acceptance of such review and inspection to avoid unneces-

sary duplication of effort and fees. The commissioner shall have the power to enter into such agreements although the federal standards are not identical with State standards; provided that the same basic objectives are met. The commissioner shall have the power through such agreements to bind the State of New Jersey and all governmental entities deriving authority therefrom.

c. To take testimony and hold hearings relating to any aspect of or matter relating to the administration or enforcement of this act, including but not limited to prospective interpretation of the code so as to resolve inconsistent or conflicting code interpretations, and, in connection therewith, issue subpoenas to compel the attendance of witnesses and the production of evidence. The commissioner may designate one or more hearing examiners to hold public hearings and report on such hearings to the commissioner.

d. To encourage, support or conduct, after consultation with the code advisory board, educational and training programs for employees, agents and inspectors of enforcing agencies, either through the Department of Community Affairs or in cooperation with other departments of State government, enforcing agencies, educational institutions, or associations of code officials.

e. To study the effect of this act and the code to ascertain their effect upon the cost of building construction and maintenance, and the effectiveness of their provisions for insuring the health, safety, and welfare of the people of the State of New Jersey.

f. To make, establish and amend, after consultation with the code advisory board, such rules as may be necessary, desirable or proper to carry out his powers and duties under this act.

g. To adopt, amend, and repeal rules and regulations providing for the charging of and setting the amount of fees for the following code enforcement services, licenses or approvals performed or issued by the department, pursuant to the "State Uniform Construction Code Act":

(1) Plan review, construction permits, certificates of occupancy, demolition permits, moving of building permits, elevator permits and sign permits; and

(2) Review of applications for and the issuance of licenses certifying an individual's qualifications to act as a construction code official, subcode official or assistant under this act.

(3) (Deleted by amendment, P. L. 1983, c. 338.)

h. To adopt, amend and repeal rules and regulations providing for the charging of and setting the amount of construction permit surcharge fees to be collected by the enforcing agency and remitted to the department to support those activities which may be undertaken with moneys credited to the Uniform Construction Code Revolving Fund.

i. To adopt, amend and repeal rules and regulations providing for:

(1) Setting the amount of and the charging of fees to be paid to the department by a private agency for the review of applications for and the issuance of approvals authorizing a private agency to act as an on-site inspection and plan review agency or an in-plant inspection agency;

(2) The setting of the amounts of fees to be charged by a private agency for inspection and plan review services; provided, however, that such fees shall be identical to those adopted and charged by the department when it serves as a local enforcement agency pursuant to section 10 of P. L. 1975, c. 217 (C. 52:27D-128); and

(3) The formulation of standards to be observed by a municipality in the evaluation of a proposal submitted by a private agency to provide inspection or plan review services within a municipality.

j. To enforce and administer the provisions of the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D-119 et seq.) and the code promulgated thereunder, and to prosecute or cause to be prosecuted violators of the provisions of that act or the code promulgated thereunder in administrative hearings and in civil proceedings in State and local courts.

k. To monitor the compliance of local enforcing agencies with the provisions of the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D-119 et seq.), to order corrective action as may be necessary where a local enforcing agency is found to be failing to carry out its responsibilities under that act, to supplant or replace the local enforcing agency for a specific project, and to order it dissolved and replaced by the department where the local enforcing agency repeatedly or habitually fails to enforce the provisions of the "State Uniform Construction Code Act."

2. This act shall take effect immediately.

Approved January 25, 1985.

CHAPTER 22

AN ACT concerning limitations imposed upon increases in municipal final appropriations, and amending P. L. 1976, c. 68.

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

1. Section 3 of P. L. 1976, c. 68 (C. 40A:4-45.3) is amended to read as follows:

C. 40A:4-45.3 Budget increase limitations; exceptions.

3. In the preparation of its budget a municipality shall limit any increase in said budget to 5% or the index rate, whichever is less, over the previous year's final appropriations subject to the following exceptions:

a. The amount of revenue generated by the increase in its valuations, based solely on applying the preceding year's general tax rate of the municipality to the assessed value of new construction or improvements;

b. Capital expenditures, including appropriations for current capital expenditures, whether in the capital improvement fund or as a component of a line item elsewhere in the budget, provided that any such current capital expenditure would be otherwise bondable under the requirements of N. J. S. 40A:2-21 and 40A:2-22;

c. An increase based upon: (1) emergency temporary appropriations made pursuant to N. J. S. 40A:4-20 to meet an urgent situation or event which immediately endangers the health, safety or property of the residents of the municipality, and over which the governing body had no control and for which it could not plan; (2) emergency appropriations made pursuant to N. J. S. 40A:4-46 and special emergency appropriations made pursuant to N. J. S. 40A:4-53; or (3) special emergency appropriations made pursuant to N. J. S. 40A:4-54, section 1 of P. L. 1961, c. 22 (C. 40A:4-55.1) or section 1 of P. L. 1968, c. 194 (C. 40A:4-55.13). Emergency temporary appropriations, special emergency appropriations and emergency appropriations under (1) and (2) above shall be approved by at least two-thirds of the governing body and by the Director of the Division of Local Government Services, and shall not exceed in the aggregate 3% of the previous year's final current operating appropriations. Special emergency appropriations under

(3) above shall be approved by at least two-thirds of the governing body, and shall not exceed in the aggregate 3% of the previous year's final current operating appropriations. Neither procedure shall apply to appropriations adopted for a purpose referred to in subsection d. or j. below;

d. All debt service, including that of a Type I school district;

e. Amounts required for funding a preceding year's deficit;

f. Amounts reserved for uncollected taxes;

g. Expenditures mandated after the effective date of this act pursuant to State or federal law;

h. Expenditure of amounts derived from new or increased service fees imposed by ordinance, or derived from the sale of municipal assets;

i. When approved by referendum;

j. Amounts required to be paid pursuant to any contract with respect to use, service or provision of any project, facility or public improvement for water, sewer, solid waste, parking, senior citizen housing or any similar purpose, or payments on account of debt service therefor, between a municipality and any other municipality, county, school or other district, agency, authority, commission, instrumentality, public corporation, body corporate and politic or political subdivision of this State. With respect to the amounts required to be paid for senior citizen housing in the above cited political subdivisions or bodies, the exceptions shall be subject to the review and approval of the Local Finance Board;

k. Amounts required to be paid by any constituent municipality of the Hackensack Meadowlands District established pursuant to article 2 of the "Hackensack Meadowlands Reclamation and Development Act" (P. L. 1968, c. 404; C. 13:17-4), to the inter-municipal account established pursuant to article 9 of said act (C. 13:17-60 through 13:17-76);

l. Programs funded wholly or in part by federal or State funds and amounts received or to be received from federal, State or other funds in reimbursement for local expenditures;

m. Amounts appropriated to fund any increase in public utility, fuel oil, gasoline or heating oil charges which exceeds by more than 10% the amount produced by subtracting from the amount appro-

priated in the previous year for these purposes that amount which was excepted pursuant to this subsection in that previous year;

n. Increased revenue from payments in lieu of taxes on any property owned by a tax-exempt public entity, to the extent that the payment received for any single property exceeds the amount of real property taxes received on that property in the year immediately prior to acquisition by the public entity, or, in the case of State property subject to P. L. 1977, c. 272 (C. 54:4-2.2a et seq.), to the extent that the total State payment exceeds the amount of the payment received in the 1982 budget year;

o. Any decrease in amounts received pursuant to any federal general purposes aid program from the amounts received in local budget year 1982, after deducting from the decrease any amount of new or increased federal or State general purposes aid explicitly provided for the purpose of replacing the decrease in federal aid;

p. Amounts expended for the conduct of a special election required by law to be held at a time other than the time of the general election or the time of a regular municipal election; or

q. Expenditures of amounts to fund the purchase of vehicles used by the municipal police department and all equipment installed in or on the vehicles.

2. This act shall take effect immediately.

Approved January 25, 1985.

CHAPTER 23

AN ACT to amend "An act providing for the regulation and licensing of mortgage bankers and mortgage brokers by the Commissioner of Banking, defining the powers and duties of the commissioner in connection therewith, and prescribing penalties for violations thereof and making an appropriation therefor," approved February 4, 1981 (P. L. 1981, c. 18).

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

1. Section 14 of P. L. 1981, c. 18 (C. 17:11B-14) is amended to read as follows:

C. 17:11B-14 Regulation of mortgage lenders.

14. a. No person or licensee shall advertise, print, display, publish, distribute, telecast or broadcast, or cause or permit to be advertised, printed, displayed, published, distributed, televised or broadcast, in any manner, any statement or representation with regard to the rates, terms or conditions pertaining to the making, negotiating, or sale of loans, which is false, misleading or deceptive. No person who is not licensed under this act or not exempt under section 3 of this act shall use the word "mortgage" or similar words in any advertising, signs, letterheads, cards, or like matter which tend to represent that he arranges real estate mortgage loans. No person licensed under this act shall be granted a license in a name containing such words as "insured," "bonded," "guaranteed," "secured" and the like.

b. No person or licensee shall, in connection with or incidental to the making of a mortgage loan, require or permit the mortgage instrument or bond or note to be signed by a party to the transaction if the instrument contains any blank spaces to be filled in after it has been signed, except blank spaces relating to recording.

c. No person or licensee shall charge or exact directly or indirectly from the mortgagor or any other person fees, commissions or charges determined to be excessive in accordance with subsection b. of section 13 of this act.

d. No person not licensed or not exempt from licensure under this act shall receive any commission, bonus or fee in connection with arranging or originating a mortgage loan for a borrower, except that a mortgage solicitor can receive such commission, bonus, or fee from his employer.

e. No person or licensee shall pay any commission, bonus or fee to any person not licensed or not exempt under the provisions of this act in connection with arranging for or originating a mortgage loan for a borrower, except that a mortgage solicitor may be paid such bonus, commission, or fee by his employer.

f. No person shall obtain or attempt to obtain a license by fraud or misrepresentation.

g. No person or licensee shall misrepresent, circumvent, or conceal the nature of any material particular of any transaction to which he is a party.

h. No person or licensee shall fail to disburse funds in accordance with his agreements, unless otherwise ordered by the commissioner or a court of this State or of the United States.

i. No person or licensee shall fail without good cause to account or deliver to any person any personal property, money, fund, deposit, check, draft, mortgage, document or thing of value, which is not his property, or which he is not in law or equity entitled to retain under the circumstances, at the time which has been agreed upon, or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery.

j. No person or licensee shall fail to place in escrow, immediately upon receipt, any money, fund, deposit, check or draft entrusted to him by any person dealing with him as a mortgage banker or mortgage broker, in a manner approved by the commissioner, or to deposit the funds in a trust or escrow account maintained by him with a financial institution the deposits of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, wherein the funds shall be kept until the disbursement thereof is properly authorized.

k. No person licensed under this act shall change the address of his place of business without notice to the commissioner.

l. No person or licensee shall fail (1) to present a certified check, cashier's check or bank check for the proceeds of the loan, (2) to arrange an electronic fund transfer for the proceeds of the loan, or (3) to provide for payment by any other means which is ethically permissible to the purchaser, acting on his own behalf, or the attorney for the purchaser at a reasonable time and place prior to the time of the mortgage closing transaction. This subsection shall not prevent a person or licensee from utilizing any method of payment which is agreed upon by the person or licensee and the closing agent; nor shall it prevent the person or licensee from assessing a reasonable charge as set forth by regulation by the Commissioner of Banking to reflect the additional cost to the person or licensee for the issuance of a certified, cashier's or bank check, an electronic fund transfer, or any other means of payment which is ethically permissible. Such reasonable charge shall be fully disclosed at or prior to the issuance of the loan commitment. A "bank check" means a negotiable instrument drawn by a state or federally chartered bank, savings bank or savings and loan association on itself or on its account in another state or federally chartered bank, savings bank or savings and loan association doing business in this State.

2. This act shall take effect immediately.

Approved January 25, 1985.

CHAPTER 24

A SUPPLEMENT to the "Sales and Use Tax Act," approved April 27, 1966 (P. L. 1966, c. 30; C. 54:32B-1 et seq.).

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

C. 54:32B-8.39 Sales tax exemption.

1. Receipts from sales of advertising or promotional materials which are prepared within or outside of the State of New Jersey for distribution by a New Jersey direct-mail advertising or promotional firm to out-of-State recipients are exempt from the tax imposed under the "Sales and Use Tax Act." The exemption provided by this section shall apply to receipts from charges for the printing or production of advertising and promotional materials whether prepared in or shipped into New Jersey after preparation and stored for subsequent shipment to out-of-State customers.

2. This act shall take effect immediately.

Approved January 25, 1985

CHAPTER 25

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, there is appropriated from the General Fund the following sum for the purpose specified:

STATE AID

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

42 Natural Resource Management

05-4840	Water Supply and Watershed Management	\$1,000,000
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State Aid:

Stormwater management, counties . (\$1,000,000)

The Department of Environmental Protection shall distribute the sum appropriated pursuant to this supplementary act in the form of grants to counties for stormwater management planning. The department shall develop criteria for determining the need for stormwater management planning, and shall prepare a list ranking the counties in the order of their need for stormwater management planning. The amount of the grant awarded to each county for stormwater management planning shall reflect the county's position on the list. The department shall expend the entire sum appropriated pursuant to this supplementary act for grants to counties for stormwater management planning, but shall have the authority to determine that one or more counties do not need a grant for stormwater management planning made with funds made available pursuant to this supplementary act.

2. This act shall take effect immediately.

Approved January 25, 1985.

 CHAPTER 26

AN ACT to amend the "Agriculture Retention and Development Act," approved January 26, 1983 (P. L. 1983, c. 32).

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

1. Section 31 of P. L. 1983, c. 32 is amended to read as follows:

31. There is appropriated to the Department of Agriculture from the fund the sum of \$10,000,000.00, or so much thereof as may be

necessary, in order to defray the cost of acquisition of development easements and the funding of soil and water conservation projects in accordance with the provisions of this act.

2. This act shall take effect immediately.

Approved January 25, 1985.

CHAPTER 27

AN ACT concerning unclaimed prize money on winning lottery tickets and supplementing Title 5 of the Revised Statutes.

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

1. Any law, rule or regulation to the contrary notwithstanding, any holder of a winning lottery ticket or share for a prize worth \$50,000.00 may claim the prize for a period not to exceed five working days following the expiration date of the one-year period for the retention of the prize money, required pursuant to section 17 of P. L. 1970, c. 13 (C. 5:9-17).

2. This act shall take effect immediately, shall be retroactive to January 1, 1980 and shall expire on December 31, 1985.

Approved January 28, 1985.

CHAPTER 28

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

05-2530 New Jersey State Council on the Arts \$100,000

Special Purpose:

New Jersey State Opera (\$100,000)

2. This act shall take effect immediately.

Approved January 28, 1985.

CHAPTER 29

AN ACT to amend and supplement "An act for the establishment of a police and firemen's retirement system for police, firemen and certain other law enforcement officers," approved May 23, 1944 (P. L. 1944, c. 255) as said title was amended by P. L. 1976, c. 139.

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

1. Section 1 of P. L. 1944, c. 255 (C. 43:16A-1) is amended to read as follows:

C. 43:16A-1 Definitions.

1. As used in this act:

(1) "Retirement system" shall mean the Police and Firemen's Retirement System of New Jersey as defined in section 2 of this act.

(2) "Policeman or fireman" shall mean any permanent and full-time active uniformed employee, and any active permanent and full-time employee who is a detective, lineman, fire alarm operator, or inspector of combustibles of any police or fire department or any employee of a police or fire department who was a member of the retirement system for a period of 15 years prior to his trans-

fer 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, chief conservation officer and chief, bureau of law enforcement 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, investigator, senior investigator, principal investigator, assistant chief investigator, chief investigator and Director of Custody Operations I, II, III in the Department of Corrections, medical security officer, assistant supervising medical security officer, and supervising medical security officer in the Department of Human Services, county detective, lieutenant of county detectives, captain of county detectives, deputy chief of county detectives, chief of county detectives, supervising auditor-investigator, auditor-investigator, electronics specialist, traffic safety coordinator-investigator, supervisor of electronics and investigations, and county investigator in the offices of the county prosecutors, county sheriff, sheriff's officer, sergeant sheriff's officer,

lieutenant sheriff's officer, captain sheriff's officer, chief sheriff's officer, and sheriff's investigator in the offices of the county sheriffs, county correction officer, county correction sergeant, county correction lieutenant, county correction captain, and county deputy warden in the several county jails, industrial trade instructor and identification officer in a county of the first class having a population of more than 850,000 inhabitants, cottage officer, head cottage officer, interstate escort officer, juvenile officer, head juvenile officer, assistant supervising juvenile officer, 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 three years of creditable service immediately preceding his retirement or death, or it shall mean the average annual salary for which contributions are made during any three fiscal years of his or her membership providing the largest possible benefit to the member or his beneficiary.

(16) "Retirement" shall mean the termination of the member's active service with a retirement allowance granted and paid under the provisions of this act.

(17) "Annuity reserve" shall mean the present value of all payments to be made on account of any annuity or benefit in lieu of any annuity computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(18) "Pension reserve" shall mean the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(19) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(20) "Beneficiary" shall mean any person receiving a retirement allowance or other benefit as provided by this act.

(21) "Child" shall mean a deceased member's or retirant's unmarried child 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 two years before the date of her death and to whom she continued to be married until the date of her death and who was receiving at least one-half of his support from the member or retirant in the 12-month period immediately preceding the member's or retirant's death or the accident which was the direct cause of the member's death. The dependency of such a widower will be considered terminated by marriage of the widower subsequent to the death of the member or retirant. In the event of the payment of an accidental death benefit, the two-year qualification shall be waived.

(24) "Widow" shall mean the woman to whom a member or retirant was married at least two years before the date of his death and to whom he continued to be married until the date of his death and who has not remarried. In the event of the payment of an accidental death benefit, the two-year qualification shall be waived.

(25) "Fiscal year" shall mean any year commencing with July 1, and ending with June 30, next following.

(26) "Compensation" shall mean the base salary, for services as a member as defined in this act, which is in accordance with established salary policies of the member's employer for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary duties beyond the regular 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.

C. 43:16A-1.1 Reclassified members.

2. (New section) Any member of the Police and Firemen's Retirement System of New Jersey who holds one of the titles set forth in section 1 of P. L. 1944, c. 255 (C. 43:16A-1) and who is reclassified to another of the titles set forth in that section, shall continue his membership with the same rights and benefits and subject to the same conditions as any other member who holds the title into which he has been reclassified.

3. This act shall take effect immediately.

Approved February 1, 1985.

CHAPTER 30

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

DEPARTMENT OF HEALTH

Physical and Mental Health

21 Health Services

02-4220 Community Health Services \$15,000.00

Grants:

Bergen County Department of Health

DES screening program (\$15,000.00)

2. This act shall take effect immediately.

Approved February 1, 1985.

CHAPTER 31

AN ACT raising the educational standards for land surveyors and amending P. L. 1938, c. 342.

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

1. Section 9 of P. L. 1938, c. 342 (C. 45:8-35) is amended to read as follows:

C. 45:8-35 Licensure of professional engineers, land surveyors.

9. Applications for license as professional engineers shall be on forms prescribed and furnished by the board, shall contain statements under oath, showing the applicant's education and detailed statement of his engineering experience, and shall contain not less than five references, of whom three or more shall be licensed professional engineers having personal knowledge of the applicant's engineering experience.

The application fee for professional engineers shall be \$40.00 or when the applicant applies for license to practice both professional engineering and land surveying, the fee shall be \$50.00, and in either case shall accompany the application.

Applications for license as land surveyors shall be on forms prescribed and furnished by the board, shall contain statements under oath, showing the applicant's education and detailed statement of his land surveying experience, and shall contain not less than five references, of whom three or more shall be licensed land surveyors having personal knowledge of the applicant's land surveying experience.

The application fee for land surveyors shall be \$40.00 and shall accompany the application.

Applications for a certificate of registration as "engineer-in-training" shall be on forms prescribed and furnished by the board, shall be accompanied by a fee of \$10.00 and shall contain the names of three references, of whom at least one shall be a licensed professional engineer having personal knowledge of the applicant's engineering experience or training.

All application fees shall be retained by the board.

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for a license as a professional engineer, or as a land surveyor, or for certificate of registration as engineer-in-training, to wit:

(1) As a professional engineer:

a. Graduation from an approved curriculum in engineering of four years or more in a school or college approved by the board as of satisfactory standing; a specific record of an additional four years or more of experience in engineering work of a character satisfactory to the board, and indicating that the applicant is competent to be placed in responsible charge of such work; and successfully passing a written, or written and oral, examination; or

b. Graduation from an approved science curriculum, related to engineering, of four years or more in a school or college approved by the board as of satisfactory standing; a specific record of an additional six years or more of experience in engineering work of a character satisfactory to the board, and indicating that the applicant is competent to be placed in responsible charge of such work; and successfully passing all parts of the written, or written and oral, examination; or

c. Graduation from an approved curriculum in engineering or related science of four years or more in a school or college approved by the board as of satisfactory standing; a specific record of an additional 15 years or more of experience in engineering work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; and successfully passing the specialized portion of the written, or written and oral, examination; or

d. A certificate of qualification of registration issued to him by proper authority of the National Council of Engineering Examiners may, in the discretion of the board, be accepted as minimum evidence satisfactory to the board that the applicant is qualified for license as a professional engineer; or

e. A certificate of qualification of registration, issued by any state or territory or possession of the United States, or of any country, may, in the discretion of the board, be accepted as minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer; provided requirements for license by the issuing agency are at least comparable to those of the board.

(2) As a land surveyor:

a. (i) During the five years immediately following the effective date of this 1985 amendatory act, successful completion of an approved program in surveying in a school or college approved by the board as of satisfactory standing; an additional four years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; and successfully passing a written examination; or

(ii) On or after the first day of the sixth year following the effective date of this 1985 amendatory act, graduation from an approved curriculum in surveying of four years or more in a school or college approved by the board as of satisfactory standing; an additional three years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of that work; and successfully passing a written examination; or

b. During the five years immediately following the effective date of this 1985 amendatory act, successfully passing a written examination in surveying prescribed by the board; and a specific record of six years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; or

c. (Deleted by amendment, P. L. 1977, c. 340.)

d. A certificate of qualification of registration, issued by any state or territory or possession of the United States, or of any country, may, in the discretion of the board, be accepted as minimum evidence satisfactory to the board that the applicant is qualified for registration as a land surveyor; provided requirements for license by the issuing agency are at least comparable to those of the board.

(3) As an engineer-in-training:

a. Graduation from an approved curriculum in engineering of four years or more in a school or college approved by the board; and successfully passing the fundamentals portion of the written examination; or

b. Graduation from an approved science curriculum, related to engineering, of four years or more in a school or college approved by the board; a specific record of an additional two years or more of engineering work of a character satisfactory to the board; and

successfully passing the fundamentals portion of the written examination.

Qualifications.

An applicant for license as a professional engineer or land surveyor shall be able to speak and write the English language. All applicants shall be of good character and reputation.

Completion of a master's degree in engineering or a related science shall be considered as equivalent to one year of experience and completion of a doctor's degree in engineering or related science shall be considered as equivalent to one additional year of experience.

In considering the qualifications of applicants, engineering teaching may be construed as engineering experience.

The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of construction of such work as a foreman or superintendent shall not be deemed to be experience in engineering work.

Any person having the necessary qualifications prescribed in this chapter to entitle him to license shall be eligible for such license, although he may not be practicing his profession at the time of making the application.

A quorum of the examining board for the purpose of passing upon the issuance of a license to any applicant shall consist of three members; provided that no action on any application shall be taken without at least three votes in accord.

The scope of the examination for professional engineering and methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering projects and works so as to insure the safety of life, health and property. Examinations shall be given for the purpose of determining the qualifications of applicants for license separately in professional engineering and in land surveying. A candidate failing an examination may apply for reexamination. Subsequent examinations will be granted upon the payment of a fee of \$15.00. The board will schedule two examinations per year, dates and places to be determined by the board.

Examinations of applicants for license as professional engineers will be divided into two parts, as follows:

Part I—Fundamentals of Engineering—This examination is intended to assess the applicant's competency in the fundamental

engineering subjects and basic engineering sciences, such as mathematics, chemistry, physics, statics, dynamics, materials science, mechanics of materials, structures, fluid mechanics, hydraulics, thermodynamics, electrical theory, and economics. A knowledge of P. L. 1938, c. 342 (C. 45:8-27 et seq.) is also required.

Part II—Specialized Training—This examination is intended to assess the extent of the applicant's more advanced and specialized professional training and experience especially in his chosen field of engineering.

Applicants for certificates of registration as engineers-in-training shall qualify by satisfactorily passing the fundamentals portion of the written examination.

The scope, time and place of the examinations for applicants for certificates of registration as "engineers-in-training" shall be prescribed by the board. A candidate failing on first examination may apply for reexamination. Subsequent examinations will be granted upon the payment of a fee of \$10.00.

2. This act shall take effect immediately.

Approved February 1, 1985.

CHAPTER 32

AN ACT concerning the licensing of port watchmen, and supplementing Article X of P. L. 1953, c. 202 (C. 32:23-1 et seq.).

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

C. 32:23-43.1 Indefinite validity of licenses.

1. Notwithstanding any provision of Part I, section 1, Article X, paragraph 5 of P. L. 1953, c. 202 (C. 32:23-43), a license to act as a port watchman shall continue indefinitely and need not be renewed, provided that the licensee shall, as required by the commission:

a. Submit to a medical examination and meet the physical and mental fitness standards established by the commission pursuant to section 1 of Part I, Article X, paragraph 3 of P. L. 1953, c. 202 (C. 32:23-41);

- b. Complete a refresher course of training; and
- c. Submit supplementary personal history information.

C. 32:23-44.1 Cancellation.

2. The commission shall, at regular intervals, cancel the license or temporary permit of a port watchman who has failed during the preceding 12 months to work as a port watchman in the Port of New York district a minimum number of hours as established by the commission, except that the commission shall immediately restore the license or temporary permit upon a proper showing that the failure to so work was caused by the fact that the licensee or permit holder was engaged in the military service of the United States or was incapacitated by ill health, physical injury or other good cause.

3. This act shall take effect immediately.

Approved February 1, 1985.

CHAPTER 33

AN ACT concerning the construction or repair of certain reservoirs and dams, and amending R. S. 58:4-1.

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

1. R. S. 58:4-1 is amended to read as follows:

Reservoir, dam restrictions.

58:4-1. No municipality, corporation or person shall, without the consent of the Commissioner of Environmental Protection, hereafter in this chapter designated as the commissioner, build any reservoir or construct any dam on any river or stream in this State or between this and any other such state which will raise the waters of such river or stream more than five feet above their usual mean low-water height, nor repair, alter or improve existing dams which so raise the water, without such consent, but this shall not affect or relate to a dam or reservoir in the pinelands area, as designated by subsection a. of section 10 of P. L. 1979, c. 111 (C. 13:18A-11), which will raise the waters of any river or stream less than eight feet above the surface of the ground where the drainage area above the same is less than one square mile in extent and where the water

surface created by the dam or reservoir is less than 100 acres in extent, except that the commissioner may investigate and take appropriate action regarding any dam or reservoir about which he has a security or safety concern. With respect to dams and reservoirs located on lands utilized for agricultural or horticultural purposes within the pinelands area, the commissioner's action shall be undertaken after consultation with the Secretary of Agriculture.

2. This act shall take effect immediately.

Approved February 1, 1985.

CHAPTER 34

AN ACT concerning bonds and amending N. J. S. 3B:15-1.

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

1. N. J. S. 3B:15-1 is amended to read as follows:

Bonds of fiduciaries; exceptions.

3B:15-1. The court or surrogate appointing a fiduciary in any of the instances enumerated below shall secure faithful performance of the duties of his office by requiring the fiduciary thereby authorized to act to furnish bond to the Superior Court in a sum and with proper conditions and sureties, having due regard to the value of the estate in his charge and the extent of his authority, as the court shall approve:

- a. When an appointment is made upon failure of the will, or other instrument creating or continuing a fiduciary relationship, to name a fiduciary;
- b. When a person is appointed in the place of the person named as fiduciary in the will, or other instrument creating or continuing the fiduciary relationship;
- c. When the office to which the person is appointed is any form of administration, except (1) administration ad litem which may be granted with or without bond; or (2) administration granted to a

surviving spouse where the decedent's entire estate is payable to the surviving spouse;

d. When the office to which the person is appointed is any form of guardianship of a minor or mental incompetent, except as otherwise provided in N. J. S. 3B:12-16 or N. J. S. 3B:12-33 with respect to a guardian appointed by will;

e. When letters are granted to a nonresident executor, except in cases where the will provides that no security shall be required of the person named as executor therein;

f. When an additional or substituted fiduciary is appointed;

g. When an appointment is made under chapter 26 of this title, of a fiduciary for the estate or property, or any part thereof, of an absentee; or

h. When a fiduciary removes from the State, the court may require him to give such security as it may determine. Nothing contained in this section shall be construed to require a bond in any case where it is specifically provided by law that a bond need not be required.

2. This act shall take effect immediately.

Approved February 1, 1985.

CHAPTER 35

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for fiscal year ending June 30, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

LEGISLATIVE BRANCH

GOVERNMENT DIRECTION, MANAGEMENT AND CONTROL

71 Legislative Activities

Legislative Commissions

0025 Commission to Study Sex Discrimination in the Statutes

09-0025 Commission to Study Sex Discrimination
in the Statutes \$15,000

Special Purpose:

Expenses of the Commission (\$15,000)

2. This act shall take effect immediately and be retroactive to July 1, 1984.

Approved February 1, 1985.

 CHAPTER 36

A SUPPLEMENT to “An act concerning exemptions from the tax on real property, and supplementing chapter 4 of Title 54 of the Revised Statutes,” approved January 12, 1982 (P. L. 1981, c. 539; C. 54:4–3.6c).

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

1. Notwithstanding the provisions of P. L. 1981, c. 539 (C. 54:4–3.6c), during the 90-day period following the effective date of this act, the governing body of each municipality, by ordinance, may, upon a showing of good cause as to why a timely claim was not filed, return all taxes collected on property owned by one or more associations or corporations organized exclusively for charitable or religious purposes, which would have been exempt pursuant to R. S. 54:4–3.6 had timely claim been made therefor; except that no refund shall be made if more than seven

years have passed since the last date for filing a timely application. No interest shall be paid by the municipality on any refund made pursuant to this section.

2. This act shall take effect immediately and shall expire on the ninety-first day after enactment.

Approved February 1, 1985.

CHAPTER 37

AN ACT concerning long-term contracts between local government units and private firms for the provision of water supply facilities and water supply services, establishing a procedure for the negotiating, awarding, and review of these contracts, amending P. L. 1971, c. 198, and supplementing Title 58 of the Revised Statutes.

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

C. 58:26-1 Short title.

1. (New section) This act shall be known and may be cited as the “New Jersey Water Supply Privatization Act.”

C. 58:26-2 Findings, determinations.

2. (New section) The Legislature finds that the construction, rehabilitation, operation, and maintenance of modern and efficient water filtration facilities are essential to protecting and improving the State’s water quality; that many of the water filtration systems in New Jersey must be replaced or upgraded if an inexorable decline in water quality is to be avoided during the coming decades; that the citizens of this State, in recognition of the crucial role the construction of new and the upgrading of existing water supply facilities play in maintaining and augmenting the natural water resources of the State, and with an understanding that the cost of financing and constructing these systems is beyond the limited financial resource capabilities of local governments and authorities and must be borne by the bonding authority of the State and repaid, in part, through a system of water supply user charges, ap-

proved the enactment of the “Water Supply Bond Act of 1981” (P. L. 1981, c. 261); that the water filtration needs of the State are so great that the limited funds allocated for this purpose from the “Water Supply Fund” established by that 1981 bond act are insufficient; that given this inadequate present level of State funding, alternative methods of financing the construction of new or the rehabilitation of antiquated or inadequate existing water filtration systems must be developed and encouraged; that one alternative method of financing these necessary facilities available to local government units consists of contracting with private-sector firms for the financing, construction and operation of these systems; and that for some local government units, contracting for the provision of water supply services, if done in such a way as to protect the interests of water users and to conform with environmentally sound water quality standards, will constitute an appropriate method of securing these needed water filtration systems.

The Legislature therefore determines that it is in the public interest to establish a comprehensive procedure designed to authorize local government units to contract with private firms for the construction of water filtration systems and the provision of water supply services.

C. 58:26-3 Definitions.

3. (New section) As used in this act:

a. “Contracting unit” means a county, district water supply commission, municipality, municipal or county utilities authority, municipal water district, joint meeting or any other political subdivision of the State authorized pursuant to law to operate or maintain a public water supply system or to construct, rehabilitate, operate, or maintain water supply facilities or otherwise provide water for human consumption;

b. “Department” means the Department of Environmental Protection;

c. “Division” means the Division of Local Government Services in the Department of Community Affairs;

d. “Vendor” means any person financially, technically, and administratively capable of financing, planning, designing, constructing, operating, or maintaining, or any combination thereof, a water filtration system, water supply facilities, or of providing water supply services to a local government unit under the terms of a contract awarded pursuant to the provisions of this act;

e. "Water filtration system" means any equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, rehabilitated, or operated for the collection, impoundment, storage, improvement, filtration, or other treatment of drinking water for the purposes of purifying and enhancing water quality and insuring its potability prior to the distribution of the drinking water in the general public for human consumption, including plants and works, and other personal property and appurtenances necessary for their use or operation;

f. "Water supply facilities" means and refers to the real property and the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, real, personal and mixed, acquired, constructed or operated, or to be acquired, constructed or operated, in whole or in part by or on behalf of a political subdivision of the State or any agency thereof, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, or of conserving existing water resources, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering, conserving or transmitting of water, and for the preservation and protection of these resources and facilities and providing for the conservation and development of future water supply resources;

g. "Water supply services" means services provided by a water supply facility.

C. 58:26-4 40-year contract maximum.

4. (New section) The provisions of any other law, or rules and regulations adopted pursuant thereto to the contrary notwithstanding, any contracting unit may enter into a contract for a period not to exceed 40 years, with a vendor for the financing, designing, construction, operation, or maintenance, or any combination thereof, of a water supply facility, including a water filtration system, or for water supply services, pursuant to the provisions of this act.

C. 58:26-5 Notice of intention.

5. (New section) A contracting unit which intends to enter into a contract with a private vendor for the provision of water supply services pursuant to the provisions of this act shall notify, at least 60 days prior to issuing a request for qualifications from interested vendors pursuant to section 6 of this act, the division, the depart-

ment, the Board of Public Utilities, and the Department of the Public Advocate of its intention, and shall publish notice of its intention in at least one newspaper of general circulation in the jurisdiction which would be served under the terms of the proposed contract.

C. 58:26-6 Request for qualifications.

6. (New section) Upon submitting the notices of intent pursuant to section 5 of this act, a contracting unit may issue a request for qualifications of vendors interested in entering into a contract with the contracting unit for the provision of water supply services. The request for qualifications shall include a general description of the water supply services required by the contracting unit, the minimum acceptable qualifications to be possessed by a vendor proposing to enter into a contract for the provision of these services, and the date by which vendors must submit their qualifications. In addition to all other factors bearing on qualifications, the contracting unit shall consider the reputation and experience of the vendor, and may consider information which might result in debarment or suspension of a vendor if the vendor has been debarred or suspended by a State agency. The request for qualifications shall be published in at least one appropriate professional or trade journal, and in at least one newspaper of general circulation in the jurisdiction which would be served under the terms of the proposed contract.

C. 58:26-7 Qualified vendors.

7. (New section) After reviewing the qualifications submitted by vendors pursuant to section 6 of this act, a contracting unit shall establish a list of all vendors responding to the request for qualifications, and shall designate the vendor or vendors which the contracting unit has determined to be qualified to provide the water supply services described in the request for qualifications. This list shall include a statement setting forth the criteria applied by the contracting unit in selecting qualified vendors, and shall be published in the same publications in which the requests for qualifications were published pursuant to section 6 of this act.

C. 58:26-8 Request for proposals.

8. (New section) Upon selecting the qualified vendors pursuant to section 7 of this act, a contracting unit shall transmit a request for proposals to the qualified vendors, which shall include a detailed description of the water supply facility and services required, the format and procedure to be followed in submitting proposals,

the specific information which the vendor must provide in the proposal, a statement setting forth the relative importance of factors, including cost, which the contracting unit will consider in evaluating a proposal submitted by a qualified vendor, and any other information which the contracting unit deems appropriate. The request for proposals shall include the date and time of day by which, and the place at which, the proposals shall be submitted to the contracting unit. The contracting unit may extend the deadline for submission of proposals, but this extension shall apply to all qualified vendors, who shall be provided with simultaneous written notification of this extension.

C. 58:26-9 Review of proposals; revisions.

9. (New section) A contracting unit shall review proposals submitted by vendors pursuant to section 8 of this act in such a manner as to avoid disclosure of the contents of any proposal to vendors submitting competing proposals. If provided for in the request for proposals, the contracting unit may conduct discussions with qualified vendors who have submitted proposals for the purpose of clarifying any information submitted in the proposal, or assuring that the vendor fully understood and responded to the requirements set forth in the request for proposals. If, as a result of these discussions, the contracting unit decides to revise the request for proposals, it shall immediately notify in writing each qualified vendor which has submitted a proposal of any such revision or revisions to the request for proposals. In the event of any revision to the request for proposals, a qualified vendor shall be permitted to submit revisions to its proposal.

C. 58:26-10 Designation of vendor.

10. (New section) After reviewing the proposals submitted by qualified vendors pursuant to section 9 of this act, a contracting unit shall designate in writing the selected vendor or vendors. This designation shall include a list of the qualified vendors submitting proposals, the basis on which the selected vendor or vendors was chosen, and a finding that the proposal submitted by the selected vendor or vendors constitutes the proposal most advantageous to the jurisdiction to be served under the terms of the proposal, based upon the evaluation factors included in the request for proposals. This designation shall be published in at least one newspaper in general circulation in the jurisdiction to be served under the terms of the proposal.

C. 58:26-11 Proposed contract.

11. (New section) Upon designating the selected vendor or vendors pursuant to section 10 of this act, a contracting unit shall negotiate with the selected vendor or vendors a proposed contract, which shall include the accepted proposal and the provisions required pursuant to section 15 of this act. Upon negotiating a proposed contract, the contracting unit shall make the proposed contract available to the public at its main offices, and shall transmit a copy of the proposed contract to the division, the department, the Board of Public Utilities, and the Department of the Public Advocate.

C. 58:26-12 Public hearing.

12. (New section) a. A contracting unit shall conduct a public hearing or hearings on the charges, rates, or fees, or the formula for determining these charges, rates, or fees, and the other provisions contained in a proposed contract negotiated pursuant to section 11 of this act. The contracting unit shall provide at least 90 days' public notice of this public hearing to the Department of the Public Advocate, prospective consumers, and other interested parties. This notice shall be published in at least one newspaper of general circulation in the jurisdiction to be served under the terms of the proposed contract. Within 45 days after giving notice of the public hearing, the contracting unit shall hold a meeting with prospective consumers and other interested parties to explain the terms and conditions of the proposed contract, and to receive written questions which will be part of the record of the public hearing. At the public hearing, the selected vendor or vendors shall be present, and the contracting unit shall have the burden to answer the questions received at the meeting, and to show that the proposed contract complies with the provisions of section 15 of this act, and that it constitutes the best means of securing the required water supply services among available alternatives. The contracting unit shall provide that a verbatim record be kept of the public hearing, and that a written transcript of this record be printed and made available to the public within 30 days of the close of the public hearing. After the public hearing the contracting unit and the vendor may agree to make changes to the proposed contract, and shall transmit the proposed contract, a copy of the printed transcript of the public hearing, and a statement summarizing the major issues raised at the public hearing and the response of the contracting unit to these issues, to the division, the department, the Board of Public Utilities,

and the Department of the Public Advocate, and to all persons who attended the public hearing.

b. If the Division of Rate Counsel in the Department of the Public Advocate represents the public interest at a public hearing or hearings conducted pursuant to this section, the Division of Rate Counsel shall be entitled to assess the vendor for costs incurred in this representation in the manner provided in section 20 of P. L. 1974, c. 27 (C. 52:27E-19). The basis of the assessment shall be the prospective first year's revenue realized by the vendor from the provision of the water supply services pursuant to the terms of the proposed contract.

c. If a contract awarded pursuant to the provisions of this act is renegotiated, the contracting unit shall conduct a public hearing on the renegotiated contract pursuant to the provisions of this section.

C. 58:26-13 Approval; conditional approval.

13. (New section) a. The department, within 60 days of receipt of a proposed contract submitted to it by a contracting unit pursuant to section 12 of this act, shall approve or conditionally approve the proposed contract. If the department approves the proposed contract, it shall accompany its approval with a written finding that the proposed contract will meet appropriate environmental and water quality standards, and that it is consistent with the State primary drinking water regulations or requirements for the jurisdiction to be served under the terms of the proposed contract pursuant to the "Safe Drinking Water Act," P. L. 1977, c. 224 (C. 58:12A-1 et seq.). If the department conditionally approves a proposed contract, it shall state in writing the revisions which must be made to the proposed contract prior to receiving approval, and shall inform the contracting unit if the revisions to be made to the proposed contract warrant a public hearing. After revising the contract, the contracting unit may resubmit the proposed contract to the department for approval.

b. The division, within 60 days of receipt of a proposed contract transmitted to it by a contracting unit pursuant to section 12 of this act, shall approve or conditionally approve the proposed contract. If the division approves the proposed contract, it shall accompany its approval with a written finding that the proposed contract complies with the provisions of section 15 of this act, and that the proposed contract is compatible with the fiscal and financial capabilities of the contracting unit. If the division conditionally

approves the proposed contract, it shall state in writing the revisions which must be made to the proposed contract prior to receiving approval, and shall inform the contracting unit if the revisions to be made to the proposed contract warrant a public hearing. After revising the proposed contract, the contracting unit may resubmit the proposed contract to the division for approval.

c. If the contracting unit is subject to the jurisdiction of the Board of Public Utilities, the board within 60 days of receipt of a proposed contract submitted to it by a contracting unit pursuant to section 12 of this act, shall approve or conditionally approve the proposed contract if the board finds the proposed contract to be in the public interest. If the Board of Public Utilities conditionally approves the proposed contract because the contract is not in the public interest, the board shall notify the contracting unit in writing of the changes needed in the proposed contract in order for it to be in the public interest, and shall inform the contracting unit if the revisions to be made warrant a public hearing. After revising the proposed contract, the contracting unit may resubmit the proposed contract to the board for approval.

In reviewing and approving the proposed contract, the Board of Public Utilities shall not determine a rate base for, or otherwise regulate the tariffs or return of, the proposed water supply facility or the provision of water supply services. The board shall not, thereafter, conduct any further review of the contract.

d. Notwithstanding the provisions of subsection c. of this section, all parties to any proposed contract may request the Board of Public Utilities to determine a rate base for the proposed water supply facility or the provision of water supply services, in which case the board may make that determination and the terms of any proposed contract so approved shall be subject to the continuing jurisdiction of the board.

C. 58:26-14 3 approvals required.

14. (New section) A contracting unit may award a contract negotiated pursuant to the provisions of this act to a vendor only after the department, the Board of Public Utilities, and the division have approved the proposed contract pursuant to section 13 of this act.

C. 58:26-15 Mandatory contract provisions.

15. (New section) Any contract for the provision of water supply services negotiated and awarded to a vendor by a contracting unit pursuant to this act, or the "Local Public Contracts Law," P. L.

1971, c. 198 (C. 40A:11-1 et seq.), shall include, but shall not be limited to, provisions concerning:

a. The allocation of the risks of financing and constructing a water supply facility including delays in completion of the construction of the system, construction and financing cost overruns and increased costs resulting from change orders, construction changes required by revisions in applicable laws, rules, or regulations, failure of the system to achieve its required operating performance or efficiency, changes in tax benefits, and the need for equity contributions in addition to those provided for in the contract;

b. The allocation of the risks of operating and maintaining a water supply facility, including excessive or nonscheduled periods of inoperation or technical failure, excess labor and materials costs due to underestimation, changes in operating procedures required by revisions in applicable laws, rules, or regulations, changes in the quantity or composition of water delivered for filtration or treatment, excessive operation or maintenance costs due to poor management, and increased costs of distribution of the water resulting from costs associated with filtration or treatment;

c. The allocation of the risks associated with circumstances or occurrences beyond the control of the parties to the contract;

d. The defaulting and termination of the contract;

e. The periodic preparation by the vendor of an operating performance report and an audited balance statement of the water supply facility, which shall be submitted to the contracting unit, the department and the division;

f. The intervals at which the contract shall be renegotiated;

g. The employment of current employees of the contracting unit whose positions or employment will be affected by the terms of the contract; and

h. The formulas to be used to determine the charges, rates, or fees to be charged for the water supply services, and the methodology or methodologies used to develop these formulas.

C. 58:26-16 Lease to vendor.

16. (New section) A contracting unit which has awarded a contract for the provision of water supply services to a vendor pursuant to this act or the "Local Public Contracts Law," P. L. 1971, c. 198 (C. 40A:11-1 et seq.) may lease to the vendor, for a fair market price, the property to be used as a site for a water supply facility, the provisions of any other laws or rules and regulations adopted pursuant thereto to the contrary notwithstanding.

C. 58:26-17 Prior negotiations.

17. (New section) Any contracting unit which, prior to the effective date of this act, has issued a request for qualifications and a request for proposals from vendors for the provision of water supply services, or has initiated negotiations with a vendor for the provision of water supply services, may petition the department and the Board of Public Utilities for certification as being substantially and materially in compliance with the provisions of this act, and, upon receiving this certification, may award a contract for the provision of water supply services pursuant to the provisions of this act.

C. 58:26-18 Rules, regulations.

18. (New section) The department, the Board of Public Utilities, and the division may adopt, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), rules and regulations necessary to carry out their respective responsibilities under this act.

19. Section 15 of P. L. 1971, c. 198 (C. 40A:11-15) is amended to read as follows:

C. 40A:11-15 Duration of certain contracts.

15. Duration of certain contracts. All purchases, contracts or agreements for the performing of work or the furnishing of materials, supplies or services shall be made for a period not to exceed 12 consecutive months, except that contracts or agreements may be entered into for longer periods of time as follows:

(1) Supplying of

(a) Fuel for heating purposes, for any term not exceeding in the aggregate, two years;

(b) Fuel or oil for use of airplanes, automobiles, motor vehicles or equipment for any term not exceeding in the aggregate, two years;

(c) Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 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; P. L. 1977, c. 53.)

(3) The collection and disposal of garbage and refuse, for any term not exceeding in the aggregate, five years;

(4) The recycling of solid waste, for any term not exceeding 25 years, when such contract is in conformance with a solid waste management plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E-1 et seq.), and with the approval of the Division of Local Government Services and the Department of Environmental Protection;

(5) Data processing service, for any term of not more than three years;

(6) Insurance, for any term of not more than three years;

(7) Leasing or servicing of automobiles, motor vehicles, machinery and equipment of every nature and kind, for a period not to exceed three years; provided, however, such contracts shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(8) The supplying of any product or the rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Public Utilities for a term not exceeding five years;

(9) Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works project, including the retention of the services of any architect or engineer in connection therewith, for the length of time authorized and necessary for the completion of the actual construction;

(10) The providing of food services for any term not exceeding three years;

(11) On-site inspections undertaken by private agencies pursuant to the "State Uniform Construction Code Act" (P. L. 1975, c. 217; C. 52:27D-119 et seq.) for any term of not more than three years;

(12) The performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy in buildings owned by, or operations conducted by, the contracting unit, the entire price of which to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 10 years; provided, however, that such contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the Department of Energy establishing a methodology for computing energy cost savings;

(13) The performance of work or services or the furnishing of materials or supplies for the purpose of elevator maintenance for any term not exceeding three years;

(14) Leasing or servicing of electronic communications equipment for a period not to exceed five years; provided, however, such contract shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(15) Leasing of motor vehicles, machinery and other equipment primarily used to fight fires, for a term not to exceed seven years, when the contract includes an option to purchase, subject to and in accordance with rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(16) The provision of water supply services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility, or any component part or parts thereof, including a water filtration system, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Public Utilities, and the Department of Environmental Protection pursuant to P. L. 1985, c. 37 (C. 58:26-1 et seq.). For the purposes of this paragraph, "water supply services" means any service provided by a water supply facility; "water filtration system" means any equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, rehabilitated, or operated for the collection, impoundment, storage, improvement, filtration, or other treatment of drinking water for the purposes of purifying and enhancing water quality and insuring its potability prior to the distribution of the drinking water to the general public for human consumption, including plants and works, and other personal property and appurtenances necessary for their use or operation; and "water supply facility" means and refers to the real property and the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, real, personal and mixed, acquired, constructed or operated, or to be acquired, constructed or operated, in whole or in part by or on behalf of a political subdivision of the State or any agency thereof, for the purpose of

augmenting the natural water resources of the State and making available an increased supply of water for all uses, or of conserving existing water resources, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering, conserving or transmitting of water and for the preservation and protection of these resources and facilities and providing for the conservation and development of future water supply resources.

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 paragraph (1) above, construction contracts authorized pursuant to paragraph (9) above, or contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation authorized pursuant to paragraph (12) above, or contracts for water supply services or for a water supply facility, or any component part or parts thereof, authorized pursuant to paragraph (16) 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.

20. This act shall take effect immediately.

Approved February 1, 1985.

CHAPTER 38

AN ACT concerning solid waste disposal and resource recovery, amending P. L. 1975, c. 326, P. L. 1970, c. 40 and P. L. 1971, c. 198, and supplementing P. L. 1970, c. 39 and P. L. 1976, c. 68.

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

C. 13:1E-136 Findings, declarations.

1. (New section) The Legislature finds that the proper disposal of solid waste and the maximum practical recovery of any potential

resource in solid waste, especially its conversion to useable energy, are matters of basic concern to all citizens of this State, and insuring the implementation of an efficient solid waste and resource recovery management strategy is a governmental function thoroughly imbued with the public interest; that the State's capacity to safely dispose of solid waste of sanitary landfills is rapidly diminishing; that New Jersey must move away from its current reliance on landfilling as the principal method of solid waste disposal to the application of waste reduction, recycling, and energy recovery technologies; that decreasing the waste flow to landfills, whether by means of predisposal methods such as source separation and recycling or through high technology energy conversion is in the energy, environmental, and economic interests of the State of New Jersey; and that these issues must be addressed as thoroughly and expeditiously as possible.

The Legislature further finds that the planning, construction or operation of resource recovery facilities is characterized by high initial capital expenditures and initially high disposal costs or tipping fees relative to landfilling, costs which may be stabilized or decreased based upon a return on energy generated and materials recovered; that these increased initial costs require long-term financial arrangements and a prior Statewide commitment to waste reduction and recycling; that to attract private investment capital for these waste-to-energy projects it is necessary to establish a favorable regulatory climate, which will at the same time insure safe, adequate and proper solid waste disposal service at just and reasonable rates; and that to encourage these joint public-private sector cooperative ventures it is also necessary to attain the most advantageous financial and programmatic scrutiny by the Legislature and agencies of State government.

The Legislature therefore declares that it is the public policy of the State of New Jersey to provide a framework for the implementation of an efficient solid waste disposal and resource recovery strategy which facilitates the orderly development of resource recovery facilities while protecting the public health, safety, and welfare, all as hereinafter provided.

C. 13:1E-137 Definitions.

2. (New section) As used in this amendatory and supplementary act:

a. "Contract file" means a file established and maintained by a contracting unit, in which the contracting unit shall maintain a

copy of its request for qualifications issued pursuant to section 19 of this amendatory and supplementary act, a list of vendors responding to its request for qualifications, a copy of its request for proposals issued pursuant to section 20 of this amendatory and supplementary act, a list of qualified vendors submitting proposals, and a document outlining the general criteria used by the contracting unit in selecting a proposal;

b. “Contracting unit” means any county; any municipality; any bistate authority; or any board, commission, committee, authority or agency, which is not a State board, commission, committee, authority or agency, and which has administrative jurisdiction over any district other than a school district, project, or facility, included or operating in whole or in part, within the territorial boundaries of any county or municipality, which exercises functions which are appropriate for the exercise by one or more units of local government, and which has statutory power to make purchases and enter into contracts or agreements for the performance of any work or the furnishing or hiring of any materials or supplies usually required;

c. “County” means any county of this State of whatever class;

d. “Department” means the Department of Environmental Protection;

e. “Director” means the Director of the Division of Taxation in the Department of Treasury;

f. “District” means a solid waste management district as designated by section 10 of P. L. 1975, c. 326 (C. 13:1E-19), except that, as used in the provisions of this amendatory and supplementary act, “district” shall not include the Hackensack Meadowlands District;

g. “District investment tax fund” means a District Resource Recovery Investment Tax Fund established pursuant to subsection a. of section 15 of this amendatory and supplementary act;

h. “Division” means the Division of Taxation in the Department of Treasury;

i. “Division of Local Government Services” means the Division of Local Government Services in the Department of Community Affairs;

j. “Division of Rate Counsel” means the Division of Rate Counsel in the Department of the Public Advocate;

k. “Franchise” means the exclusive right to control and provide

for the disposal of solid waste, except for recyclable material whenever markets for those materials are available, within a district or districts as awarded by the Board of Public Utilities;

l. "Independent public accountant" means a certified public accountant, a licensed public accountant or a registered municipal accountant;

m. "Investment tax" means the resource recovery investment tax imposed pursuant to subsection b. of section 3 of this amendatory and supplementary act;

n. "Investment tax fund" means the Resource Recovery Investment Tax Fund containing sub-accounts for each county established pursuant to the provisions of section 14 of this amendatory and supplementary act;

o. "Out-of-district solid waste" means any solid waste accepted for disposal in a district which was generated outside the receiving district;

p. "Person or party" means any individual, public or private corporation, company, partnership, firm, association, political subdivision of this State, or any State, bistate, or interstate agency or authority;

q. "Proposed contract" means a contract negotiated by a contracting unit pursuant to the provisions of this amendatory and supplementary act, or a substantial renegotiation of a contract approved pursuant to the provisions of this amendatory and supplementary act if the renegotiation is determined to be substantial by the department, the Board of Public Utilities, or the Division of Local Government Services;

r. "Qualified vendor" means any person or party financially qualified for, and technically and administratively capable of, undertaking the design, financing, construction, operation, or maintenance, or any combination thereof, of a resource recovery facility or of providing resource recovery services, as provided in section 19 of this amendatory and supplementary act;

s. "Recyclable material" means those materials which would otherwise become solid waste, which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products;

t. "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products;

u. "Recycling facility" means a facility at which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products;

v. "Resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

w. "Sanitary landfill facility" means a solid waste facility at which solid waste is deposited on or in the land as fill for the purpose of permanent disposal or storage for a period exceeding six months, except that it shall not include any waste facility approved for disposal of hazardous waste;

x. "Services tax" means the solid waste services tax imposed pursuant to subsection a. of section 3 of this amendatory and supplementary act;

y. "Services tax fund" means the Solid Waste Services Tax Fund established pursuant to section 12 of this amendatory and supplementary act;

z. "Vendor" means any person or party proposing to undertake the design, financing, construction, operation, or maintenance, or any combination thereof, of a resource recovery facility or of providing resource recovery services;

aa. "Waste importation tax" means the solid waste importation tax imposed pursuant to subsection c. of section 3 of this amendatory and supplementary act.

C. 13:1E-138 Services, investment, waste importation taxes.

3. (New section) a. There is levied upon the owner or operator of every sanitary landfill facility a solid waste services tax. The services tax shall be imposed on the owner or operator at the initial rate of \$0.50 per ton of solids and \$0.002 per gallon of liquids on all solid waste accepted for disposal at a sanitary landfill facility. On the first day of the first calendar year following the imposition of the services tax, and annually thereafter, the rate of the services tax shall be increased by \$0.05 per ton of solids. No services tax shall be levied on the owner or operator of a sanitary landfill facility for the acceptance for disposal of the waste products resulting from the operation of a resource recovery facility.

b. (1) There is levied upon the owner or operator of every sanitary landfill facility a resource recovery investment tax. The investment tax shall be levied on the owner or operator at the initial rate of \$1.00 per ton of solids and \$0.004 per gallon of liquids on all solid waste accepted for disposal at a sanitary landfill facility. No investment tax shall be levied on the owner or operator of a sanitary landfill facility for the acceptance for disposal of the waste products resulting from the operation of a resource recovery facility.

(2) Unless the rate is otherwise adjusted pursuant to section 11 of this amendatory and supplementary act, the rate of the investment tax shall be increased in accordance with the following schedule:

(a) On the first day of the first calendar year following the imposition of the investment tax, the rate of the investment tax shall increase to \$2.00 per ton of solids;

(b) On the first day of the second calendar year following the imposition of the investment tax, the rate of the investment tax shall increase to \$3.00 per ton of solids; and

(c) On the first day of the third calendar year following the imposition of the investment tax, the rate of the investment tax shall increase to \$4.00 per ton of solids.

The investment tax shall no longer be levied on the owner or operator of a sanitary landfill on and after the first day of the 11th calendar year following the imposition of the investment tax.

c. There is levied upon the owner or operator of every sanitary landfill facility which accepts out-of-district solid waste a solid waste importation tax. The waste importation tax shall be imposed on the owner or operator at the initial rate of \$1.00 per ton of solids and \$0.004 per gallon of liquids on all out-of-district solid waste accepted for disposal at a sanitary landfill facility. On the first day of the third calendar year following the imposition of the waste importation tax, the rate of the waste importation tax shall be increased to \$4.00 per ton of solids, and annually thereafter the rate of the waste importation tax shall be increased by \$2.00 per ton of solids. No waste importation tax shall be levied on the owner or operator of a sanitary landfill facility for the acceptance for disposal of the waste products resulting from the operation of a resource recovery facility.

The waste importation tax shall no longer be levied on the owner or operator of a sanitary landfill facility which accepts out-of-

district solid waste on or after the first day of the 11th calendar year following the imposition of the waste importation tax.

d. If any owner or operator of a sanitary landfill facility determines the quantity of solid waste accepted for disposal by a measure other than tons or gallons, the taxes imposed pursuant to the provisions of this section shall be levied at an equivalent rate as determined by the director.

e. No taxes shall be levied on the owner or operator of a sanitary landfill facility for the acceptance of solid waste generated exclusively by an agency of the federal government if a solid waste collector submits to the owner or operator an itemized invoice, signed and verified by an authorized officer of the federal agency, indicating the number of tons of solid waste to be disposed of, and a copy of the contract with the federal agency for the collection of solid waste with an effective date prior to the effective date of this amendatory and supplementary act. Taxes shall be levied on the owner or operator for acceptance of solid waste generated by a federal agency if the contract between the federal agency and the solid waste collector was entered into, or renewed, on or after the effective date of this amendatory and supplementary act.

C. 13:1E-139 Tax return form.

4. (New section) a. Every owner or operator of a sanitary landfill facility which accepts solid waste for disposal and which is subject to the taxes imposed pursuant to section 3 of this amendatory and supplementary act, shall register with the director on registration forms prescribed by him within 20 days after the first acceptance of that waste.

b. The director shall prescribe and distribute all necessary forms for the implementation of the tax provisions of this amendatory and supplementary act. The tax return form shall require the following information, and any other information the director may deem necessary to be rendered in the return:

(1) The total number of tons of solids and gallons of liquids accepted for disposal during the previous month;

(2) The number of tons of solids and gallons of liquids accepted, and the place of origin of out-of-district waste accepted for disposal during the previous month, as reported to the owner or operator by the solid waste transporter who transports that solid waste to the sanitary landfill facility pursuant to rules and regulations adopted by the department; and

(3) The amount of each tax paid based upon the amount of solid waste accepted.

c. The director may prescribe a consolidated form for reporting the taxes imposed under this amendatory and supplementary act and the taxes imposed pursuant to P. L. 1981, c. 278 (C. 13:1E-92 et seq.) and P. L. 1981, c. 306 (C. 13:1E-100 et seq.).

C. 13:1E-140 Payment of taxes.

5. (New section) Every owner or operator of a sanitary landfill facility shall, on or before the 20th day of the month following the close of each tax period, render a return under oath to the director and pay the full amount of taxes due as stated in the return.

C. 13:1E-141 Failure to file return, pay taxes; penalties.

6. (New section) a. If a return required by this amendatory and supplementary act is not filed, or if a return when filed is incorrect or insufficient in the opinion of the director, the amount of tax due shall be determined by the director from such information as may be available. Notice of the determination shall be given to the taxpayer liable for the payment of the tax. This determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after receiving notice of the determination, shall apply to the director for a hearing, or unless the director on his own motion shall redetermine the same. After the hearing, the director shall give notice of his determination to the person to whom the tax is assessed.

b. Any taxpayer who fails to file a return when due or to pay any tax when the tax becomes due, as herein provided, is subject to the penalties and interest as provided in the "State Tax Uniform Procedure Law," R. S. 54:48-1 et seq. If the director determines that the failure to comply with any provision of this section was excusable under the circumstances, he may remit part or all of the penalty as appropriate under the circumstances.

c. (1) Any person failing to file a return, failing to pay the tax, or filing or causing to be filed, or making or causing to be made, or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this amendatory and supplementary act, or rules or regulations adopted pursuant hereto, which is willfully false, or failing to keep any records required by this amendatory and supplementary act or rules and regulations adopted pursuant hereto, shall, in addition to any other penalties herein or elsewhere prescribed, be guilty of a crime of the fourth degree.

(2) The certificate of the director to the effect that a tax has not been paid, that a return has not been filed, that information has not been supplied or that inaccurate information has been supplied pursuant to the provisions of this amendatory and supplementary act or rules or regulations adopted pursuant hereto shall be presumptive evidence thereof.

C. 13:1E-142 Powers of director.

7. (New section) In addition to any other powers authorized by this amendatory and supplementary act, the director shall have the following powers:

- a. To delegate to any officer or employer of the division any powers or responsibilities required by this amendatory and supplementary act as he may deem necessary;
- b. To prescribe and distribute any forms necessary for the implementation of this amendatory and supplementary act; and
- c. To adopt any rules and regulations, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), necessary to implement the provisions of this amendatory and supplementary act.

C. 13:1E-143 Uniform procedure law applicable.

8. (New section) The taxes imposed under this amendatory and supplementary act shall be governed in all respects by the provisions of the "State Tax Uniform Procedure Law," R. S. 54:48-1 et seq., except to the extent that a specific provision of this amendatory and supplementary act, or any rule or regulation adopted pursuant hereto, may be in conflict therewith.

C. 13:1E-144 Automatic surcharge.

9. (New section) a. Notwithstanding the provisions of any law to the contrary, the owner or operator of a sanitary landfill facility may collect the taxes levied and imposed pursuant to this amendatory and supplementary act by imposing an automatic surcharge on any tariff established pursuant to law for the solid waste disposal operations of the sanitary landfill facility.

b. For the purposes of this amendatory and supplementary act, all municipal, county, and State contracts for solid waste collection and disposal shall be considered tariffs for solid waste collection, and shall be subject to any adjustment of tariffs resulting from the provisions of this amendatory and supplementary act.

C. 13:1E-145 Adjustment of tariffs.

10. (New section) a. The Board of Public Utilities shall, within 60 days of the effective date of this amendatory and supplementary

act, issue an order adjusting the tariffs established pursuant to law for solid waste collection operations by an amount equal to the total amount of the increase in the adjusted tariffs for solid waste disposal operations to take effect on the date on which the tax is imposed.

b. The Board of Public Utilities shall, by the date of any increase in the services tax required in subsection a. of section 3 of this amendatory and supplementary act, the investment tax required in subsection b. of section 3 of this amendatory and supplementary act, or the waste importation tax required in subsection c. of section 3 of this amendatory and supplementary act, issue an order adjusting the tariffs established pursuant to law for solid waste collection operations by an amount equal to the total amount of the increase in the tariffs for solid waste disposal operations that shall be adjusted on that date.

c. In issuing any order required by this section, the Board of Public Utilities shall be exempt from the provisions of R. S. 48:2-21.

C. 13:1E-146 Investment tax rate adjustment.

11. (New section) a. Each county, in consultation with the department, may conduct a study to determine the investment tax rate estimated to be necessary to be paid into the district investment tax fund so as to lower the cost of resource recovery facility services to a level which is competitive with the cost of disposal in a sanitary landfill facility utilized by the county, or to finance the closing costs for the proper closure of any terminated sanitary landfill facility located within the county, except that only the additional tax revenues generated by an investment tax rate adjustment may be expended for closing costs.

b. After completion of the study, the county, by resolution of its governing body, and after review of the study by the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs, may adjust the investment tax rate set forth in subsection b. of section 3 of this amendatory and supplementary act to a rate, not to exceed \$10.00 per ton of solids and \$0.04 per gallon of liquids, or the equivalent thereof, which is consistent with the conclusions of the study and with the plan developed pursuant to subsection c. of section 15 of this amendatory and supplementary act. The county, by resolution of its governing body, and after review of the study and any additional information received during the previous year by the Local Finance Board in the Division of Local Government Services in the Department of

Community Affairs, may adjust the investment tax rate, up to the maximum rate, on an annual basis. Any adjustment in the investment tax rate made pursuant to this subsection shall take effect on the first day of the first calendar year following the adjustment, provided that notice of the adjustment shall be made to the director no later than 90 days prior to the first day of a calendar year.

c. Upon approval by the department, two or more counties may conduct a joint study and establish a single investment tax rate for the districts in the manner provided in subsection b. of this section.

d. The department, upon an investment tax rate adjustment by a county made in the manner provided in subsection b. of this section, shall notify the Board of Public Utilities of the investment tax rate adjustment in that county.

C. 13:1E-147 Solid Waste Services Tax Fund.

12. (New section) The Solid Waste Services Tax Fund is established as a nonlapsing, revolving fund in the Department of Environmental Protection. The services tax fund shall be administered by the department and shall be the depository for the revenues generated by the services tax, and any interest earned thereon.

C. 13:1E-148 Allocation of fund; advisory committees.

13. (New section) a. Prior to the disbursement of any moneys in the services tax fund pursuant to the provisions of this section, the cost of administration and collection of the services tax shall be paid to the director out of the fund, up to an amount not to exceed 2% of the total revenues deposited in the fund during the fiscal year.

b. The moneys in the services tax fund shall be allocated and used to provide State aid to counties for preparing, revising, and implementing solid waste management plans, including the implementation of the goals of the State Recycling Plan. The moneys may also be used by the counties to support community oversight projects and to establish a citizens' advisory committee. A county receiving State aid shall not expend more than 2% of the amount of aid received in any year for the costs of administering the aid. The State aid shall be distributed to the counties on the basis of the total amount of solid waste generated from within each county during the previous calendar year as determined by the department, except that no county shall receive less than 2% of the revenues deposited in the services tax fund during each calendar year. In the event that the department determines, pursuant to section 17 of this amendatory and supplementary act, that any

county has failed to fulfill its district solid waste management planning responsibilities, the department may withhold for an entire year or until the county fulfills its responsibilities, all or a portion of the amount of moneys that county would have received in any year pursuant to this subsection. Any moneys withheld for an entire year shall be distributed among the remaining counties in the same proportion as the other moneys were distributed.

c. Any county may appoint a citizens' advisory committee comprising interested local officials and citizens. An appointed citizens' advisory committee or an existing advisory solid waste committee may develop and implement oversight projects and conduct community awareness programs regarding resource recovery facilities in a district.

C. 13:1E-149 Resource Recovery Investment Tax Fund.

14. (New section) a. The Resource Recovery Investment Tax Fund is established in the Department of Treasury. The investment tax fund shall contain sub-accounts for each county to be held by the State Treasurer and shall be the depository for revenues generated by the investment tax and the waste importation tax, and any interest earned thereon, and shall be disbursed pursuant to the provisions of this section.

b. Prior to the disbursement of any moneys in the investment tax fund as provided hereunder, the cost of administration and collection of the taxes shall be paid to the director out of that fund, up to an amount not to exceed 2% of the total revenues deposited into the fund during the fiscal year.

c. The director shall allocate the moneys in the investment tax fund as follows:

(1) The investment tax revenues collected by the director resulting from the amount of solid waste generated from within each county shall be deposited in each county's sub-account;

(2) The investment tax revenues collected by the director and not otherwise deposited in an investment tax fund sub-account pursuant to paragraph (1) of this subsection shall be deposited in the receiving county's sub-account; and

(3) The waste importation tax revenues collected by the director resulting from the acceptance of out-of-district solid waste shall be deposited in the receiving county's sub-account, except that the waste importation tax revenues resulting from the disposal of out-of-district solid waste at sanitary landfill facilities operated and maintained by the Hackensack Meadowlands Development

Commission shall be deposited in the sub-account of the county within which the sanitary landfill facility is located.

C. 13:1E-150 District investment tax funds.

15. (New section) a. Each county shall create a District Resource Recovery Investment Tax Fund which shall be the depository for the moneys appropriated to each county pursuant to this section, and shall be administered by the governing body of each county.

b. The moneys deposited by the director in each investment tax fund sub-account shall be appropriated to each county for deposit in its district investment tax fund and shall be expended only in accordance with a plan prepared and approved pursuant to subsection c. of this section and only for the following purposes:

(1) To reduce the rates charged to all users by a resource recovery facility serving the county in order to provide a gradual transition to resource recovery facility rates from sanitary landfill facility rates. A county may achieve reductions through the use of moneys in its district investment tax fund to pay directly part of the fees charged for disposal to all users of a resource recovery facility;

(2) To design, finance, construct, operate or maintain environmentally sound state-of-the-art sanitary landfill facilities to be utilized for disposing of those solid wastes which cannot be processed by a resource recovery facility or the waste products resulting from the operation of a resource recovery facility;

(3) To design, finance, construct, operate or maintain environmentally sound state-of-the-art sanitary landfill facilities to be utilized for disposal of solid waste, on a long-term basis, if a county can demonstrate to the satisfaction of the department that utilization of a resource recovery facility is not feasible for disposal of the solid waste generated in that county;

(4) To finance the closing costs for the proper closure of any terminated sanitary landfill facility located within a county whenever that county has made an investment tax rate adjustment for this purpose in accordance with the study conducted pursuant to section 11 of this amendatory and supplementary act; and

(5) To administer the investment tax fund, up to an amount not to exceed 2% of the total moneys appropriated to the fund during the fiscal year.

c. Each county, within two years of the effective date of this amendatory and supplementary act, and prior to the disbursement

of any funds in its district investment tax fund, shall prepare a plan which shall outline the proposed uses of moneys in the district investment tax fund as well as establish a schedule for the disbursement of the moneys. Each plan shall be adopted as an amendment to the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P. L. 1970, c. 39 (C. 13:1E-1 et seq.). This plan may be amended, as necessary, in accordance with the procedures provided therefor pursuant to the "Solid Waste Management Act."

d. Each county shall, by October 31 of each year in which moneys remain in its district investment tax fund, file an audit of the district investment tax fund and any expenditures therefrom with the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs. The audit shall be conducted by an independent public accountant.

e. Upon approval by the department, two or more counties may establish a joint investment tax fund to receive the investment tax fund revenues collected pursuant to section 5 of this amendatory and supplementary act.

C. 13:1E-151 Administration of fund by department.

16. (New section) If the department determines that a county has failed to fulfill its district solid waste management planning responsibilities pursuant to section 17 of this amendatory and supplementary act, the department may assume the administration of the district investment tax fund of that county and may use the moneys in the fund for the purposes authorized under subsection b. of section 15 of this amendatory and supplementary act for the benefit of that county.

C. 13:1E-152 Failure to fulfill responsibilities.

17. (New section) The department may determine that a county has failed to fulfill its district solid waste management planning responsibilities, which may include failure to implement the State Recycling Plan goals, as required by sections 11 and 12 of P. L. 1975, c. 326 (C. 13:1E-20 and 13:1E-21) and by subsection c. of section 15 of this amendatory and supplementary act. A determination by the department that the county has failed to fulfill its planning responsibilities may be based upon a finding that the county has not made a good faith effort toward identifying sufficient available, suitable sites for solid waste facilities within the county, or negotiating interdistrict agreements, to provide for the disposal needs of the county.

C. 13:1E-153 40-year contracts authorized.

18. (New section) The provisions of any other law, rule or regulation to the contrary notwithstanding, and as an alternative to any other procedure provided for by law or by order of the Board of Public Utilities, a contracting unit may enter into a contract with a vendor for the design, financing, construction, operation or maintenance, or any combination thereof, of a resource recovery facility, or for the provision of resource recovery services, pursuant to the provisions of this amendatory and supplementary act. Any contracting unit intending to enter into a contract with a vendor pursuant to the provisions of this amendatory and supplementary act shall establish a contract file, which shall be open to members of the public for inspection at the offices of the contracting unit. Any contract entered into pursuant to the provisions of this amendatory and supplementary act may be awarded for a period not to exceed 40 years.

C. 13:1E-154 Request for qualifications; selection of qualified vendors.

19. (New section) a. A contracting unit which intends to enter into a contract with a vendor pursuant to the provisions of this amendatory and supplementary act shall issue a request for qualifications of interested vendors. The request for qualifications shall include a general description of the resource recovery services required by the contracting unit, the minimum acceptable qualifications to be possessed by a vendor proposing to enter into a contract for the provision of these services, and the date by which vendors must submit their qualifications. In addition to all other factors bearing on qualifications, the contracting unit shall consider the reputation and experience of the vendor, and may consider information which might result in debarment or suspension of a vendor from State contracting, and may disqualify a vendor if the vendor has been debarred or suspended by any State agency. The request for qualifications shall be published in at least one appropriate professional or trade journal, and in at least one newspaper of general circulation in the jurisdiction which would be served under the terms of the proposed contract.

b. After reviewing the qualifications submitted by vendors pursuant to subsection a. of this section, the contracting unit shall establish a list of qualified vendors, which shall include the criteria applied by the contracting unit in selecting the qualified vendors, and shall publish the list in the same publications in which the requests for qualifications were published pursuant to subsection a.

of this section. Any vendor designated by a contracting unit as a qualified vendor shall be a person or party financially, technically and administratively capable of undertaking the design, financing, construction, operation, or maintenance, or any combination thereof, of a resource recovery facility, or for providing resource recovery services.

C. 13:1E-155 Request for proposals.

20. (New section) Upon the selection of qualified vendors pursuant to the provisions of section 19 of this amendatory and supplementary act, the contracting unit shall issue a request for proposals to the qualified vendors, which shall include a detailed description of the resource recovery facility and services required, the format and procedure to be followed in submitting proposals, the specific information which qualified vendors must provide in the proposal, a statement setting forth the relative importance of factors, including cost, which the contracting unit will consider in evaluating a proposal submitted by a qualified vendor, and any other information which the contracting unit deems appropriate. The request for proposals shall include the date and time of day by which, and the place at which, the proposals shall be submitted to the contracting unit. The contracting unit may extend the deadline for submission of proposals, but this extension shall apply to all qualified vendors, who shall be provided with simultaneous written notification of this extension.

C. 13:1E-156 Review of proposals; revisions.

21. (New section) A contracting unit shall review proposals submitted by vendors pursuant to section 20 of this amendatory and supplementary act in such a manner as to avoid disclosure of the contents of any proposal to vendors submitting competing proposals. If provided for in the request for proposals, the contracting unit may conduct discussions with qualified vendors who have submitted proposals for the purpose of clarifying any information submitted in the proposal, or assuring that the vendor fully understood and responded to the requirements set forth in the request for proposals. If, as a result of these discussions, the contracting unit decides to revise the request for proposals, it shall immediately notify in writing each qualified vendor which has submitted a proposal of any such revision or revisions to the request for proposals. In the event of any revision in the request for proposals, a qualified vendor shall be permitted to submit revisions to its proposal prior to contract negotiations. In conducting

discussions with qualified vendors, a contracting unit shall not disclose information derived from proposals submitted by competing qualified vendors.

C. 13:1E-157 Vendor designation; contract negotiations.

22. (New section) Upon a review of the proposals submitted by qualified vendors pursuant to section 21 of this amendatory and supplementary act, a contracting unit shall designate one or more qualified vendors whose proposal or proposals the contracting unit finds in writing to be the most advantageous to the public, taking into consideration price and the evaluation factors set forth in the request for proposals. Upon making this designation, the contracting unit may begin negotiations with the qualified vendor or vendors, and may negotiate a proposed contract with a qualified vendor or vendors, which shall include the accepted proposal.

C. 13:1E-158 Approvals required.

23. (New section) a. A contracting unit shall submit any proposed contract negotiated with a qualified vendor pursuant to the provisions of this act to the Division of Rate Counsel for review, and to the department, the Board of Public Utilities, and the Division of Local Government Services for review and approval pursuant to the provisions of section 24 through section 28 of this amendatory and supplementary act.

C. 13:1E-159 Notification of proposed contract.

24. (New section) Any contracting unit intending to submit a proposed contract to the department, the Board of Public Utilities, and the Division of Local Government Services for review and approval pursuant to the provisions of this amendatory and supplementary act shall notify the department, the Board of Public Utilities, the Division of Local Government Services, and the Division of Rate Counsel of its intention to submit its proposed contract for review and approval at least 10 days prior to the submission.

C. 13:1E-160 Request for additional information.

25. (New section) The department, the Board of Public Utilities, the Division of Local Government Services, and the Division of Rate Counsel shall have 15 days from the date of receipt of a proposed contract submitted by a contracting unit for review and approval pursuant to the provisions of this amendatory and supplementary act to request the contracting unit to supply additional information or documentation concerning the proposed contract.

The contracting unit shall provide written responses to these requests within 10 days of receipt of the request. Any supplemental requests for information shall be made within five days of receipt of the written responses to the initial requests. The contracting unit shall provide written responses to any supplemental requests within 10 days of receipt of the supplemental requests. The schedule may be modified by the mutual consent of the contracting unit and the department, the Division of Local Government Services, the Board of Public Utilities, or the Division of Rate Counsel, as the case may be.

C. 13:1E-161 Notice of public hearing.

26. (New section) a. A contracting unit shall hold a public hearing on a proposed contract submitted to the department, the Board of Public Utilities and the Division of Local Government Services for review and approval pursuant to the provisions of this amendatory and supplementary act no sooner than 30 days nor later than 45 days following submission of the proposed contract for review and approval. This public hearing shall be held in the area to be served under the terms of the proposed contract.

b. The contracting unit shall provide at least 20 days' advance written notice of a public hearing to be held on a proposed contract pursuant to the provisions of this section to the department, the Board of Public Utilities, the Division of Local Government Services, the Division of Rate Counsel, the clerk of each municipality within the area to be served under the terms of the proposed contract, and to the county clerk of each county in whole or in part within the area to be served under the terms of the proposed contract.

c. A contracting unit shall provide advance notice to the public of a public hearing to be held on a proposed contract pursuant to the provisions of this section. This notice shall be published once a week for two consecutive weeks in at least one newspaper of general circulation in the area to be served under the terms of the proposed contract. The second notice shall be published at least 10 days prior to the date of the public hearing. These notices shall include the date, time and location of the public hearing, a general description of the proposed contract, and shall inform the public of the availability of copies of the proposed contract for inspection by any interested party at the offices of the contracting unit. Upon request, the contracting unit shall provide any interested party with a copy of the proposed contract at a cost not to exceed the

actual cost of reproducing the proposed contract and any supporting documentation.

C. 13:1E-162 Hearing; report.

27. (New section) a. At the public hearing on the proposed contract held by the contracting unit pursuant to the provisions of section 26 of this amendatory and supplementary act any interested party may present statements or questions concerning the terms and conditions of the proposed contract. Prior to the conclusion of the public hearing, the contracting unit shall respond to questions concerning the proposed contract raised by any interested party. The contracting unit shall provide that a verbatim record be kept of the public hearing. The record of the public hearing shall be kept open for a period of 15 days following the conclusion of the hearing, during which interested parties may submit written statements to be included in the hearing record. The contracting unit shall provide that a hearing report be printed, which shall include the verbatim record of the public hearing, written statements submitted by interested parties, and a statement prepared by the contracting unit summarizing the major issues raised at the public hearing and the contracting unit's specific response to these issues. The contracting unit shall make copies of the transcript of the hearing report available to interested parties upon request at a cost not to exceed the actual cost of printing.

b. Within 45 days of the close of a public hearing on a proposed contract held pursuant to this section, the contracting unit shall submit a copy of the hearing report to the department, the Board of Public Utilities, the Division of Local Government Services, and the Division of Rate Counsel.

C. 13:1E-163 Approval; conditional approval.

28. (New section) a. Within 30 days of receipt of the hearing report submitted by a contracting unit pursuant to the provisions of subsection b. of section 27 of this amendatory and supplementary act, the department shall approve or conditionally approve the proposed contract submitted for review by the contracting unit pursuant to the provisions of this amendatory and supplementary act. The department shall approve the proposed contract if it finds that the terms of the proposed contract are consistent with the district solid waste management plan adopted pursuant to the provisions of the "Solid Waste Management Act," P. L. 1970, c. 39 (C. 13:1E-1 et seq.) by the solid waste district to be served under the terms of the proposed contract. If the department conditionally

approves the proposed contract, it shall state in writing the revisions which must be made to the proposed contract to receive approval, and the contracting unit may prepare and submit to the department a revised proposed contract. If the department determines that the revisions are substantial, the contracting unit shall hold a public hearing on the revisions pursuant to the provisions of section 26 and section 27 of this amendatory and supplementary act. In the alternative, the district solid waste management plan may be amended pursuant to law so as to be consistent with the terms of the proposed contract.

b. Within 30 days of receipt of the hearing report submitted by a contracting unit pursuant to the provisions of subsection b. of section 27 of this amendatory and supplementary act, the Division of Local Government Services shall approve or conditionally approve the proposed contract submitted by the contracting unit pursuant to the provisions of this amendatory and supplementary act. The division shall approve the proposed contract if it finds in writing that the terms of the proposed contract are in compliance with the provisions of section 29 of this amendatory and supplementary act, and that the terms of the proposed contract will result in the provision of services or facilities necessary for the health, safety, welfare, convenience or betterment of the recipients or users of these services or facilities, that the terms and provisions of the proposed contract are not unreasonable, exorbitant or impracticable, would not impose an undue and unnecessary financial burden on the citizens residing in or served by the contracting unit, and will not materially impair the ability of the contracting unit to punctually pay the principal and interest on its outstanding indebtedness and to supply other essential public improvements and services, except that the division, in its review of the proposed contract, shall be bound by any applicable findings or determinations of the Local Finance Board made pursuant to the provisions of subsection d. of N. J. S. 40A:2-7 or section 7 of P. L. 1983, c. 313 (C. 40A:5A-7). If the division conditionally approves the proposed contract, it shall state in writing the revisions which must be made to the proposed contract to receive approval, and the contracting unit may prepare and submit to the division a revised proposed contract. If the division determines that revisions are substantial, the contracting unit shall hold a public hearing on the revisions pursuant to the provisions of section 26 and section 27 of this amendatory and supplementary act.

c. Within 30 days of receipt of the hearing report submitted by a contracting unit pursuant to the provisions of subsection b. of section 27 of this amendatory and supplementary act, the Board of Public Utilities shall approve or conditionally approve the proposed contract submitted by the contracting unit pursuant to the provisions of this amendatory and supplementary act. The board shall approve the proposed contract if it finds in writing that the terms of the proposed contract are in the public interest. If the board conditionally approves the proposed contract it shall state in writing the revisions which must be made to the proposed contract to receive approval, and the contracting unit may prepare and submit to the board a revised proposed contract. If the board determines that the revisions are substantial, the contracting unit shall hold a public hearing on the revisions pursuant to the provisions of section 26 and section 27 of this amendatory and supplementary act. In reviewing and approving the contract, the Board of Public Utilities shall not determine a rate base for, or otherwise regulate the tariffs or return of, the proposed resource recovery facility. The board shall not, thereafter, conduct any further review of the contract.

d. Notwithstanding the provisions of subsection c. of this section, all parties to any contract may request the board to determine a rate base for the proposed resource recovery facility, in which case the board may make that determination and the terms of any contract so approved shall remain subject to the continuing jurisdiction of the board.

C. 13:1E-164 Mandatory contract provisions.

29. (New section) Any contract to be awarded to a vendor pursuant to the provisions of this amendatory and supplementary act or pursuant to the "Local Public Contracts Law," P. L. 1971, c. 198 (C. 40A:11-1 et seq.) or any other contracting procedure permitted by law for resource recovery facilities, shall include where applicable, but not be limited to, provisions concerning:

a. Allocation of the risks of financing and constructing a resource recovery facility, such risks to include:

- (1) Delays in project completion;
- (2) Construction cost overruns and change orders;
- (3) Changes necessitated by revisions in laws, rules or regulations;
- (4) Failure to achieve the required operating performance;

- (5) Loss of tax benefits; and
 - (6) The need for additional equity contributions;
- b. Allocation of the risks of operating and maintaining a resource recovery facility, such risks to include:
 - (1) Excess downtime or technical failure;
 - (2) Excess labor or materials costs due to underestimation;
 - (3) Changes in operating procedure necessitated by revisions in laws, rules or regulations;
 - (4) Changes in the amount or composition of the solid waste delivered for disposal;
 - (5) Excess operation or maintenance costs due to poor management;
 - (6) Increased costs of disposal of the resource recovery facility residue;
 - (7) The increased costs associated with the disposal of solid waste delivered to a resource recovery facility which cannot be processed at the facility; and
 - (8) The costs of disposal of recovered material which cannot be sold;
- c. Allocation of the risks associated with circumstances beyond the control of any party to the contract;
- d. Allocation of the revenues from the sale of energy or other recovered metals and other materials for reuse;
- e. Default and termination of the contract;
- f. The periodic preparation by the vendor of an operating performance report and an audited balance statement of the facility which shall be submitted to the contracting unit, the department and the Division of Local Government Services in the Department of Community Affairs;
- g. The intervals at which the contract shall be renegotiated;
- h. Employment of current employees of the contracting unit whose positions will be affected by the terms of the contract;
- i. Competitive bidding procedures, or other methods of cost control, to be utilized by the vendor in obtaining any goods or services the cost of which will automatically be included, pursuant to the terms of the contract, in the rates to be charged at the resource recovery facility; and
- j. The formulas to be used to determine the charges, rates, or fees to be charged for the resource recovery services, and the methodology or methodologies used to develop these formulas.

C. 13:1E-165 Assessments of vendor.

30. (New section) Whenever the Division of Rate Counsel represents the public interest in a proceeding held pursuant to the provisions of this amendatory and supplementary act to consider a proposed contract, the Director of the Division of Rate Counsel may assess the vendor pursuant to the provisions of this section. Whenever a contracting unit shall first submit a proposed contract to the department, the Board of Public Utilities, and the Division of Local Government Services for review and approval pursuant to the provisions of this amendatory and supplementary act, the vendor shall be assessed an amount equal to one-tenth of 1% of the estimated gross revenues of the facility in the first year of its operation. Thereafter, the vendor shall be assessed in the manner provided for in section 20 of P. L. 1974, c. 27 (C. 52:27E-19).

C. 13:1E-166 Petition for exemption.

31. (New section) a. Any contracting unit which has issued a request for qualifications, a request for proposals, or both, as the case may be, or has initiated formal negotiations with a qualified vendor or two or more qualified vendors, within 30 days after the effective date of this amendatory and supplementary act, may petition the department for an exemption from the provisions of section 19, section 20, and section 21 of this amendatory and supplementary act. Upon receiving an exemption authorized pursuant to this subsection, a contracting unit may negotiate a proposed contract with a vendor pursuant to the provisions of section 22 of this amendatory and supplementary act, and shall submit the proposed contract for review and approval pursuant to the provisions of section 23 through section 28 of this amendatory and supplementary act.

b. Any contracting unit which has negotiated a contract for resource recovery facilities or services with a vendor prior to the effective date of this amendatory and supplementary act, and has held a public hearing on the contract, may petition the department for an exemption from the provisions of section 19 through section 27 of this amendatory and supplementary act. Upon receiving an exemption authorized pursuant to this subsection, the contracting unit shall submit the contract to the department, the Division of Local Government Services, and the Board of Public Utilities for the review and approvals required pursuant to section 28 of this amendatory and supplementary act. The provisions of section 28 of this amendatory and supplementary act to the contrary not-

withstanding, the department, the Division of Local Government Services, and the Board of Public Utilities shall approve or conditionally approve a contract submitted for review pursuant to the provisions of this subsection within 60 days of the receipt of the contract. If the department, the Division of Local Government Services, or the Board of Public Utilities conditionally approves the proposed contract, the department, the Division of Local Government Services, or the Board of Public Utilities, as the case may be, shall state in writing the revisions which must be made to the proposed contract to receive approval, and the contracting unit may prepare and submit a revised proposed contract. If the department, the Division of Local Government Services, or the Board of Public Utilities, as the case may be, determines that the necessary revisions are substantial, the contracting unit shall hold a public hearing on the revisions.

C. 13:1E-167 Lease or sale to vendor.

32. (New section) Notwithstanding the provisions of any other law, rule or regulation to the contrary, a contracting unit, or State board, commission, committee, authority or agency may lease or sell the site for a resource recovery facility to a qualified vendor which has been awarded a contract pursuant to the provisions of this amendatory and supplementary act or pursuant to the "Local Public Contracts Law," P. L. 1971, c. 198 (C. 40A:11-1 et seq.) or any other contracting procedure permitted by law for resource recovery facilities.

C. 13:1E-168 Rules, regulations.

33. (New section) a. (1) The department may adopt, pursuant to the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), any rules and regulations necessary to implement the provisions of this amendatory and supplementary act.

(2) The department shall adopt rules and regulations for the engineering design of resource recovery facilities, to include a requirement that state-of-the-art emission technology be installed to control the emission of hydrocarbons, particulates, dioxins, nitrogen oxides, carbon monoxide, heavy metals, hydrochloric acid, sulfur oxides and other acid gases and pollutants from each resource recovery facility which is expected to emit these pollutants.

b. The Board of Public Utilities may adopt, pursuant to the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410

(C. 52:14B-1 et seq.), any rules and regulations necessary to implement the provisions of this amendatory and supplementary act.

c. The Division of Local Government Services may adopt, pursuant to the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), any rules and regulations necessary to implement the provisions of this amendatory and supplementary act.

C. 40A:4-45.25 Expenditures mandated by State law.

34. (New section) Any additional expenditures made by a municipality or county in complying with an order issued by the department pursuant to the provisions of the "Solid Waste Management Act," P. L. 1970, c. 39 (C. 13:1E-1 et seq.) and the Board of Public Utilities pursuant to the "Solid Waste Utility Control Act of 1970," P. L. 1970, c. 40 (C. 48:13A-1 et seq.), to transport solid waste to a resource recovery facility, or any expenditures necessary to reflect adjustment in rates, fees or other charges made in connection with the taxes imposed pursuant to section 3 of this amendatory and supplementary act, or the provisions of a contract entered into pursuant to the provisions of this amendatory and supplementary act, shall, for the purposes of P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.), be considered an expenditure mandated by State law.

35. Section 11 of P. L. 1975, c. 326 (C. 13:1E-20) is amended to read as follows:

C. 13:1E-20 Solid waste management plans.

11. a. (1) Within 360 days after the effective date of this amendatory and supplementary act, the respective boards of chosen freeholders, in the case of counties, and the Hackensack Commission, in the case of the Hackensack Meadowlands District, shall develop and formulate, pursuant to the procedures herein contained, a solid waste management plan for each respective solid waste management district; provided, however, that the commissioner may extend such period for a maximum of 45 additional days upon the certification of the board of chosen freeholders or the Hackensack Commission, as the case may be, of the causes of the delay in developing and formulating a plan, and upon the commissioner's determination that an extension will permit the development and formulation of a solid waste management plan as required herein. Within 90 days of the effective date of this act, each district shall make the necessary personnel, financial and

legal arrangements to assure the development and formulation of the plan within 360 days of the effective date of this act. Every solid waste management plan shall be developed and formulated to be in force and effect for a period of *not less than* 10 years, upon the expiration of which a new plan shall be developed and formulated pursuant to the procedures herein contained; provided, however, that every such plan shall contain provisions for automatic review thereof not less than once every two years following the approval thereof by the department, which review shall be undertaken by the board of chosen freeholders or the Hackensack Commission, as the case may be; and provided further, however, that every such plan may be reviewed at any time by the department. Upon such review, if the board of chosen freeholders, the Hackensack Commission, or the department, as the case may be, determines that any solid waste management plan, or any part thereof, is inadequate for the purposes for which it was intended, such board of chosen freeholders or the Hackensack Commission, as the case may be, shall develop and formulate a new solid waste management plan, or any part thereof, and such new plan, or part thereof, shall be adopted thereby pursuant to the procedures contained in section 14 of P. L. 1975, c. 326 (C. 13:1E-23).

Nothing herein contained shall be construed as to prevent any board of chosen freeholders or the Hackensack Commission from readopting a solid waste management plan upon the expiration of same in a solid waste management district; provided, however, that any such readoption shall be pursuant to the provisions of section 14 of P. L. 1975, c. 326 (C. 13:1E-23).

(2) Any two or more districts may formulate and adopt a single solid waste management plan which shall meet all the requirements of this act for the combined area of the cooperating solid waste management districts.

b. (1) To assist each board of chosen freeholders in the development and formulation of the solid waste management plans required herein, an advisory solid waste council shall be constituted in every county and shall include municipal mayors or their designees, persons engaged in the collection or disposal of solid waste and environmentalists. The respective size, composition and membership of each such council shall be designated by the respective boards of chosen freeholders. In the Hackensack Meadowlands District, the Hackensack Meadowlands Municipal Committee, established pursuant to article 4 of P. L. 1968, c. 404 (C. 13:17-7 and 13:17-8), is hereby designated an advisory solid waste council

for the purposes of this amendatory and supplementary act; provided, however, that nothing herein contained shall be construed as in any way altering the powers, duties and responsibilities of the Hackensack Meadowlands Municipal Committee except as herein specifically provided. The respective boards of chosen freeholders and the Hackensack Commission shall consult with the relevant advisory solid waste council at such stages in the development and formulation of the solid waste management plan as each such board of chosen freeholders or the Hackensack Commission, as the case may be, shall determine; provided, however, that a solid waste management plan shall be adopted as hereinafter provided only after consultation with the relevant advisory solid waste council.

(2) In the development and formulation of a solid waste management plan for any solid waste management district, the board of chosen freeholders or the Hackensack Commission, as the case may be, shall:

(a) Consult with the county or municipal government agencies concerned with, or responsible for, water pollution control, water policy, water supply, or zoning or land use within the solid waste management district;

(b) Review such plans for solid waste collection and disposal proposed by, or in force in, any municipality or municipalities within the solid waste management district, to determine the suitability of any such plan, or any part thereof, for inclusion within the solid waste management plan of the solid waste management district; and

(c) Consult with persons engaged in solid waste collection and disposal in the solid waste management district.

36. Section 6 of P. L. 1970, c. 40 (C. 48:13A-5) is amended to read as follows:

C. 48:13A-5 Award of franchises.

6. a. The Board of Public Utilities shall, by order in writing, when it finds that the public interest requires, award a franchise to any person or persons engaged in solid waste disposal at rates and charges published in tariffs or contracts accepted or to be accepted for filing by the board; provided, however, that the proposed franchise for solid waste disposal conforms to the solid waste management plan of the solid waste management district or districts in which such service is to be located, as such plan shall have been approved by the Department of Environmental Protection.

b. Franchises awarded pursuant to this section shall be of sufficient area and duration to support the estimated technical and economic needs of the disposal facility which is to serve the district or districts.

c. For the purposes of this section, "franchise" shall mean the exclusive right to control and provide for the disposal of solid waste, except for recyclable material whenever markets for those materials are available, within a district or districts as awarded by the Board of Public Utilities.

d. Nothing in section 11 of this act (C. 48:13A-10) shall be interpreted to prevent the implementation of this section by the Board of Public Utilities.

37. Section 15 of P. L. 1971, c. 198 (C. 40A:11-15) is amended to read as follows:

C. 40A:11-15 Duration of certain contracts.

15. Duration of certain contracts. All purchases, contracts or agreements for the performing of work or the furnishing of materials, supplies or services shall be made for a period not to exceed 12 consecutive months, except that contracts or agreements may be entered into for longer periods of time as follows:

(1) Supplying of

(a) Fuel for heating purposes, for any term not exceeding in the aggregate, two years;

(b) Fuel or oil for use of airplanes, automobiles, motor vehicles or equipment for any term not exceeding in the aggregate, two years;

(c) Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 40 years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam;

(2) (Deleted by amendment, P. L. 1977, c. 53.)

(3) The collection and disposal of garbage and refuse, for any term not exceeding in the aggregate, five years;

(4) The recycling of solid waste, for any term not exceeding 25 years, when such contract is in conformance with a solid waste management plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E-1 et seq.), and with the approval of the Division of

Local Government Services and the Department of Environmental Protection;

(5) Data processing service, for any term of not more than three years;

(6) Insurance, for any term of not more than three years;

(7) Leasing or servicing of automobiles, motor vehicles, machinery and equipment of every nature and kind, for a period not to exceed three years; provided, however, such contracts shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(8) The supplying of any product or the rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Public Utilities for a term not exceeding five years;

(9) Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works project, including the retention of the services of any architect or engineer in connection therewith, for the length of time authorized and necessary for the completion of the actual construction;

(10) The providing of food services for any term not exceeding three years;

(11) On-site inspections undertaken by private agencies pursuant to the "State Uniform Construction Code Act" (P. L. 1975, c. 217; C. 52:27D-119 et seq.) for any term of not more than three years;

(12) The performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy in buildings owned by, or operations conducted by, the contracting unit, the entire price of which to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 10 years; provided, however, that such contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the Department of Energy establishing a methodology for computing energy cost savings;

(13) The performance of work or services or the furnishing of materials or supplies for the purpose of elevator maintenance for any term not exceeding three years;

(14) Leasing or servicing of electronic communications equipment for a period not to exceed five years; provided, however, such

contract shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(15) Leasing of motor vehicles, machinery and other equipment primarily used to fight fires, for a term not to exceed seven years, when the contract includes an option to purchase, subject to and in accordance with rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(16) The provision of water supply services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility, or any component part or parts thereof, including a water filtration system, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Public Utilities, and the Department of Environmental Protection pursuant to P. L. 1985, c. 37 (C. 58:26-1 et seq.). For the purposes of this subsection, "water supply services" means any service provided by a water supply facility; "water filtration system" means any equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, rehabilitated, or operated for the collection, impoundment, storage, improvement, filtration, or other treatment of drinking water for the purposes of purifying and enhancing water quality and insuring its potability prior to the distribution of the drinking water to the general public for human consumption, including plants and works, and other personal property and appurtenances necessary for their use or operation; and "water supply facility" means and refers to the real property and the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, real, personal and mixed, acquired, constructed or operated, or to be acquired, constructed or operated, in whole or in part by or on behalf of a political subdivision of the State or any agency thereof, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, or of conserving existing water resources, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering, conserving or transmitting of water and for the preservation and protection of these resources and facilities

and providing for the conservation and development of future water supply resources;

(17) The provision of solid waste disposal services by a resource recovery facility, the furnishing of products of a resource recovery facility, the disposal of the solid waste delivered for disposal which cannot be processed by a resource recovery facility or the waste products resulting from the operation of a resource recovery facility, including hazardous waste and recovered metals and other materials for reuse, or the design, financing, construction, operation or maintenance of a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Public Utilities, and the Department of Environmental Protection; and when the facility is in conformance with a solid waste management plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

(18) The sale of electricity or thermal energy, or both, produced by a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Board of Public Utilities; and when the facility is in conformance with a solid waste management plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production.

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, contracts for water supply services or for a water supply facility, or any component part or parts thereof authorized pursuant to subsection (16) above, contracts for resource recovery services or a resource recovery facility authorized pursuant to subsection (17) above, or contracts for the sale of energy produced by a resource recovery facility authorized pursuant to subsection (18) 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.

38. Section 19 of P. L. 1975, c. 326 (C. 13:1E-28) is amended to read as follows:

C. 13:1E-28 Annual payments to municipalities.

19. a. Any municipality within which a sanitary landfill facility is located pursuant to an adopted and approved district solid waste management plan shall be entitled to an annual economic benefit not less than the equivalent of \$1.00 per ton of solids on all solid waste accepted for disposal at the sanitary landfill facility during the previous calendar year as determined by the department.

The owner or operator of the sanitary landfill facility shall annually pay to the relevant municipality the full amount due under this subsection and each relevant municipality is empowered to anticipate this amount for the purposes of preparing its annual budget. For the purposes of calculating the payments, the owner or operator of the sanitary landfill facility may, subject to the prior agreement of the relevant municipality and the approval of the Board of Public Utilities, provide the municipality with any of the following benefits in consideration for the use of land within its municipal boundaries as the location of a sanitary landfill facility:

- (1) The receipt of annual sums of money in lieu of taxes on the land used for the sanitary landfill facility;
- (2) The exemption from all fees and charges for the disposal of solid waste generated within its boundaries;
- (3) The receipt of a lump sum cash payment; or
- (4) Any combination thereof.

b. Every owner or operator of a sanitary landfill facility required to make annual payments to a municipality pursuant to subsection a. of this section may petition the Board of Public Utilities for an increase in its tariff which reflects these payments. The board, within 60 days of the receipt of the petition, shall issue an appropriate order that these payments shall be passed along to the users of the sanitary landfill facility as an automatic surcharge on any tariff filed with, and recorded by, the board for the solid waste disposal operations of the facility.

c. The board, within 60 days of the computation of any increase in a solid waste disposal tariff pursuant to subsection b. of this section, shall issue an appropriate order increasing current tariffs established pursuant to law for solid waste collection by an amount equal to the total amount of the increase in the relevant solid waste disposal tariff calculated pursuant to subsection b. of this section.

d. In issuing any order required by this section, the Board of Public Utilities shall be exempt from the provisions of R. S. 48:2-21.

C. 40A:4-27.1 Anticipation in budget.

39. (New section) Any monies due a municipality pursuant to the provisions of section 19 of P. L. 1975, c. 326 (C. 13:1E-28) may be anticipated by the municipality for the purposes of preparing its annual budget. The receipt and expenditure by a municipality of these monies shall be exempt from the limitations on municipal expenditures imposed pursuant to P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.).

C. 48:13A-5.1 Tonnage charge.

40. (New section) The person holding the franchise for a resource recovery facility pursuant to the provisions of section 6 of P. L. 1970, c. 40 (C. 48:13A-5) shall, on or before January 25 of each year, file with the chief fiscal officer of the municipality wherein the resource recovery facility is located a statement, verified by oath, showing the total number of tons of solid waste accepted for disposal at the resource recovery facility during the preceding calendar year, and shall at the time pay to the chief fiscal officer a sum equal to at least \$1.00 per ton of all solid waste accepted for disposal at the resource recovery facility. A municipality may negotiate with the person holding the franchise for a resource recovery facility or the contracting unit, or both as the case may be, for an amount exceeding the amount provided for in this section.

C. 40A:4-27.2 Municipal "cap" exemption.

41. (New section) Any monies due a municipality pursuant to the provisions of section 40 of this amendatory and supplementary act may be anticipated by the municipality for the purposes of preparing its annual budget. The receipt and expenditure by a municipality of these monies shall be exempt from the limitations on municipal expenditures imposed pursuant to P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.).

42. This act shall take effect immediately except for section 3 which shall take effect the first day of the third month following enactment.

Approved February 4, 1985.

CHAPTER 39

AN ACT regulating control of certain depository institutions.

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

1. As used in this act:

a. "Bank" means any company which accepts deposits in New Jersey, which deposits are insured by the Federal Deposit Insurance Corporation pursuant to 12 U. S. C. § 1811 et seq., except "bank" shall not include a State or federally chartered savings bank or a company which is engaged solely in the trust business, all or substantially all of the deposits of which are in trust funds and which are received in a bona fide fiduciary capacity.

b. "Bank holding company" means any company which is a bank holding company under the provisions of the federal Bank Holding Company Act of 1956, as amended, 12 U. S. C. § 1840 et seq.

c. "Commissioner" means the Commissioner of Banking.

d. "Company" means any corporation, partnership, business trust, or similar organization or any other trust unless by its terms it must terminate within 25 years or not later than 21 years and 10 months after the death of individuals living on the effective date of the trust but shall not include any corporation the majority of shares of which are owned by the United States or by any state.

2. a. No bank holding company shall control a bank, as defined in section 1 of this act, unless the bank, as defined in section 1 of this act, is also a bank pursuant to the provisions of subsection (c) of section 2 of the federal Bank Holding Company Act of 1956, as amended, 12 U. S. C. § 1841. No company that is not a bank holding company shall control a bank, as defined in section 1 of this act.

b. For the purposes of this act, a company shall be deemed to control a bank if: (1) the company directly or indirectly or acting through one or more persons owns, controls, or has power to vote 25% or more of any class of voting securities of the bank; (2) the company controls in any manner the election of a majority of the directors of the bank; or (3) the commissioner determines, after notice and hearing, that the company directly or indirectly exercises a controlling influence over the management or the policies of the bank. There shall be a presumption, for the purposes of this act, that any company which directly or indirectly owns, controls, or has the power to vote less than 5% of the shares of any class of voting securities of a bank does not have control over the bank.

3. For the purposes of this act, the commissioner shall have the power to enforce the provisions of this act by seeking to enjoin any violation, by issuing cease and desist orders, by imposing civil penalties not to exceed \$10,000.00 for each violation, or by any other remedies which are provided by law. The powers conferred under this act shall be in addition to, and not in lieu of, any other power to approve ownership or control of banks as may be vested in the commissioner by law.

4. Notwithstanding the provisions of this act, any company or bank holding company which, on January 1, 1985, controlled a bank or which, on or before that date had received approval from the commissioner or from all applicable federal regulators, including the Board of Governors of the Federal Reserve System, to control a bank in New Jersey, may continue to control the bank.

5. Nothing in this act is intended to authorize control of a bank by a bank which has its principal, head, or main office outside this State, or by a company or bank holding company which owns or controls a bank, which bank has its principal, head, or main office outside of this State.

6. This act shall take effect immediately and shall expire on January 1, 1986.

Approved February 4, 1985.

CHAPTER 40

A SUPPLEMENT to “An act making appropriations for the support of the State government and the several public purposes for the fiscal year ending June 30, 1985 and regulating the disbursement thereof,” approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, the following 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

04-8030	Local Government Services	\$75,000.00
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Special Purpose:

Special assistance to the borough of Chesilhurst for police and fire safety	(\$75,000.00)
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Amounts appropriated under this act shall be paid to the municipality by the State Treasurer upon certification by the Commissioner of the Department of Community Affairs that the municipality is under the jurisdiction of the Municipal Finance Commission pursuant to R. S. 52:27-1 et seq. for the 1984 local fiscal year.

2. This act shall take effect immediately.

Approved February 7, 1985.

CHAPTER 41

AN ACT concerning education and citizenship 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:36-27 Voting information.

1. The board of education of each school district and the appropriate school officials in each nonpublic school shall provide a voter registration form and material describing the role of a citizen and the importance of voting to each eligible high school pupil in conjunction with the voter registration drive conducted by each county commissioner of registration pursuant to R. S. 19:31-2. This material shall be nonpartisan and conform to the provisions of N. J. S. 18A:42-4.

C. 18A:36-28 Rules, regulations.

2. The Commissioner of Education shall adopt pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) rules and regulations necessary to implement the provisions of this act.

3. This act shall take effect immediately.

Approved February 7, 1985.

CHAPTER 42

AN ACT concerning the investment of certain security deposits, amending P. L. 1971, c. 223 and amending and supplementing P. L. 1967, c. 265.

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

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

C. 46:8-19 Investment of security deposits.

1. Whenever money or other form of security shall be deposited

or advanced on a contract, lease or license agreement for the use or rental of real property as security for performance of the contract, lease or agreement or to be applied to payments upon such contract, lease or agreement when due, such money or other form of security, until repaid or so applied including the tenant's portion of the interest or earnings accumulated thereon as herinafter provided, shall continue to be the property of the person making such deposit or advance and shall be held in trust by the person with whom such deposit or advance shall be made for the use in accordance with the terms of the contract, lease or agreement and shall not be mingled with the personal property or become an asset of the person receiving the same. The person receiving money so deposited or advanced shall:

a. (1) Invest that money in shares of an insured money market fund established by an investment company based in this State and registered under the "Investment Company Act of 1940," 54 Stat. 789 (15 U. S. C. § 80a-1 et seq.), whose shares are registered under the "Securities Act of 1933," 48 Stat. 74 (15 U. S. C. § 77a. et seq.) and the only investments of which fund are instruments maturing in one year or less, or (2) deposit that money in a State or federally chartered bank, savings bank or savings and loan association in this State insured by an agency of the federal government in an account bearing a variable rate of interest, which shall be established at least quarterly, which is similar to the average rate of interest on active interest bearing money market transaction accounts paid by the bank or association under 12 C. F. R. Part 1204.108, or equal to similar accounts of an investment company described in paragraph (1) of this subsection, less an amount not to exceed 1% per annum of the amount so invested or deposited for the costs of servicing and processing the account.

This subsection shall not apply to persons receiving money for less than 10 rental units except where required by the Commissioner of Banking by rule or regulation. The commissioner shall apply the provisions of this subsection to some or all persons receiving money for less than 10 rental units where the commissioner finds that it is practicable to deposit or invest the money received with an investment company or State or federally chartered bank, savings bank or savings and loan association in accordance with this subsection. Except as expressly provided herein, nothing in this subsection shall affect or modify the rights or obligations of persons receiving money for rental premises or units, tenants, licensees or contractees under any other law.

b. Persons not required to invest or deposit money in accordance with subsection a. of this section shall deposit such money in a State or federally chartered bank, savings bank or savings and loan association in this State insured by an agency of the federal government in an account bearing interest at the rate currently paid by such institutions and associations on time or savings deposits.

The person investing the security deposit pursuant to subsection a. or b. of this section shall thereupon notify in writing each of the persons making such security deposit or advance, giving the name and address of the investment company, State or federally chartered bank, savings bank or savings and loan association in which the deposit or investment of security money is made, and the amount of such deposit.

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

The person receiving money so deposited or so advanced shall be entitled to receive as administrative expenses a sum equivalent to 1% per annum thereon or 12.5% of the aggregate interest yield on the security deposit, whichever is greater, less the amount of any service fee charged by an investment company, a State or federally chartered bank, savings bank or savings and loan association for money deposited pursuant to this section, which shall be in lieu of all other administrative and custodial expenses. The balance of the interest or earnings paid thereon by the investment company, State or federally chartered bank, savings bank or savings and loan association, hereinafter referred to as tenant's portion, shall belong to the person making the deposit or advance and shall be permitted to compound to the benefit of the tenant, or be paid to the tenant in cash, or be credited toward the payment of rent due on the renewal or anniversary of said tenant's lease.

In the event the person receiving a security deposit fails to notify the tenant of the name and address of the investment company, State or federally chartered bank, savings bank or savings and loan association in which the deposit or investment of such security is made, and the amount thereof, within 30 days after receipt of same from the tenant, the tenant may give written notice to the person receiving the same that such security money be applied on account of rent payment or payments due or to become due from the tenant, and thereafter the tenant shall be without obligation to make any further security deposit and the person re-

ceiving the money so deposited shall not be entitled to make further demand for a security deposit.

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

C. 46:8-20 Procedure on conveyance of property.

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

3. Section 3 of P. L. 1967, c. 265 (C. 46:8-21) is amended to read as follows:

C. 46:8-21 Liability on transfer.

3. Any owner or lessee turning over to his or its grantee, assignee, or to a purchaser of the leased premises at a foreclosure sale the amount of such security deposit, plus the tenant's portion of the interest or earnings accumulated thereon, is hereby relieved of and from liability to the tenant or licensee for the repayment thereof; and the transferee of such security deposit, plus the tenant's portion of the interest or earnings accumulated thereon, is hereby made responsible for the return thereof to the tenant or licensee, in accordance with the terms of the contract, lease, or agreement unless he or it shall thereafter and before the expiration of the term of the tenant's lease or licensee's agreement, transfer such security deposit to another, pursuant to section 2 hereof and give the requisite notice in connection therewith as provided thereby.

4. Section 3 of P. L. 1971, c. 223 (C. 46:8-21.1) is amended to read as follows:

C. 46:8-21.1 Return of deposit; displaced tenant.

3. Within 30 days after the expiration of the term of the tenant's lease or licensee's agreement, the owner or lessee shall return by personal delivery, registered or certified mail the sum so deposited plus the tenant's portion of the interest or earnings accumulated thereon, less any charges expended in accordance with the terms of a contract, lease, or agreement. The interest or earnings and any such deductions shall be itemized and the tenant or licensee notified thereof by personal delivery, registered or certified mail.

Within five business days after a. the tenant is caused to be displaced by fire, flood, condemnation, or evacuation, and b. an authorized public official posts the premises with a notice prohibiting occupancy, or c. any building inspector, in consultation with a relocation officer, where applicable, has certified within 48 hours that displacement is expected to continue longer than seven days and has so notified the owner or lessee in writing, the owner or lessee shall have available and return to the tenant or the tenant's designated agent upon his demand the sum so deposited plus the tenant's portion of the interest or earnings accumulated thereon, less any charges expended in accordance with the terms of the contract, lease or agreement and less any rent due and owing at the time of displacement.

Such net sum shall continue to be available to be returned upon demand during normal business hours for a period of 30 days at a location in the same municipality in which the subject leased property is located and shall be accompanied by an itemized statement of the interest or earnings and any deductions. The owner or lessee may, by mutual agreement with the municipal clerk, have the municipal clerk of the municipality in which the subject leased property is located return said net sum in the same manner. Within three business days after receiving notification of the displacement, the owner or lessee shall provide written notice to a displaced tenant by personal delivery or mail to the tenant's last known address. Such notice shall include, but not be limited to, the location at which and the hours and days during which said net sum shall be available to him. The owner or lessee shall provide a duplicate notice in the same manner to the relocation officer. Where a relocation officer has not been designated, the duplicate notice shall be provided to the municipal clerk. When the last known

address of the tenant is that from which he was displaced and the mailbox of that address is not accessible during normal business hours, the owner or lessee shall also post such notice at each exterior public entrance of the property from which the tenant was displaced. Any such net sum not demanded by and returned to the tenant or the tenant's designated agent within the period of 30 days shall be redeposited or reinvested by the owner or lessee in an appropriate interest bearing or dividend yielding account in the same investment company, State or federally chartered bank, savings bank or savings and loan association from which it was withdrawn.

In the event that said displaced tenant resumes occupancy of the premises, said tenant shall redeliver to the owner or lessee one-third of the security deposit immediately, one-third in 30 days and one-third 60 days from the date of reoccupancy. Upon the failure of said tenant to make such payments of the security deposit, the owner or lessee may institute legal action for possession of the premises in the same manner that is authorized for nonpayment of rent.

In any action by a tenant or licensee for the return of moneys due under this section, the court upon finding for the tenant or licensee shall award recovery of double the amount of said moneys, together with full costs of any action and, in the court's discretion, reasonable attorney's fees.

C. 46:8-19.1 Rules, regulations.

5. (New section) The Commissioner of Banking may, in his discretion, promulgate rules and regulations with respect to the establishment of the method of computing the interest due to either the person receiving the money as a security deposit or to the tenant pursuant to the provisions of P. L. 1967, c. 265 (C. 46:8-19 et seq.) or P. L. 1971, c. 223 (C. 46:8-21.1 et seq.) if the money is deposited in an account or in shares of an investment company upon which the interest varies on a periodic basis.

6. This act shall take effect the first day of the sixth month following enactment.

Approved February 7, 1985.

CHAPTER 43

AN ACT concerning county and municipal budgets for the 1985 local budget year.

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

1. Notwithstanding the provisions of any law to the contrary, the dates concerning the introduction and approval and adoption of local budgets for 1985 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 March 1 of the fiscal year; and

(2) In the case of a municipality, not later than March 15 of the fiscal year.

b. The budget shall be adopted in the case of a county not later than March 29, and in the case of a municipality not later than April 23 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 1985 shall be as follows:

a. The clerk of the local unit shall transmit a certified copy of the budget, as adopted, to the county board of taxation not later than May 6 of the fiscal year.

b. Where the county board of taxation has not received a copy of the budget resolution or other evidence showing the amount to be raised by taxation for the purposes of a taxing district not later than May 6 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 13 of the fiscal year, the county board

of taxation shall fill out the table of aggregates required by R. S. 54:4-52 and shall determine the amount of "other local taxes" for the year based upon the certificate of the director.

If the local unit has adopted a budget for the fiscal year and has transmitted a certified copy thereof to the county board on or before May 13 of the fiscal year, the board may substitute the adopted budget in the place of the amount certified by the director, but no substitution shall be made after May 13 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 1985 shall be extended from May 3 to May 14.

In the event a county board of taxation is unable to prepare the table of aggregates on or before May 14 due to the failure of any of the several taxing districts of the county to transmit an adopted budget showing the amount to be raised by taxation for the purposes of the taxing district, the board shall prepare a certified schedule of the general tax rate for each of those taxing districts which has submitted an adopted budget. Each certified schedule so prepared shall be signed by the members of the county board of taxation and, within three days thereafter, shall be transmitted to the Director of the Division of Taxation, the county treasurer and the clerk and tax collector of the affected municipality.

4. The governing body may and, if any contracts, commitments or payments are to be made prior to the adoption of the 1985 budget, shall, by resolution, adopted prior to March 1, 1985, 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 1985 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 1984 fiscal year, excluding, in both instances, appropriations made for the 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 1985 budget year by a municipality pursuant to subsection i. of section 3 of P. L. 1976, c. 68 (C. 40A:4-45.3), for the purpose of requesting approval for increasing the municipal budget by more than 5% over the previous year's final appropriations, shall be

held on Tuesday, February 26, or Tuesday, March 26, 1985, 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, a local unit may anticipate as a miscellaneous revenue in its 1985 budget the total amount of all payments due and payable to the local unit during the fiscal year, directly or indirectly as a result of the sale of property by the local unit, when the obligation to make the payment is entered into prior to March 15, 1985.

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 1985 budget on or before February 15, 1985.

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 1985 budget on or before February 15, 1985.

9. This act shall take effect immediately, shall apply to the 1985 local budget year and shall expire December 31, 1985.

Approved February 7, 1985.

CHAPTER 44

AN ACT concerning notice requirements and preparole report for county prosecutors, amending P. L. 1979, c. 441, and making an appropriation.

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

1. Section 1 of P. L. 1979, c. 441 (C. 30:4-123.45) is amended to read as follows:

C. 30:4-123.45 Short title; definitions.

1. a. This act shall be known and may be cited as the "Parole Act of 1979."

b. In this act, unless a different meaning is plainly required:

(1) "Adult inmate" means any person sentenced as an adult to a term of incarceration.

(2) "Juvenile inmate" means any person under commitment by a juvenile court pursuant to subsection h. of section 20 of P. L. 1973, c. 306 (C. 2A:4-61 h.) or by a family court pursuant to section 24 of P. L. 1982, c. 77 (C. 2A:4A-44).

(3) "Parole release date" means that date certified by a member of the board for release of an inmate after a review of the inmate's case pursuant to section 11, 13 or 14 of this act.

(4) "Primary parole eligibility date" means that date established for parole eligibility for adult inmates pursuant to section 7 or 20 of this act.

(5) "Public notice" shall consist of lists including names of all inmates being considered for parole, the county from which he was committed and the crime for which he was incarcerated. At least 30 days prior to parole consideration such lists shall be forwarded to the prosecutor's office of each county, the sentencing court, the office of the Attorney General, any other criminal justice agencies whose information and comment may be relevant, and news organizations.

(6) Removal for "cause" means such substantial cause as is plainly sufficient under the law and sound public policy touching upon qualifications appropriate to a member of the parole board or the administration of said board such that the public interest precludes the member's continuance in office. Such cause includes, but is not limited to, misconduct in office, incapacity, inefficiency and nonfeasance.

2. Section 10 of P. L. 1979, c. 441 (C. 30:4-123.54) is amended to read as follows:

C. 30:4-123.54 Preparole 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. (1) The report filed pursuant to subsection a. shall contain preincarceration records of the inmate, state the conduct of the inmate during the current period of confinement, include a com-

plete 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.

(2) At the time of sentencing, the prosecutor shall notify any victim injured as a result of a crime of the first or second degree or the nearest relative of a murder victim of the opportunity to present a statement for the parole report to be considered at the parole hearing or to testify to the parole board concerning his harm at the time of the parole hearing. Each victim or relative shall be responsible for notifying the board of his intention to submit such a statement and to provide an appropriate mailing address.

The report may include a statement concerning the continuing nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss of earnings or ability to work suffered by the victim and the continuing effect of the crime upon the victim's family. At the time public notice is given that an inmate is being considered for parole pursuant to this section, the board shall also notify any victim or nearest relative who has previously contacted the board of the availability to provide a statement for inclusion in the parole report or to present testimony at the parole hearing.

The board shall notify such person at his last known mailing address.

c. A copy of the report filed pursuant to subsection a. 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. Upon receipt of the public notice pursuant to section 1 of P. L. 1979, c. 441 (C. 30:4-123.45), a county prosecutor may request from the parole board a copy of the report on any adult inmate prepared pursuant to subsection a. of this section, which shall be expeditiously forwarded to the county prosecutor by the parole board by mail, courier, or other means of delivery. Upon receipt of the report, the prosecutor has 10 working days to review the report and notify the parole board of the prosecutor's comments, if any, or notify the parole board of the prosecutor's intent to pro-

vide comments. If the county prosecutor does not provide comments or notify the parole board of the prosecutor's intent to provide comments within the 10 working days, the parole board may presume that the prosecutor does not wish to provide comments and may proceed with the parole consideration. Any comments provided by a county prosecutor shall be delivered to the parole board by the same method by which the county prosecutor received the report. The confidentiality of the contents in a report which are classified as confidential shall be maintained and shall not be disclosed to any person who is not authorized to receive or review a copy of the report containing the confidential information.

e. 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.

3. There is hereby appropriated \$237,000.00 to the State Parole Board in the Department of Corrections from the General Fund to effectuate the purposes of this act.

4. This act shall take effect 90 days after enactment.

Approved February 11, 1985.

CHAPTER 45

AN ACT concerning training requirements to carry weapons off duty by certain special police officers 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:

Special police officers.

40A:14-146. The governing body of any municipality, whenever they shall deem it necessary, may appoint special police officers 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

C. 2A:8-5a Additional municipal judges.

1. In addition to those judges of the municipal court now appointed or reappointed pursuant to N. J. S. 2A:8-5, the governing body of a municipality may, as the need appears, provide for the appointment of any additional number of judges. Where a municipal court has been established by two or more municipalities, the number of additional judges of that court may be provided by ordinances adopted by all the municipalities which entered into the inter-municipal agreement.

C. 2A:8-5b Consent of assignment judge.

2. No additional judge shall be appointed or reappointed pursuant to this act without the written consent of the assignment judge of the vicinage in which the municipality or municipalities are located.

C. 2A:8-5c Reappointment.

3. Any judge of a municipal court authorized pursuant to any other law shall continue to hold that appointment until the expiration of his term and his reappointment shall not require the written consent of an assignment judge.

Repealer.

4. The following are repealed:

N. J. S. 2A:8-6;
P. L. 1968, c. 293 (C. 2A:8-6.1);
P. L. 1972, c. 190 (C. 2A:8-6.2);
P. L. 1975, c. 395 (C. 2A:8-6.3);
P. L. 1979, c. 357 (C. 2A:8-6.4);
P. L. 1983, c. 89 (C. 2A:8-6.5);
P. L. 1983, c. 425 (C. 2A:8-6.6);
P. L. 1983, c. 557 (C. 2A:8-6.7); and
P. L. 1984, c. 125 (C. 2A:8-6.8).

5. This act shall take effect immediately.

Approved February 13, 1985.

CHAPTER 47

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the amounts appropriated under P. L. 1984, c. 58, the following amount is appropriated from the General Fund for the purpose specified:

STATE AID

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

45 Recreational Resource Management—State Aid

12-4875 Parks Management \$79,000

State Aid:

Maintenance of the American Labor

Museum, Botto House Historical

Site (State share) (\$79,000)

2. This act shall take effect immediately and be retroactive to July 1, 1984.

Approved February 13, 1985.

CHAPTER 48

AN ACT concerning emergency shelters for the homeless.

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

C. 55:13C-1 Findings, determinations.

1. The Legislature finds and determines:

a. Recent high levels of unemployment and low levels of housing production, particularly of housing affordable to low income persons, have combined to increase the number of people lacking housing, beyond the capacity of existing facilities.

b. There is an ever present need for the emergency shelter for victims of fire, natural disasters, domestic violence and other causes of homelessness.

c. It is a matter of urgent public concern that safe and habitable shelter be available at all times to all residents of this State, and that governmental procedures be expedited if this shelter is to be provided.

d. The Department of Community Affairs is the agency of State government responsible for enforcing the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D-119 et seq.), the "Hotel and Multiple Dwelling Law," P. L. 1967, c. 76 (C. 55:13A-1 et seq.), and the "Rooming and Boarding House Act of 1979," P. L. 1979, c. 496 (C. 55:13B-1 et al.), and it, therefore, has the staff and the expertise needed to establish uniform regulations concerning emergency shelters for the homeless; and the Departments of Human Services and Health are required to work together with the Department of Community Affairs in the implementation of the "Rooming and Boarding House Act of 1979."

C. 55:13C-2 Definition.

2. For purposes of this act, an "emergency shelter for the homeless" means a building or structure in which a public entity or a private, nonprofit organization provides shelter, or food and shelter, for a limited period of time to individuals and families having neither a home nor the means to obtain a home or other temporary lodging.

C. 55:13C-3 State regulation.

3. Notwithstanding any provision of any other statute or any municipal ordinance other than a zoning ordinance, or regulation to the contrary, the licensing, regulation and inspection of emergency shelters for the homeless in all municipalities of this State and the issuance of all necessary permits, approvals and certificates of occupancy shall be conducted by a police officer designated by the municipality in accordance with the regulations promulgated by the Commissioner of the Department of Community Affairs pursuant to section 5 of this act.

C. 55:13C-4 Assistance to operators.

4. Until the promulgation of permanent rules pursuant to section 5 of this act, the Department of Community Affairs shall encourage operators and prospective operators of emergency shelters for the homeless to apply for all applicable municipal licenses, permits, approvals and certificates of occupancy, and provide technical assistance to the operators and prospective operators in order to enable them to qualify for approval of their applications.

C. 55:13C-5 Standards.

5. Within one year of the effective date of this act, the Commissioner of the Department of Community Affairs shall, after

consultation with the Commissioners of the Departments of Health and Human Services, promulgate administrative rules establishing standards for the licensing of emergency shelters for the homeless and for the issuance of permits, approvals and certificates of occupancy, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.). The standards shall not include any provision intended to supersede municipal zoning.

C. 55:13C-6 Subject to regulation as hotel.

6. Any emergency shelter for the homeless which has had its license, permit or approval revoked, or has its application for licensing denied, or has failed to file an application for licensing with the municipality within 30 days of receipt of written notice from public officer to file an application, is subject to regulation as a hotel under the "Hotel and Multiple Dwelling Law," P. L. 1967, c. 76 (C. 55:13A-1 et seq.) and other applicable statutes and municipal ordinances.

7. This act shall take effect immediately.

Approved February 13, 1985.

CHAPTER 49

AN ACT concerning the drawing of names for annual school election ballots and amending N. J. S. 18A:14-13.

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

1. N. J. S. 18A:14-13 is amended to read as follows:

Drawing for ballot position.

18A:14-13. The position which the names of candidates shall have upon the annual school election ballot in each school district shall be determined by the secretary of the board of education of the district by conducting a drawing in the following manner:

a. The drawing of names shall take place within 48 hours subsequent to 4:00 P.M. of the last day for filing petitions for the annual school election, at the regular meeting place of the board of education. In January of the year in which the next school election will take place, the board of education shall establish the time and date of the drawing of the names. In case the day fixed for the drawing

of names falls on a Sunday, or on the day of, or the day immediately preceding, a public holiday, enumerated in R. S. 36:1-1, the drawing shall be held on the next succeeding day which is not a public holiday. The drawing shall be done by the secretary or, in the event of his sickness or disability or absence from the district, by a person designated by the president of the board of education. The person making the drawing shall make public announcement at the drawing of each name, the order in which the name is drawn and the term of office for which the drawing is made.

b. A separate drawing shall be made for each full term and for each unexpired term, respectively. The names of the several candidates for whom petitions have been filed for each of the terms shall be written upon cards of the same size, substance and thickness. The cards shall be placed in a covered box with an aperture in the top large enough to admit a man's hand and to allow the cards to be drawn therefrom. The box shall be turned and shaken thoroughly to mix the cards and the cards shall be withdrawn one at a time.

c. Where there is more than one person to be elected for a given term of office, the position of the names on the ballots for each term of office shall be determined as above described. The name of the candidate for each term of office first drawn from the box shall be printed directly below the proper term for which he was nominated and the name of the candidate next drawn shall be printed next in order, and so on, until the last name shall be drawn from the box.

2. This act shall take effect immediately.

Approved February 20, 1985.

CHAPTER 50

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

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

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

C. 18A:7A-3 Definitions.

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

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

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

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

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

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

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

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

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

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

“Current expense” means all expenses of the school district, as enumerated in N. J. S. 18A:22-8, other than those required for

interest and debt redemption charges and any budgeted capital project.

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

“District equalized valuation per pupil” means the quotient resulting from dividing the total equalized valuations in the school district by the resident enrollment of the district; provided that in the determination of the equalized valuation per pupil of a county vocational school the total equalized valuations in the county shall be divided by the total resident enrollment in all school districts of the county to obtain the county vocational school equalized valuation per pupil.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Handicapped children between three and five years of age and receiving programs and services pursuant to N. J. S. 18A:46-6

shall be included in the resident enrollment of the district on an equated full-time basis.

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

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

“State average valuation per pupil” means the quotient resulting from dividing the total equalized valuations in the State as certified by the Director of the Division of Taxation on October 1 by the total resident enrollment in the State. In the event that the equalized table certified by the Director of the Division of Taxation shall be revised by the tax court on or before January 30 of the next succeeding year, such revised valuation shall be used in any recomputation of aid for an individual district filing such appeal but will have no effect upon the State average valuation per pupil.

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

“State facility” means a State residential facility for the retarded; a day training center which is operated by or under contract with the State and in which all the children have been placed by the State; a State residential youth center; a State training school or correctional facility; a State child treatment center or psychiatric hospital.

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

districts offering grades 9 through 12, (c) constituent districts of limited purpose regional districts offering grades 9 through 12, (d) constituent districts of limited purpose regional districts offering grades 7 through 12, provided, however, that the figure used for such districts shall be not less than 90% of the sixty-fifth percentile for constituent districts of limited purpose regional districts offering grades 9 through 12, and (e) all other districts.

2. Section 25 of P. L. 1975, c. 212 (C. 18A:7A-25) is amended to read as follows:

C. 18A:7A-25 Permissible budget increase.

25. A district which has an adjusted net current expense budget per pupil in the prebudget year of less than the adjusted State average net current expense budget per pupil may increase its adjusted net current expense budget per pupil in the following year by no more than an amount found by multiplying three-fourths of the latest annual percentage increase in the total State equalized valuation by the adjusted State average net current expense budget per pupil for the prebudget year, and multiplying the product by the quotient resulting from dividing the adjusted State average net current expense budget per pupil by the school district adjusted net current expense budget per pupil for the prebudget year. Any other district may increase its adjusted net current expense budget per pupil by no more than an amount found by multiplying three-fourths of the latest annual percentage increase in the total State equalized valuation by the school district's adjusted net current expense budget per pupil for the prebudget year, and multiplying the product by the quotient resulting from dividing the adjusted State average net current expense budget per pupil by the school district's adjusted net current expense budget per pupil for the prebudget year. For the purpose of these calculations, the enrollment of a district shall be assumed to remain constant between the prebudget year and the year during which the budget will be implemented and the figure used for the latest annual percentage increase in the total State equalized valuation shall not be less than the average of such percentage increases for the latest three years.

For the purposes of this section, the adjusted State average net current expense budget per pupil shall be calculated and applied separately for (a) limited purpose regional districts offering grades 9 through 12, (b) limited purpose regional districts offering grades 7 through 12; provided, however, that the figure

used for such district shall not be less than 90% of the adjusted State average net current expense budget per pupil for limited purpose regional districts offering grades 9 through 12, and (c) county vocational schools. For all other districts, the adjusted State average net current expense budget per pupil shall be calculated pursuant to section 3 of P. L. 1975, c. 212 (C. 18A:7A-3).

Annually, on or before November 15, the commissioner shall certify to each local board of education the amount by which the school district may increase its budget for the next year without exceeding the permissible rate of increase.

The commissioner may approve the request of a local board of education for a greater increase, having adjudged that (1) a reallocation of resources or any other action taken within the permissible level of spending would be insufficient to meet the goals, objectives and standards established pursuant to this act, or (2) an increased enrollment may reasonably be anticipated in the district.

Nothing in this section shall prevent a board of education from appropriating additional amounts from miscellaneous revenues or free balances during the budget year.

3. This act shall take effect immediately.

Approved February 21, 1985.

CHAPTER 51

AN ACT concerning military recruitment in public schools.

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

C. 18A:36-19.1 Military recruitment in public schools.

1. Local school districts in New Jersey are directed to establish policies which would provide military recruiters the same access to school facilities and student information directories that is provided to educational and occupational recruiters pursuant to regulations adopted by the State Board of Education pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.). These regulations shall be adopted within 180 days of the effective date of this act. The policies should be consistent with State and federal right to privacy laws.

2. This act shall take effect immediately.

Approved February 21, 1985.

CHAPTER 52

AN ACT concerning housing police, amending the title of P. L. 1975, c. 189, amending the body of said act, and supplementing chapter 14 of Title 40A of the New Jersey Statutes.

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

1. Section 1 of P. L. 1975, c. 189 (C. 40A:14-146.2) is amended to read as follows:

C. 40A:14-146.2 Current housing guards, patrolmen.

1. Notwithstanding any provision of law to the contrary relating to the qualification required for appointment to any municipal police force, any person holding position of employment as a housing guard or housing patrolman on the effective date of this act in any city of the second class with a population of more than 140,000 inhabitants, according to the 1970 federal census, in any county of the second class or in any city of the second class with a population of more than 52,000 but less than 55,000 inhabitants, according to the 1980 federal census, in a county of the second class on the effective date of this 1985 amendatory and supplementary act, who was appointed to such position of employment after examination in accordance with the provisions of Title 11 (Civil Service) of the Revised Statutes, may be appointed by any such city under the title of housing police officer and shall be certified as such by the Civil Service Commission without further examination. Such person shall, from the effective date of this act, hold his position of employment subject to and in accordance with the provisions of Title 11 (Civil Service) of the Revised Statutes.

C. 40A:14-146.2a New appointees.

2. (New section) Any person appointed to the position of housing guard or housing patrolman after the effective date of this 1985 amendatory and supplementary act shall be appointed to that position of employment after examination in accordance with the provisions of Title 11 of the Revised Statutes and shall hold that position of employment subject to and in accordance with the provisions of Title 11 of the Revised Statutes. In addition, these persons shall be citizens of the United States, sound in body and in good health, able to read, write and speak English, of good moral character and free of any conviction of an offense involving moral turpitude.

3. Section 2 of P. L. 1975, c. 189 (C. 40A:14-146.3) is amended to read as follows:

C. 40A:14-146.3 Police powers.

2. a. Any officer appointed pursuant to section 1 of P. L. 1975, c. 189 (C. 40A:14-146.2) in any city of the second class with a population of more than 140,000 inhabitants, according to the 1970 federal census, or in any city of the second class with a population of more than 52,000 but less than 55,000 inhabitants, according to the 1980 federal census, in a county of the second class, or b. any person appointed pursuant to section 2 of P. L. 1985, c. 52 (C. 40A:14-146.2a), in any city of the second class with a population of more than 140,000 inhabitants, according to the 1970 federal census, in a county of the second class or in any city of the second class with a population of more than 52,000 but less than 55,000 inhabitants, according to the 1980 federal census, in a county of the second class, who shall have successfully completed the minimum number of hours required for full-time police officers to complete the police training course or program approved by the Police Training Commission in arrest, search and seizure, criminal law, the use of deadly force, and any other course required by the Police Training Commission and who shall annually qualify in the use of a revolver or similar weapon, shall have all the powers conferred by law on police officers in the enforcement of the laws of this State or municipal ordinances, including the power to apprehend offenders.

Title amended.

4. The title of P. L. 1975, c. 189 is amended to read as follows:
An act concerning housing police.

5. This act shall take effect immediately.

Approved February 21, 1985.

CHAPTER 53

AN ACT concerning income execution upon unemployment compensation benefits and certain other assets and amending P. L. 1981, c. 417.

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

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

C. 2A:17-56.8 Income execution notice.

2. Every order of a court for alimony, maintenance or child support payments shall include a written notice to the payer stating that the order may be enforced by an income execution upon the commissions, earnings, salaries, wages and other current or future income due from the payer's employer or successor employers and upon the unemployment compensation benefits due the payer and against debts, income, trust funds, profits or income from any other source due the payer.

2. This act shall take effect immediately.

Approved February 21, 1985.

CHAPTER 54

A SUPPLEMENT to "An act concerning municipal finances" approved May 14, 1942 (P. L. 1942, c. 221, C. 40:48-17.3).

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

C. 40:48-17.8 Transfer of funds to school district.

1. When any municipality having a tax levy for municipal purposes of \$0.10 or less per \$100.00 of equalized valuation and in which the board of education sends pupils to another district pursuant to N. J. S. 18A:38-8 has on hand surplus revenues unappropriated or anticipated receipts unappropriated for municipal purposes, the governing body may: a. pursuant to ordinance, authorize the donation to the board of education of the receiving district of any items which can be used for school purposes; or b. by resolution, authorize the transfer and cause to be transferred any part of the revenues or the receipts to that board of education; provided that any items donated must be used by the receiving district for school purposes and that any funds transferred must be included in the receiving district's current expense budget. No transfer of revenues or receipts by a governing body shall be made unless the proposed transfer or appropriation is included in the local municipal budget for the year in which it is

intended to make the transfer available from a prior year's appropriation reserve and has been regularly approved and adopted as part of the budget.

Any amounts transferred pursuant to this act shall be considered miscellaneous revenue and shall be deducted for the purposes of calculating tuition rates between sending and receiving school districts pursuant to N. J. A. C. 6:20-3.1.

2. This act shall take effect immediately.

Approved February 21, 1985.

CHAPTER 55

AN ACT to amend "An act to supplement the 'New Jersey Medical Assistance and Health Services Act' (P. L. 1968, c. 413) and making an appropriation therefor," approved August 21, 1975 (P. L. 1975, c. 194).

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

1. Section 3 of P. L. 1975, c. 194 (C. 30:4D-22) is amended to read as follows:

C. 30:4D-22 Pharmaceutical assistance to aged, disabled.

3. The program of "Pharmaceutical Assistance to the Aged and Disabled" shall consist of payments to pharmacies for the reasonable cost of prescription drugs of eligible persons which exceed a \$2.00 copayment. Said copayment shall be paid in full by each eligible person to the pharmacist at the time of each purchase of prescription drugs, and shall not be waived, discounted or rebated in whole or in part.

Whenever any interchangeable drug product contained in the latest list approved and published by the Drug Utilization Review Council is available for the prescription written, an eligible person shall either:

(1) Purchase an interchangeable drug product which is equal to or less than the maximum allowable cost, at the \$2.00 copayment; or

(2) Purchase the prescribed drug product which is higher in cost than the maximum allowable cost and pay the difference between

the two, in addition to the \$2.00 copayment, unless the prescriber specifically indicates that substitution is not permissible, in which case an eligible person may purchase the prescribed drug product at the \$2.00 copayment.

For purposes of this act:

a. "Prescription drugs" means all legend drugs, including any interchangeable drug products contained in the latest list approved and published by the Drug Utilization Review Council in conformance with the provisions of the "Prescription Drug Price and Quality Stabilization Act" (P. L. 1977, c. 240, C. 24:6E-1 et seq.), diabetic testing materials, and insulin, insulin syringes and insulin needles;

b. "Reasonable cost" means the maximum allowable cost of prescription drugs and a dispensing fee, as determined by the commissioner. In the case of diabetic testing materials, the maximum allowable cost is the manufacturer's suggested retail selling price or the pharmacy's usual over-the-counter price charged to other persons in the community, whichever is less;

c. "Resident" means one legally domiciled within the State for a period of 30 days immediately preceding the date of application for inclusion in the program. Mere seasonal or temporary residence within the State, of whatever duration, does not constitute domicile. Absence from this State for a period of 12 months is prima facie evidence of abandonment of domicile. The burden of establishing legal domicile within the State is upon the applicant;

d. "Diabetic testing materials" means blood glucose reagent strips which can be visually read, urine monitoring strips, tapes and tablets and bloodletting devices and lancets, but shall not include electronically monitored devices.

2. This act shall take effect on the 90th day following enactment.

Approved February 21, 1985.

CHAPTER 56

AN ACT concerning the display of numbers on certain vessels and amending P. L. 1962, c. 73.

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

1. Section 3 of P. L. 1962, c. 73 (C. 12:7-34.38) is amended to read as follows:

C. 12:7-34.38 Vessel-numbering exemptions.

3. Except as herein otherwise provided, every vessel which is upon the waters of this State shall be numbered in accordance with the provisions of this act, and no person shall operate or give permission to operate any vessel on such waters unless it is so numbered.

A vessel shall not be required to be numbered under this act if it is:

- (a) A documented vessel;
- (b) Being legally operated and meets all current requirements pursuant to applicable federal law or a federally-approved numbering system of another state; provided that such vessel shall not have been within this State for a period in excess of 180 consecutive days, unless it is in New Jersey for the purpose of wet or dry storage, or for repairs, in which case the actual time for said storage or repair shall not be counted as included within the 180 days aforesaid; provided, however, that a vessel shall be considered to be based within this State if its owner owns, maintains, leases, or rents space in this State for its storage, mooring, or servicing on other than a transient basis;
- (c) From a country other than the United States temporarily using the waters of this State;
- (d) A public vessel of the United States, a state or subdivision or agency thereof;
- (e) A ship's lifeboat;
- (f) Any vessel used exclusively for racing while actually competing in or tuning up for an authorized race held under the auspices of a duly incorporated yacht club or racing association in accordance with the rules and regulations prescribed by the department and pursuant to a permit duly issued by the department;
- (g) A sailboat or vessel, except for power vessels, used exclusively on small lakes and ponds wholly within private lands;
- (h) A non-motorized, inflatable surfboard, racing shell, rowing scull, tender for direct transportation between a vessel and the shore and for no other purpose (dinghy), or vessel, except power vessels, of 12 feet or less in length;
- (i) A canoe or kayak;

(j) A sailboat of 12 feet or less in length.

A sailboat shall be required to be numbered under this act if it is any class of one-design sailboat, in excess of 12 feet in length, which is temporarily or permanently equipped with power installed either inboard or outboard.

2. Section 4 of P. L. 1962, c. 73 (C. 12:7-34.39) is amended to read as follows:

C. 12:7-34.39 Certificate of number.

4. (a) The owner of a vessel required to be numbered in this State shall file an application with the department on forms approved by it. The application shall be signed by the owner and shall be accompanied by the fee prescribed by this act for such vessel. Upon receipt of the application in the approved form and the prescribed fee, the department shall enter the same upon the records of its office and issue to the applicant a pocket-size certificate of number, which shall state the name and address of the owner, a description of the vessel, its use, and the number assigned.

(b) Except as provided herein, the certificate of number shall be available at all times for inspection on the vessel for which issued whenever such vessel is in operation. The certificate of number for vessels less than 26 feet in length and leased or rented to another for the latter's noncommercial use of less than 24 hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative; provided such substitute as the commissioner may prescribe by regulation is carried on board.

(c) The number assigned to a vessel shall be displayed on each side of the bow thereof, as prescribed by regulations of the department, using letters and numerals not less than three inches in height; except that this provision shall not apply to a one-design class racing sailboat, without power installed either inboard or outboard, which is required to be numbered under section 3 of P. L. 1962, c. 73 (C. 12:7-34.38). No other number shall be displayed on the bow.

3. This act shall take effect immediately.

Approved February 23, 1985.

CHAPTER 57

AN ACT concerning transfer inheritance taxes, amending R. S. 54:34-2 and supplementing Title 54 of the Revised Statutes.

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

1. R. S. 54:34-2 is amended to read as follows:

Transfer inheritance tax phase-out.

54:34-2. a. (1) The transfer of property to a husband or wife of a decedent shall be taxed at the following rates:

For transfers made through December 31, 1984:

On any amount in excess of \$15,000.00, up to \$50,000.00	2%
On any amount in excess of \$50,000.00, up to \$100,000.00	3%
On any amount in excess of \$100,000.00, up to \$150,000.00	4%
On any amount in excess of \$150,000.00, up to \$200,000.00	5%
On any amount in excess of \$200,000.00, up to \$300,000.00	6%
On any amount in excess of \$300,000.00, up to \$500,000.00	7%
On any amount in excess of \$500,000.00, up to \$700,000.00	8%
On any amount in excess of \$700,000.00, up to \$900,000.00	9%
On any amount in excess of \$900,000.00, up to \$1,100,000.00	10%
On any amount in excess of \$1,100,000.00, up to \$1,400,000.00	11%
On any amount in excess of \$1,400,000.00, up to \$1,700,000.00	12%
On any amount in excess of \$1,700,000.00, up to \$2,200,000.00	13%
On any amount in excess of \$2,200,000.00, up to \$2,700,000.00	14%

On any amount in excess of \$2,700,000.00, up to \$3,200,000.00	15%
On any amount in excess of \$3,200,000.00	16%

For transfers made on or after January 1, 1985 there shall be no tax imposed under this paragraph.

(2) The transfer of property to a father, mother, grandparent, child or children of a decedent, or to any child or children adopted by the decedent in conformity with the laws of this State, or of any of the United States or of a foreign country, or the issue of any child or legally adopted child of a decedent, shall be taxed at the following rates:

For transfers through June 30, 1985:

On any amount in excess of \$15,000.00, up to \$50,000.00	2%
On any amount in excess of \$50,000.00, up to \$100,000.00	3%
On any amount in excess of \$100,000.00, up to \$150,000.00	4%
On any amount in excess of \$150,000.00, up to \$200,000.00	5%
On any amount in excess of \$200,000.00, up to \$300,000.00	6%
On any amount in excess of \$300,000.00, up to \$500,000.00	7%
On any amount in excess of \$500,000.00, up to \$700,000.00	8%
On any amount in excess of \$700,000.00, up to \$900,000.00	9%
On any amount in excess of \$900,000.00, up to \$1,100,000.00	10%
On any amount in excess of \$1,100,000.00, up to \$1,400,000.00	11%
On any amount in excess of \$1,400,000.00, up to \$1,700,000.00	12%
On any amount in excess of \$1,700,000.00, up to \$2,200,000.00	13%
On any amount in excess of \$2,200,000.00, up to \$2,700,000.00	14%

On any amount in excess of \$2,700,000.00, up to \$3,200,000.00	15%
On any amount in excess of \$3,200,000.00	16%

For transfers made from July 1, 1985 through June 30, 1986:

On any amount in excess of \$50,000.00, up to \$100,000.00	3%
On any amount in excess of \$100,000.00, up to \$150,000.00	4%
On any amount in excess of \$150,000.00, up to \$200,000.00	5%
On any amount in excess of \$200,000.00, up to \$300,000.00	6%
On any amount in excess of \$300,000.00, up to \$500,000.00	7%
On any amount in excess of \$500,000.00, up to \$700,000.00	8%
On any amount in excess of \$700,000.00, up to \$900,000.00	9%
On any amount in excess of \$900,000.00, up to \$1,100,000.00	10%
On any amount in excess of \$1,100,000.00, up to \$1,400,000.00	11%
On any amount in excess of \$1,400,000.00, up to \$1,700,000.00	12%
On any amount in excess of \$1,700,000.00, up to \$2,200,000.00	13%
On any amount in excess of \$2,200,000.00, up to \$2,700,000.00	14%
On any amount in excess of \$2,700,000.00, up to \$3,200,000.00	15%
On any amount in excess of \$3,200,000.00	16%

For transfers made from July 1, 1986 through June 30, 1987:

On any amount in excess of \$150,000.00, up to \$200,000.00	5%
On any amount in excess of \$200,000.00, up to \$300,000.00	6%
On any amount in excess of \$300,000.00, up to \$500,000.00	7%

On any amount in excess of \$500,000.00, up to \$700,000.00	8%
On any amount in excess of \$700,000.00, up to \$900,000.00	9%
On any amount in excess of \$900,000.00, up to \$1,100,000.00	10%
On any amount in excess of \$1,100,000.00, up to \$1,400,000.00	11%
On any amount in excess of \$1,400,000.00, up to \$1,700,000.00	12%
On any amount in excess of \$1,700,000.00, up to \$2,200,000.00	13%
On any amount in excess of \$2,200,000.00, up to \$2,700,000.00	14%
On any amount in excess of \$2,700,000.00, up to \$3,200,000.00	15%
On any amount in excess of \$3,200,000.00	16%

For transfers made from July 1, 1987 through June 30, 1988:

On any amount in excess of \$250,000.00, up to \$300,000.00	6%
On any amount in excess of \$300,000.00, up to \$500,000.00	7%
On any amount in excess of \$500,000.00, up to \$700,000.00	8%
On any amount in excess of \$700,000.00, up to \$900,000.00	9%
On any amount in excess of \$900,000.00, up to \$1,100,000.00	10%
On any amount in excess of \$1,100,000.00 up to \$1,400,000.00	11%
On any amount in excess of \$1,400,000.00, up to \$1,700,000.00	12%
On any amount in excess of \$1,700,000.00, up to \$2,200,000.00	13%
On any amount in excess of \$2,200,000.00, up to \$2,700,000.00	14%
On any amount in excess of \$2,700,000.00, up to \$3,200,000.00	15%
On any amount in excess of \$3,200,000.00	16%

For transfers made on or after July 1, 1988 there shall be no tax imposed under this subsection.

b. (Deleted by amendment.)

c. The transfer of property to a brother or sister of a decedent, wife or widow of a son of a decedent, or husband or widower of a daughter of a decedent shall be taxed at the following rates:

(1) For transfers through June 30, 1988:

On any amount up to \$1,100,000.00	11%
On any amount in excess of \$1,100,000.00, up to \$1,400,000.00	13%
On any amount in excess of \$1,400,000.00, up to \$1,700,000.00	14%
On any amount in excess of \$1,700,000.00	16%

(2) For transfers made on or after July 1, 1988:

On any amount in excess of \$25,000.00, up to \$1,100,000.00	11%
On any amount in excess of \$1,100,000.00, up to \$1,400,000.00	13%
On any amount in excess of \$1,400,000.00, up to \$1,700,000.00	14%
On any amount in excess of \$1,700,000.00	16%

d. The transfer of property to every other transferee, distributee or beneficiary not hereinbefore classified shall be taxed at the following rates:

On any amount up to \$700,000.00	15%
On any amount in excess of \$700,000.00	16%

For every purpose of this subtitle all persons, including the decedent, shall be deemed to have been born in lawful wedlock and this provision shall apply to the estate of every decedent whether said decedent died before March 25, 1935, or shall die thereafter, but it shall not entitle any person to a refund of any tax paid before the aforementioned date.

C. 54:33-14 Annual report.

2. (New section) The Director of the Division of Taxation shall prepare and transmit to the Governor and the Legislature, on or before October 1, 1986 and on or before October 1 annually thereafter, a report concerning the taxation of property transfers under the transfer inheritance tax, R. S. 54:34-1 et seq., in such a manner

as to facilitate an evaluation of the comparability of this State's inheritance tax structure to selected other states. The report shall also include a statistical analysis of the number and value of estates, by gross estate value and taxable estate value, for each class of transfer, displayed in increments of value corresponding to the tax rate schedule in R. S. 54:34-2 for transfers made through June 30 of the immediately preceding fiscal year, that will enable an evaluation of the tax liability for gross and taxable estates. The report shall identify the number, value, and tax reduction on estates for the immediately preceding fiscal year, as a result of the change in exemptions applicable to transfers made in that year. The director shall include in the report such observations and recommendations as he shall deem appropriate concerning the taxation of property transfers under the inheritance tax, R. S. 54:34-1 et seq. In addition, the report to be transmitted on or before October 1, 1986 shall include observations concerning the equity of tax liabilities for transfers within the same class, specifically, but not limited to, the relationship between siblings under a broad range of circumstances.

3. This act shall take effect immediately and shall be applicable to transfers of property on and after January 1, 1985.

Approved February 27, 1985.

CHAPTER 58

AN ACT regulating control of certain depository institutions.

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

1. As used in this act:

a. "Bank" means any company which accepts deposits in New Jersey, which deposits are insured by the Federal Deposit Insurance Corporation pursuant to 12 U. S. C. § 1811 et seq., except "bank" shall not include a state or federally chartered savings bank or a company which is engaged solely in the trust business, all or substantially all of the deposits of which are in trust funds and which are received in a bona fide fiduciary capacity.

b. "Bank holding company" means any company which is a bank holding company under the provisions of the federal Bank Holding Company Act of 1956, as amended, 12 U. S. C. § 1840 et seq.

c. "Commissioner" means the Commissioner of Banking.

d. "Company" means any corporation, partnership, business trust, or similar organization or any other trust unless by its terms it must terminate within twenty-five years or not later than twenty-one years and ten months after the death of individuals living on the effective date of the trust but shall not include any corporation the majority of shares of which are owned by the United States or by any state.

2. a. No bank holding company shall control a bank, as defined in section 1 of this act, unless the bank, as defined in section 1 of this act, is also a bank pursuant to the provisions of subsection (c) of section 2 of the federal Bank Holding Company Act of 1956, as amended, 12 U. S. C. § 1841. No company that is not a bank holding company shall control a bank, as defined in section 1 of this act.

b. For the purposes of this act, a company shall be deemed to control a bank if: (1) the company directly or indirectly or acting through one or more persons owns, controls, or has power to vote 25 per centum or more of any class of voting securities of the bank; (2) the company controls in any manner the election of a majority of the directors of the bank; or (3) the commissioner determines, after notice and hearing, that the company directly or indirectly exercises a controlling influence over the management or the policies of the bank. There shall be a presumption, for the purposes of this act, that any company which directly or indirectly owns, controls, or has the power to vote less than five per centum of the shares of any class of voting securities of a bank does not have control over the bank.

3. For the purposes of this act, the commissioner shall have the power to enforce the provisions of this act by seeking to enjoin any violation, by issuing cease and desist orders, by imposing civil penalties not to exceed \$10,000.00 for each violation, or by any other remedies which are provided by law. The powers conferred under this act shall be in addition to, and not in lieu of, any other power to approve ownership or control of banks as may be vested in the commissioner by law.

4. Notwithstanding the provisions of this act, a company or bank holding company may control a bank as defined in section 1 of this act; provided that:

a. On or before January 1, 1985, the bank was chartered or received approval for a charter from the commissioner or from the United States Comptroller of the Currency; and

b. If the company is a bank holding company, the bank holding company on or before January 1, 1985, received approval from the Board of Governors of the Federal Reserve System to control the bank.

For the purposes of this section, a bank shall be deemed to be a bank as defined in section 1 of this act and to have received approval for a charter, on or before January 1, 1985, even if a charter approval received on or before that date contains a condition that the receipt of deposits is contingent upon the bank becoming a member of the Federal Deposit Insurance Corporation and final approval for membership in the corporation had not been received on or before that date.

5. Nothing in this act is intended to authorize control of a bank by a bank which has its principal, head, or main office outside this State, or by a company or bank holding company which owns or controls a bank, which bank has its principal, head, or main office outside of this State.

6. This act shall take effect immediately and shall expire on January 1, 1986.

Approved February 27, 1985.

CHAPTER 59

AN ACT concerning stopping at a flashing red traffic light and amending R. S. 39:4-119.

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

1. R. S. 39:4-119 is amended to read as follows:

Flashing red, amber signals.

39:4-119. Traffic control signals and beacon or flashing signals when operating as flashing mechanisms shall conform to the following:

a. Flashing red: The red lens when illuminated with rapid intermittent flashes shall require drivers to come to a complete stop before entering or crossing the intersection. The driver shall pro-

ceed only after yielding the right of way to all traffic on the intersecting street, which traffic is so close as to constitute an immediate hazard.

b. Flashing amber: The amber lens when illuminated with rapid intermittent flashes shall indicate the presence of danger and require drivers to proceed only with caution.

2. This act shall take effect immediately.

Approved February 27, 1985.

CHAPTER 60

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 3 of P. L. 1971, c. 198 (C. 40A:11-3) is amended to read as follows:

C. 40A:11-3 Purchases, contracts or agreements not required to be advertised.

3. Purchases, contracts or agreements not required to be advertised. 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 other sums expended or to be expended for the performance of any work or services in connection with the same immediate program, undertaking, activity or project or the furnishing of similar materials or supplies during the same fiscal year paid with or out of public funds, does not exceed the total sum of \$7,500.00 in the fiscal year, may be made, negotiated or awarded by a contracting agent when so authorized by resolution of the governing body of the contracting unit without public advertising for bids. Such authorization may be granted for each purchase, contract or agreement or by a general delegation of the power to make, negotiate or award such purchases, contracts or agreements pursuant to this section.

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 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. Section 4 of P. L. 1971, c. 198 (C. 40A:11-4) is amended to read as follows:

C. 40A:11-4 Contracts and agreements required to be advertised.

4. Contracts and agreements required to be advertised. 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 whereof is to be paid with or out of public funds, not included within the terms of section 3 of this act, shall be made or awarded only by the governing body of the contracting unit after public advertising for bids and bidding therefor, except as is provided otherwise in this act or specifically by any other law. No work, materials or supplies shall be undertaken, acquired or furnished for a sum exceeding in the aggregate \$7,500.00, except by contract or agreement.

3. Section 6 of P. L. 1971, c. 198 (C. 40A:11-6) is amended to read as follows:

C. 40A:11-6 Emergency purchases and contracts.

6. Emergency purchases and contracts. Any purchase, contract or agreement may be made, negotiated or awarded for a contracting unit without public advertising for bids and bidding therefor, notwithstanding that the cost or contract price will exceed \$7,500.00, when an emergency affecting the public health, safety or welfare requires the immediate delivery of the articles or the performance of the services; provided that the awarding or making of such purchases, contracts or agreements are made in the following manner:

a. A written requisition for the performance of such work or labor, or the furnishing of materials, supplies or services 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, certified by the officer or director in charge of the department wherein the emergency occurred, or such other officer or employee as may be authorized to act in place of said officer or director, and the contracting agent or his deputy in charge, being satisfied that the emergency exists, is hereby authorized to award a contract for said work or labor, materials, supplies or services.

b. Upon the furnishing of such work or labor, materials, supplies or services, in accordance with the terms of the contract or agree-

ment, the contractor furnishing such work or labor, materials, supplies or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment. The governing body of the contracting unit shall take such action as shall be required to provide for the payment of the contract price.

c. The governing body of the contracting unit may prescribe additional rules and procedures to implement the requirements of this section.

4. Section 7 of P. L. 1971, c. 198 (C. 40A:11-7) is amended to read as follows:

C. 40A:11-7 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 buying or hiring of 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 of \$7,500.00, thus dispensing with the requirement of public advertising and bidding therefor, and in purchasing or contracting for, or agreeing for the furnishing of, any services, the doing of any work or the supplying of any materials or the supplying or hiring of any materials or supplies, included in or incident to the performance or completion of any project, program, activity or undertaking which is single in character or inclusive of the furnishing of additional services or buying or hiring of materials or supplies or the doing of additional work, or which requires the furnishing of more than one article of equipment or buying or hiring of materials or supplies, all of the services, materials or property requisite for the completion of such project shall be included in one purchase, contract or agreement.

5. Section 16 of P. L. 1971, c. 198 (C. 40A:11-16) is amended to read as follows:

C. 40A:11-16 Separate plans for various types of work; bids; contracts.

16. Separate plans for various types of work; bids; contracts. In the preparation of plans and specifications for the erection, alteration or repair of any public building by any contracting unit, when the entire cost of the work will exceed \$7,500.00 in amount, the architect, engineer or other person preparing the plans and

specifications may prepare separate plans and specifications for

- (1) The plumbing and gas fitting and all kindred work;
- (2) Steam power plants, steam and hot water heating and ventilating apparatus and all kindred work;
- (3) Electrical work;
- (4) Structural steel and ornamental iron work; and
- (5) All other work required for the completion of the project.

The contracting unit or its contracting agent shall advertise for and receive, in the manner provided by law, either (a) separate bids for each of said branches of work, or (b) bids for all the work and materials required to complete the building to be included in a single overall contract, or (c) both. There will be set forth in the bid the name or names of, and evidence of performance security from, all subcontractors to whom the bidder will subcontract the furnishing of plumbing and gas fitting, and all kindred work, and of the steam and hot water heating and ventilating apparatus, steam power plants and kindred work, and electrical work, structural steel and ornamental iron work, each of which subcontractors shall be qualified in accordance with this act.

Contracts shall be awarded to the lowest responsible bidder. In the event that a contract is advertised in accordance with (c) above said contract shall be awarded in the following manner: If the sum total of the amounts bid by the lowest responsible bidder for each branch is less than the amount bid by the lowest responsible bidder for all the work and materials, the contracting unit shall award separate contracts for each of such branches to the lowest responsible bidder therefor, but if the sum total of the amounts bid by the lowest responsible bidder for each branch is not less than the amount bid by the lowest responsible bidder for all the work and materials, the contracting unit shall award a single overall contract to the lowest responsible bidder for all of such work and materials. In every case in which a contract is awarded under (b) above, all payments required to be made under such contract for work and materials supplied by a subcontractor shall, upon the certification of the contractor of the amount due to the subcontractor, be paid directly to the subcontractor.

6. This act shall take effect immediately.

Approved February 27, 1985.

New Jersey State Library

CHAPTER 61

AN ACT concerning the use of reflectors for lane markers and supplementing Title 27 of the Revised Statutes.

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

C. 27:7-11.1 Reflectors as lane markers.

1. Notwithstanding any law, rule or regulation to the contrary, whenever any repair, construction, reconstruction or resurfacing is undertaken by the Department of Transportation on any road under its jurisdiction, the Department of Transportation shall, wherever practical and subject to available funding, imbed reflectors into the surface of that road to be used as lane markers.

2. This act shall take effect immediately.

Approved February 27, 1985.

CHAPTER 62

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

43 Environmental Quality

03-4830 Noise Control \$40,000

Special Purpose:

Noise Technical Assistance Center at Rutgers,
The State University (\$40,000)

2. This act shall take effect immediately.

Approved February 27, 1985.

CHAPTER 63

AN ACT authorizing the sale of certain surplus real property owned by the State and amending P. L. 1981, c. 520.

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

1. Section 1 of P. L. 1981, c. 520 is amended to read as follows:

1. The Department of Corrections is authorized to sell and convey all or part of the State's interest in 11.81 acres of surplus real property located in the township of Woodbridge, Middlesex county. The property is designated as Block 905, Lot 10, on the Woodbridge township tax map.

2. (New section) The Department of Higher Education is hereby authorized to sell and convey all of the State's interest in 3.0 acres of surplus real property located in the town of Montclair, Essex county. The property and the two story residence situated on the property are located at 40 Upper Mountain avenue and designated as Block 405, Lot 2, on the town of Montclair tax map.

3. (New section) The Department of Human Services is hereby authorized to sell and convey all of the State's interest in 0.61± acres of surplus real property located in the borough of Red Bank, Monmouth county. The property and the three story residence situated on the property are located at 35 Rector Place and designated as Block 1, Lot 8, on the borough of Red Bank tax map.

4. (New section) 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 interest exists on the part of another State agency to use the surplus real property, the property shall be transferred to that agency at no cost. Where no interest exists on the part of another State agency, the Bureau of Real Property Management shall have the property appraised to determine the fair market value and shall sell the property in accordance with the terms and conditions approved by the State House Commission.

5. (New section) a. The proceeds from the sale of property under section 1 of P. L. 1981, c. 520 and section 3 of this act shall be deposited in the General Fund of the State and appropriated in accordance with the provisions of P. L. 1984, c. 58.

b. The proceeds from the sale under section 2 of this act of the property and improvements located at 40 Upper Mountain avenue, town of Montclair, Essex county shall be deposited in the General Fund of the State and subsequently returned to Montclair State College.

6. This act shall take effect immediately.

Approved March 1, 1985.

CHAPTER 64

AN ACT concerning employers covered by the "Worker and Community Right to Know Act," amending and supplementing P. L. 1983, c. 315.

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

1. Section 7 of P. L. 1983, c. 315 (C. 34:5A-7) is amended to read as follows:

C. 34:5A-7 Survey completion deadline.

7. a. Except as otherwise provided in section 15 of this act, an employer shall have until June 30, 1985, or within 90 days of the employer's receipt of the survey, whichever is later, to complete the survey and transmit a copy of the completed survey to the Department of Health, the health department of the county in which the employer's facility is located, the local fire department, and the local police department. If an employer has reason to believe that a mixture present at his facility contains a hazardous substance as a component, but is unable to obtain from the manufacturer or supplier of the mixture the chemical names and Chemical Abstracts Service numbers of the components of the mixture, he shall list the mixture by its common name in the space provided on the survey. The department shall have the responsibility to obtain the chemical names and Chemical Abstracts Service numbers of the components of the mixture so listed, and, upon obtaining this information, shall transmit it to the employer along with any appropriate hazardous substance fact sheet or sheets and directions to the employer on how to communicate this information to his employees.

b. Except as otherwise provided in section 15 of this act, an employer shall have until June 30, 1985, or within 90 days of the em-

ployer's receipt of the survey, whichever is later, to complete the survey and transmit a copy of the completed survey to the Department of Environmental Protection and the health department of the county in which the employer's facility is located, and pertinent sections of the survey to the local fire department and the local police department.

2. Section 13 of P. L. 1983, c. 315 (C. 34:5A-13) is amended to read as follows:

C. 34:5A-13 Education, training program.

13. a. Every employer shall have until June 30, 1985 to establish an education and training program for his employees, which shall be designed to inform employees in writing and orally of the nature of the hazardous substances to which they are exposed in the course of their employment and the potential health risks which the hazardous substances pose, and to train them in the proper and safe procedures for handling the hazardous substances under all circumstances. An employer shall provide his employees with the program not later than December 31, 1985, and annually thereafter. Any person who becomes an employee after the conclusion of the initial program shall be provided with the program within the first month of employment. Prior to entering an employment agreement with a prospective employee an employer shall notify a prospective employee of the availability of workplace surveys and appropriate hazardous substance fact sheets for the facility at which the prospective employee will be employed; except that this notification requirement shall not be applicable to employers before October 1, 1985.

b. Any employer who has established an employee education and training program for hazardous substances prior to the effective date of this act may request the Department of Health to certify that education and training program, which certification shall constitute compliance with subsection a. of this section.

c. Every employer shall establish an education and training program for his employees who work in a research and development laboratory, which shall be designed to inform employees in writing and orally of the nature of the hazardous substances to which they are exposed in the course of their employment and the potential health risks which the hazardous substances pose, and to train them in the proper and safe procedures for handling the hazardous substances under all circumstances. An employer shall provide his em-

ployees with the program not later than December 31, 1985, and annually thereafter. Any person who becomes an employee after the conclusion of the initial program shall be provided with the program within the first month of employment.

3. Section 14 of P. L. 1983, c. 315 (C. 34:5A-14) is amended to read as follows:

C. 34:5A-14 Labeling of containers.

14. a. Every employer shall have until June 30, 1985 to take any action necessary to assure that every container at his facility containing a hazardous substance shall bear a label indicating the chemical name and Chemical Abstracts Service number of the hazardous substance or the trade secret registry number assigned to the hazardous substance. Employers may label containers in a research and development laboratory by means of a code or number system, if the code or number system will enable an employee to readily make a cross-reference to a hazardous substance fact sheet which will provide the employee with the chemical name and Chemical Abstracts Service number of the hazardous substance contained in the container, or the trade secret registry number assigned to the hazardous substance. The code or number system shall be designed to allow the employee free and ready access at all times to the chemical name and Chemical Abstracts Service number of the hazardous substance in the container, shall be designed to allow the employee access to this information without the permission or assistance of management, and shall be available to the employee at close proximity to his specific job location or locations. Employers shall be required to label pipelines only at the valve or valves located at the point at which a hazardous substance enters a facility's pipeline system, and at normally operated valves, outlets, vents, drains and sample connections designed to allow the release of a hazardous substance from the pipeline.

b. Within two years of the effective date of this act, every employer shall take any action necessary to assure that every container at his facility bears a label indicating the chemical name and Chemical Abstracts Service number of the substance in the container, except as provided in subsection d. of this section, or the trade secret registry number assigned to the substance. Employers may label containers in a research and development laboratory by means of a code or number system, if the code or number system will enable an employee to readily make a cross-reference to documentary material retained on file by the employer at the

facility which will provide the employee with the chemical name and Chemical Abstracts Service number of the substance contained in the container, except as provided in subsection d. of this section, or the trade secret registry number assigned to the substance. The code or number system shall be designed to allow the employee free and ready access at all times to the chemical name and Chemical Abstracts Service number of the substance in the container, shall be designed to allow the employee access to this information without the permission or assistance of management, and shall be available to the employee at close proximity to his specific job location or locations. If a container contains a mixture, an employer shall be required to insure that the label identify the chemical names and Chemical Abstracts Service numbers, except as provided in subsection d. of this section, or the trade secret registry numbers, of the five most predominant substances contained in the mixture. The provisions of this subsection shall not apply to any substance constituting less than 1% of a mixture unless the substance is present at the facility in an aggregate amount of 500 pounds or more. Employers shall be required to label pipelines only at the valve or valves located at the point at which a substance enters a facility's pipeline system, and at normally operated valves, at the valve or valves located at the point at which a substance outlets, vents, drains and sample connections designed to allow the release of a substance from the pipeline. One year after the effective date of this act the Department of Health shall establish criteria for containers which, because of the finished and durable characteristics of their contents, shall be exempt from the provisions of this subsection. These standards shall be consistent with the intent of this subsection to provide for the labeling of every container which may contain a substance which is potentially hazardous.

c. The labeling requirements of subsections a. and b. of this section shall not apply to containers labeled pursuant to the "Federal Insecticide, Fungicide, and Rodenticide Act," 61 Stat. 163 (7 U.S.C. § 121 et al.). The Department of Health may, by rule and regulation, certify containers labeled pursuant to any other federal act as labeled in compliance with the provisions of this section.

d. One year after the effective date of this act the Department of Health shall adopt, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), a list of substances the containers of which may be labeled with the common names and Chemical Abstracts Service numbers of their contents. The department shall include on the list adopted pursuant to this subsection

only substances which are widely recognized by their common names. An employer shall provide the chemical name of a substance in a container labeled pursuant to this subsection within five working days of the request therefor.

C. 34:5A-13.1 Municipality, educational services employer.

4. (New section) Notwithstanding the provisions of section 13 of P. L. 1983, c. 315 (C. 34:5A-13) or any other provisions of that act to the contrary, an employer which is a municipality or is engaged in business operations having a Standard Industrial Classification number 82 (educational services) shall have until June 30, 1985 to establish any education and training program required under section 13 of that act, and shall provide his employees with the program before August 1, 1985, and annually thereafter. Any person who becomes an employee after the conclusion of the initial program shall be provided with the program within the first month of employment. The notification requirement for prospective employees, under subsection a. of section 13 of that act, shall not be applicable to these employers before July 1, 1985.

5. (New section) Notwithstanding the provisions of subsection a. of section 14 of P. L. 1983, c. 315 (C. 34:5A-14) or any other provisions of that act to the contrary, an employer which is a municipality or is engaged in business operations having a Standard Industrial Classification number 82 (educational services) shall have until June 30, 1985 to label every container at the employer's facility containing a hazardous substance, as required under subsection a. of section 14 of that act.

6. This act shall take effect immediately and shall be retroactive to August 29, 1984.

Approved March 1, 1985.

CHAPTER 65

AN ACT to amend "An act concerning alcoholic beverages and supplementing Title 33 of the Revised Statutes," approved August 3, 1962 (P. L. 1962, c. 152).

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

1. Section 2 of P. L. 1962, c. 152 (C. 33:1-12.32) is amended to read as follows:

C. 33:1-12.32 Alcoholic beverage licenses.

2. The provisions of this act shall not apply to the acquisition of an additional license or licenses or an interest therein, when such license is issued to a person for use in connection with the operation of a hotel containing at least 50 sleeping rooms, for use in connection with the operation of a restaurant, for use in connection with the operation of a bowling establishment consisting of more than 20 lanes, but only so long as the person uses the license in connection with the operation of that bowling establishment, or for use on premises within the grounds of an international airport, nor shall the provisions of this act affect the right of any person to dispose of an interest in a license or licenses by will or to the transfer of such an interest by descent and distribution.

Any additional license acquired for use in connection with a restaurant or bowling establishment consisting of more than 20 lanes or for use on premises within the grounds of an international airport, as herein authorized, shall be limited, however, to the sale of alcoholic beverages for consumption on the licensed premises only.

2. This act shall take effect immediately.

Approved March 5, 1985.

CHAPTER 66

AN ACT establishing an Intergenerational Child Care Demonstration Matching Program in the Department of Community Affairs and making an appropriation therefor.

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

C. 52:27D-29.14 Findings, declarations.

1. The Legislature finds and declares that: there is an urgent need to provide for more quality child care services in New Jersey, particularly in light of recent trends indicating that more single parents are entering the work force; there are many latchkey children and pre-school children in the State who are in need of adequate care and supervision; the lifestyles of older people often result in greatly diminished contact between the elderly and

children; older people often lack opportunities for involvement in meaningful community activities, and an Intergenerational Child Care Demonstration Matching Program would bring older people together with children, which will provide for urgently needed nurturing child care services and, at the same time, provide a meaningful way in which the elderly may become involved in their own communities.

C. 52:27D-29.15 Intergenerational Child Care Demonstration Program.

2. The Commissioner of the Department of Community Affairs, in consultation with the Division on Women established pursuant to P. L. 1974, c. 87 (C. 52:27D-43.8 et seq.) and the Advisory Council on Child Care established pursuant to section 14 of P. L. 1983, c. 492 (C. 30:5B-14), shall establish an Intergenerational Child Care Demonstration Matching Program in the Division on Aging established pursuant to section 28 of P. L. 1966, c. 293 (C. 52:27D-28) to enable senior residents of the State, 60 years of age or older, to be recruited and matched by a county office on aging so they may render nurturing child care services to pre-school and latchkey children of working parents after school hours.

C. 52:27D-29.16 Standards; regulations; county proposals.

3. a. The Division on Aging, the Division on Women and the Advisory Council on Child Care shall recommend standards to ensure that the Intergenerational Child Care Demonstration Matching Program is of high quality and benefits both children and older people. Subject to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), the Commissioner of the Department of Community Affairs shall adopt all regulations necessary to effectuate the purposes of this act.

b. Any county office on aging that is interested in participating in the program may submit a proposal to the commissioner. The commissioner shall review the proposals and approve the proposals that best meet the purposes of the demonstration program.

4. a. There is appropriated \$95,000.00 to the Department of Community Affairs from the General Fund to establish and maintain this program.

b. The department shall allocate not less than 95% of these funds to the county offices on aging to fund demonstration programs approved by the department.

5. This act shall take effect on the 90th day after enactment.

Approved March 5, 1985.

CHAPTER 67

AN ACT concerning the issuance of refunding bonds and supplementing chapter 2 of Title 40A of the New Jersey Statutes.

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

C. 40A:2-51.1 Issuance of refunding bonds.

1. Notwithstanding the provisions of N. J. S. 40A:2-51 to the contrary, a county in which a pension fund has been established pursuant to P. L. 1943, c. 160 (C. 43:10-18.1 et seq.) may incur indebtedness, borrow money, authorize and issue negotiable refunding bonds, and in any amount determined to be necessary by the county and approved by the Local Finance Board to effect the refunding for the purpose of the actuarial liabilities of its pension system, in addition to the other purposes for which it may do the same under N. J. S. 40A:2-51.

2. This act shall take effect immediately.

Approved March 5, 1985.

CHAPTER 68

AN ACT concerning the duration of certain contracts and supplementing P. L. 1971, c. 198.

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

C. 40A:11-15.1 Insurance contract to fund actuarial liability.

1. Notwithstanding the provisions of subsection (6) of section 15 of P. L. 1971, c. 198 (C. 40A:11-15) to the contrary, a county in which a pension fund has been established pursuant to P. L. 1943, c. 160 (C. 43:10-18.1 et seq.) may enter into an insurance contract to fund the actuarial liability of its pension system, for a term which may not exceed the term of the actuarial liability covered by the contract.

2. This act shall take effect immediately.

Approved March 5, 1985.

CHAPTER 69

AN ACT concerning the establishment of a user fee for the processing of criminal history record background checks through the files of the State Bureau of Identification in noncriminal matters and a fee for processing a federal criminal records check and supplementing article 2 of chapter 1 of Title 53 of the Revised Statutes.

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

C. 53:1-20.5 Definitions.

1. As used in this act:

a. "Processing criminal history record background checks" means the process whereby the State Bureau of Identification compares a set of fingerprints or name search request with those in its files for a determination as to the criminal history of the person identified by the request.

b. "Noncriminal matter" means any matter, other than the arrest of a person for an indictable offense or other criminal justice purpose, which requires the submission of a person's fingerprints or name search request to the State Bureau of Identification for processing. These matters include background investigations for licensing or employment, or both.

C. 53:1-20.6 Processing fee.

2. a. The Superintendent of State Police shall, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt rules and regulations which establish and implement a fee for the processing, by the State Bureau of Identification, of criminal history record background checks submitted by State, county and local government agencies, including the Division of State Police, in noncriminal matters. A fee not to exceed \$12.00 shall be imposed and used exclusively for the purpose of processing fingerprint identification checks; a fee not to exceed \$8.00 shall be imposed and used exclusively for the purpose of processing criminal history name search identification checks. These fees shall be in addition to any other fees required by law. In addition to any fee specified herein, a nonrefundable fee, the amount of which shall be determined by the Superintendent of State Police, shall be

collected for each applicant to cover the cost of securing and processing a federal criminal records check.

b. State, county and local government agencies, including the Division of State Police, are authorized to impose and collect the processing fee established pursuant to subsection a. of this section from the person for whom the criminal history record background check is being processed or from the party requesting the criminal history record background check. The Superintendent of State Police shall provide this processing service without the collection of fees from the applicants in processing background checks of prospective foster parents or members of their immediate families. In such cases, the Department of Human Services shall be responsible for paying the fees imposed pursuant to subsection a. of this section. Nothing in this section shall prohibit the Superintendent of State Police from providing this processing service without the collection of fees from the applicant in other circumstances which in his sole discretion he deems appropriate, if the applicants would not receive a wage or salary for the time and services they provide to an organization or who are considered volunteers. In those circumstances where the Superintendent of State Police determines to provide this processing service without the collection of fees to the individual applicants, the superintendent may assess the fees for providing this service on behalf of the applicants to any department of State, county or municipal government which is responsible for operating or overseeing that volunteer program. The agencies shall transfer all moneys collected for the processing fee to the Division of State Police.

C. 53:1-20.7 Criminal History Record Information Fund.

3. a. There is created in the Division of State Police in the Department of Law and Public Safety a separate special account to be known as the "Criminal History Record Information Fund." All moneys paid to the Division of State Police pursuant to section 2 of this act shall be deposited in the fund.

b. Moneys in the "Criminal History Record Information Fund" shall be dedicated exclusively for the expenses of the State Bureau of Identification in processing criminal history record background checks submitted in noncriminal matters.

4. This act shall take effect on the 60th day after enactment.

Approved March 7, 1985.

CHAPTER 70

AN ACT concerning personal searches and supplementing Title 2C of the New Jersey Statutes.

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

C. 2A:161A-1 Strip searches restricted.

1. No strip search may be conducted upon a person who has been detained or arrested for the commission of an offense other than a crime, without a warrant or the consent of the person to be searched unless there is probable cause to believe that a weapon, controlled dangerous substance, as defined by the "New Jersey Controlled Dangerous Substances Act," P. L. 1970, c. 226 (C. 24:21-1 et seq.), or evidence of a crime will be found.

C. 2A:161A-2 Body cavity searches restricted.

2. No body cavity search may be conducted upon a person who has been detained or arrested for the commission of an offense other than a crime, without a warrant or the consent of the person to be searched.

C. 2A:161A-3 Definitions.

3. For the purpose of this act, "strip search" means any search of an arrested or detained person which requires the removal or rearrangement of some or all of his clothes so as to permit a visual inspection of the genitals, buttocks, anus, female breasts or underwear covering those areas of the person. "Body cavity search" means any search of the anal or vaginal cavities.

C. 2A:161A-4 Conduct; report.

4. Any strip search or body cavity search conducted under this act shall be performed by persons of the same sex as the arrested person and at a location where the search cannot be observed by persons not physically conducting the search. The law enforcement officer or other person authorized to conduct a strip search or body cavity search shall obtain permission of the officer in charge of the station house to conduct the search and shall report the reason for the search on the record of arrest. This report shall not be deemed a public record pursuant to P. L. 1963, c. 73 (C. 47:1A-1 et seq.) but shall be released only to the person searched upon the written request of that person or upon court order. Where emergency conditions require immediate action to prevent bodily harm to the officer or others, the requirements of this section shall not apply.

In all cases where a strip search is conducted as an exception to the requirements of this section, the officer conducting the search shall file a separate written report setting forth the emergency conditions which required the immediate action. This written report shall be filed with and reviewed by the officer in charge who had the authority to authorize a strip search.

C. 2A:161A-5 Civil, criminal immunity.

5. a. Where it is determined that a strip search or body cavity search is necessary, it shall be performed under sanitary conditions. A body cavity search, pursuant to section 2 of this act, shall be conducted by a licensed physician or registered professional nurse.

b. A physician or nurse who conducts a body cavity search pursuant to the requirements of this act and in a medically accepted manner shall be immune from civil or criminal liability for so acting, provided the skill and care given are those ordinarily required and exercised by others in the profession. Immunity from civil or criminal liability shall extend to the hospital or other medical facility on whose premises or under whose auspices the body cavity search is conducted, provided the skill, care and facilities provided are those ordinarily provided by similar medical facilities.

c. Any person conducting a body cavity search pursuant to this act shall, upon request, furnish to any law enforcement agency a certificate stating that the body cavity search was pursuant to the requirements of this act and performed in a medically acceptable manner. The certificate shall be signed under oath before a notary public or other person empowered to take oaths and shall be admissible in any proceeding as evidence of the statements contained therein.

d. No person may claim the physician and patient privilege under section 2 of P. L. 1968, c. 185 (C. 2A:84A-22.2) with respect to the conducting of a body cavity search pursuant to this act.

C. 2A:161A-6 Disciplinary action.

6. Failure to comply with any provisions of this act shall subject the law enforcement officer or other authorized person to administrative disciplinary action. Nothing in this section shall be construed as limiting such person's criminal liability pursuant to the laws of this State.

C. 2A:161A-7 Other rights not abrogated.

7. Nothing in this act shall be construed as limiting any statutory

or common law rights of any person for purposes of any civil action or injunctive relief.

C. 2A:161A-8 Failure to post bail.

8. Nothing in this act shall prohibit a strip search or body cavity search of a person unable to post bail after a reasonable opportunity to do so, who is lodged by court order or pursuant to an arrest authorized by law, in a lockup, detention facility, prison, jail or penal institution. The Administrative Office of the Courts shall promulgate a bail schedule for all offenses, other than crimes, and bail may be fixed and accepted by the law enforcement officer in charge of the station house.

C. 2A:161A-9 Not applicable to penal institutions.

9. Notwithstanding any law, rule or regulation to the contrary, no procedures as set forth in this act shall supersede any procedures of the State's penal institutions.

C. 2A:161A-10 Admissibility of evidence seized.

10. A violation of the provisions of sections 4 and 5 of this act shall not affect the admissibility of evidence seized pursuant to a strip search or body cavity search.

11. This act shall take effect on the 90th day after enactment.

Approved March 7, 1985.

CHAPTER 71

AN ACT concerning employer contributions to 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 8 of P. L. 1969, c. 242 (C. 18A:66-174) is amended to read as follows:

C. 18A:66-174 Alternate benefit program.

8. (a) The University of Medicine and Dentistry of New Jersey, Rutgers, The State University and the Newark College of Engineering shall deduct from or, with the consent of the participant, reduce the compensation of each participant in the alternate benefit program and pay over to the insurer or insurers for the

benefit of the participant an employee contribution for the retirement annuity contract or contracts equal to 5% of the participant's base salary. The intervals for deductions or reductions and payments shall be determined by the respective school governing bodies.

The Division of Pensions shall deduct from or, with the consent of the participant, provide for reductions from the compensation of each participant in the alternate benefit program employed by the Department of Higher Education, the State and county colleges of an employee contribution equal to 5% of the participant's base salary and pay this amount to the insurer or insurers for the individual's retirement annuity contract or contracts. The intervals for deductions or reductions and payments shall be determined by the Division of Pensions.

(b) Based on a certification to the Division of Pensions by the University of Medicine and Dentistry of New Jersey, Rutgers, The State University and the Newark College of Engineering of the number and base salary of participants, the division shall authorize the State to make payment of the employer contributions to the alternate benefit program at a rate equal to 8% of the employee's base salary, which moneys shall be paid to the designated insurer or insurers for the benefit of each participant.

Based on a certification by the Division of Pensions of the number and base salary of participants employed by the Department of Higher Education, the State and county colleges, the State shall make payment of the employer contributions to the alternate benefit program at a rate equal to 8% of the employee's base salary, which moneys shall be paid to the designated insurer or insurers for the benefit of each participant.

(c) For the member of the Public Employees' Retirement System employed by the county colleges, who is defined in the regulations of the Board of Higher Education as a full-time faculty member and who is permitted to transfer his membership and does so, the State shall pay the employer contribution to the alternate benefit program at a rate equal to 8% of the member's base salary. If the member continues membership in the Public Employees' Retirement System, the State shall pay the employer contribution to the retirement system on his behalf and such employer contribution shall be at a rate equal to the normal contribution made by the State on behalf of nonveteran members of the Public Employees' Retirement System.

(d) For any nonacademic employee of a county college, as defined in section 4 of P. L. 1969, c. 242 (C. 18A:66-170), who is eligible for the program according to the regulations of the Board of Higher Education, the county college shall pay the employer contribution to the retirement system on the employee's behalf in the same manner as the State, pursuant to this section.

2. This act shall take effect July 1 next following enactment.

Approved March 11, 1985.

CHAPTER 72

AN ACT concerning long term contracts between local government units and private firms for the provision of wastewater treatment services, establishing a procedure for the negotiating, awarding, and review of these contracts, amending P. L. 1971, c. 198, and supplementing Title 58 of the Revised Statutes.

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

C. 58:27-1 Short title.

1. (New section) This act shall be known and may be cited as the "New Jersey Wastewater Treatment Privatization Act."

C. 58:27-2 Findings, declarations.

2. (New section) The Legislature finds and declares that protecting the ground and surface water of the State from pollution is vital to the health and general welfare of the citizens of New Jersey; that the construction, rehabilitation, operation, and maintenance of modern and efficient sewer systems and wastewater treatment plants are essential to protecting and improving the State's water quality; that in addition to protecting and improving water quality, adequate wastewater treatment systems are essential to economic growth and development; that many of the wastewater treatment systems in New Jersey must be replaced or upgraded if an inexorable decline in water quality is to be avoided during the coming decades; that the United States Congress, in recognition of the crucial role wastewater treatment systems and plants play in maintaining and improving water quality, and with an understanding that the cost of financing and constructing these systems must be borne by local governments and authorities with limited sources of revenues, established in the "Clean Water Act" a program to

provide local governments with grants for constructing these systems; that during the last several years the amount of federal grant money available to states and local governments for assistance in constructing and improving wastewater treatment systems has sharply diminished; that the current level of federal grant funding is inadequate to meet the cost of upgrading the State's wastewater treatment capacity to comply with State water quality standards; that given this inadequate present level of federal grant funding, alternative methods of financing the construction, operation, and improvement of wastewater treatment systems must be developed and encouraged; that one alternative method of financing necessary wastewater treatment systems available to local government units consists of contracting with private-sector firms for the financing, construction and operation of these systems; and that for some local government units, contracting for the provision of wastewater treatment services, if done in such a way as to protect the interests of consumers and to conform with environmental standards, will constitute an appropriate method of securing these needed wastewater treatment systems.

The Legislature therefore determines that it is in the public interest to establish a comprehensive procedure designed to authorize local government units to contract with private firms for the provision of wastewater treatment services.

C. 58:27-3 Definitions.

3. (New section) As used in this act:

a. "Contracting unit" means a county, municipality, municipal or county sewerage or utility authority, municipal sewerage district, joint meeting or any other political subdivision of the State authorized pursuant to law to construct wastewater treatment systems or provide wastewater treatment services.

b. "Department" means the Department of Environmental Protection.

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

d. "Vendor" means any person financially, technically, and administratively capable of financing, planning, designing, constructing, operating, or maintaining, or any combination thereof, a wastewater treatment system, or of providing wastewater treatment services to a local government unit under the terms of a contract awarded pursuant to the provisions of this act.

e. "Wastewater" means residential, commercial, industrial, or agricultural liquid waste, sewerage, storm water runoff, or any combination thereof, or other liquid residue discharged or collected into a sewer system or storm water system, or any combination thereof.

f. "Wastewater treatment system" means any equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed or operated for the storage, collection, reduction, recycling, reclamation, disposal, separation, or other treatment of wastewater or sewage sludge, or for the final disposal of residues resulting from the treatment of wastewater, including, but not limited to, pumping and ventilating stations, facilities, plants and works, connections, outfall sewers, interceptors, trunk lines, and other personal property and appurtenances necessary for their use or operation.

g. "Wastewater treatment services" means services provided by a wastewater treatment system.

C. 58:27-4 Contracts authorized.

4. (New section) The provisions of any other law, or rules and regulations adopted pursuant thereto to the contrary notwithstanding, any contracting unit may enter into a contract with a vendor for the financing, designing, construction, operation, or maintenance, or any combination thereof, of a wastewater treatment system, or for wastewater treatment services, pursuant to the provisions of this act.

C. 58:27-5 Notice of intent.

5. (New section) A contracting unit which intends to enter into a contract with a private vendor for the provision of wastewater treatment services pursuant to the provisions of this act shall notify, at least 60 days prior to issuing a request for qualifications from interested vendors pursuant to section 6 of this act, the division, the department, and the Department of the Public Advocate of its intention, and shall publish notice of its intention in at least one newspaper of general circulation in the jurisdiction which would be served under the terms of the proposed contract.

C. 58:27-6 Request for qualifications.

6. (New section) Upon submitting the notices of intent pursuant to section 5 of this act, a contracting unit may issue a request for qualifications of vendors interested in entering into a contract with the contracting unit for the provision of wastewater treatment services. The request for qualifications shall include a general

description of the wastewater treatment services required by the contracting unit, the minimum acceptable qualifications to be possessed by a vendor proposing to enter into a contract for the provision of these services, and the date by which vendors must submit their qualifications. In addition to all other factors bearing on qualifications, the contracting unit shall consider the reputation and experience of the vendor, and may consider information which might result in debarment or suspension of a vendor from State contracting and may disqualify a vendor if the vendor has been debarred or suspended by a State agency. The request for qualifications shall be published in at least one appropriate professional or trade journal, and in at least one newspaper of general circulation in the jurisdiction which would be served under the terms of the proposed contract.

C. 58:27-7 Qualified vendors.

7. (New section) After reviewing the qualifications submitted by vendors pursuant to section 6 of this act, a contracting unit shall establish a list of all vendors responding to the request for qualifications, and shall designate the vendor or vendors which the contracting unit has determined to be qualified to provide the wastewater treatment services described in the request for qualifications. This list shall include a statement setting forth the criteria applied by the contracting unit in selecting qualified vendors, and shall be published in the same publications in which the requests for qualifications were published pursuant to section 6 of this act.

C. 58:27-8 Request for proposals.

8. (New section) Upon selecting the qualified vendors pursuant to section 7 of this act, a contracting unit shall transmit a request for proposals to the qualified vendors, which shall include a detailed description of the wastewater treatment system and services required, the format and procedure to be followed in submitting proposals, the specific information which the vendor must provide in the proposal, a statement setting forth the relative importance of factors, including cost, which the contracting unit will consider in evaluating a proposal submitted by a qualified vendor, and any other information which the contracting unit deems appropriate. The request for proposals shall include the date and time of day by which, and the place at which, the proposals shall be submitted to the contracting unit. The contracting unit may extend the deadline for submission of proposals, but this extension shall apply to all qualified vendors, who shall be provided with simultaneous written notification of this extension.

C. 58:27-9 Review of proposals; revision.

9. (New section) A contracting unit shall review proposals submitted by vendors pursuant to section 8 of this act in such a manner as to avoid disclosure of the contents of any proposal to vendors submitting competing proposals. If provided for in the request for proposals, the contracting unit may conduct discussions with qualified vendors who have submitted proposals for the purpose of clarifying any information submitted in the proposal, or assuring that the vendor fully understood and responded to the requirements set forth in the request for proposals. If, as a result of these discussions, the contracting unit decides to revise the request for proposals, it shall immediately notify in writing each qualified vendor which has submitted a proposal of any such revision or revisions to the request for proposals. In the event of any revision in the request for proposals, a qualified vendor shall be permitted to submit revisions to its proposal.

C. 58:27-10 Vendor designation.

10. (New section) After reviewing the proposals submitted by qualified vendors pursuant to section 9 of this act, a contracting unit shall designate in writing the selected vendor or vendors. This designation shall include a list of the qualified vendors submitting proposals, the basis on which the selected vendor or vendors was chosen, and a finding that the proposal submitted by the selected vendor or vendors constitutes the proposal most advantageous to the jurisdiction to be served under the terms of the proposal, based upon the evaluation factors included in the request for proposals. This designation shall be published in at least one newspaper in general circulation in the jurisdiction to be served under the terms of the proposal.

C. 58:27-11 Negotiation of proposed contract.

11. (New section) Upon designating the selected vendor or vendors pursuant to section 10 of this act, a contracting unit shall negotiate with the selected vendor or vendors a proposed contract, which shall include the accepted proposal and the provisions required pursuant to section 15 of this act. Upon negotiating a proposed contract, the contracting unit shall make the proposed contract available to the public at its main offices, and shall transmit a copy of the proposed contract to the division, the department, and the Department of the Public Advocate.

C. 58:27-12 Public hearing.

12. (New section) a. A contracting unit shall conduct a public hearing or hearings on the charges, rates, or fees, or the formula for

determining these charges, rates, or fees, and the other provisions contained in a proposed contract negotiated pursuant to section 11 of this act. The contracting unit shall provide at least 90 days' public notice of this public hearing to the Department of the Public Advocate, prospective consumers, and other interested parties. This notice shall be published in at least one newspaper of general circulation in the jurisdiction to be served under the terms of the proposed contract. Within 45 days after giving notice of the public hearing, the contracting unit shall hold a meeting with prospective consumers and other interested parties to explain the terms and conditions of the proposed contract, and to receive written questions which will be part of the record of the public hearing. At the public hearing, the selected vendor or vendors shall be present, and the contracting unit shall have the burden to answer the questions received at the meeting, and to show that the proposed contract complies with the provisions of section 15 of this act, and that it constitutes the best means of securing the required wastewater treatment services among available alternatives. The contracting unit shall provide that a verbatim record be kept of the public hearing, and that a written transcript of this record be printed and made available to the public within 45 days of the close of the public hearing. Written testimony received no more than 15 days after the public hearing shall be included in the written transcript. After the public hearing the contracting unit and the vendor may agree to make changes to the proposed contract, and the contracting unit shall transmit the proposed contract, a copy of the printed transcript of the public hearing, and a statement summarizing the major issues raised at the public hearing and the response of the contracting unit to these issues, to the division, the department, and the Department of the Public Advocate, and shall make copies available to any other person upon request.

b. If the Division of Rate Counsel in the Department of the Public Advocate represents the public interest at a public hearing or hearings conducted pursuant to this section, the Division of Rate Counsel shall be entitled to assess the vendor for costs incurred in this representation in the manner provided in section 20 of P. L. 1974, c. 27 (C. 52:27E-19). The basis of the assessment shall be the prospective first year's revenue realized by the vendor from the provision of the wastewater treatment services pursuant to the terms of the proposed contract.

c. If a contract awarded pursuant to the provisions of this act is renegotiated, the contracting unit shall conduct a public hearing

on the renegotiated contract pursuant to the provisions of this section.

C. 58:27-13 Approval, conditional approval.

13. (New section) a. The department, within 60 days of receipt of a proposed contract submitted to it by a contracting unit pursuant to section 12 of this act, shall approve or conditionally approve the proposed contract. If the department approves the proposed contract, it shall accompany its approval with a written finding that the proposed contract will meet appropriate environmental and water quality standards, and that it is consistent with the areawide and facility water quality management plans adopted for the jurisdiction to be served under the terms of the proposed contract pursuant to the "Water Quality Planning Act," P. L. 1977, c. 75 (C. 58:11A-1 et seq.). If the department conditionally approves a proposed contract, it shall state in writing the revisions which shall be made to the proposed contract prior to receiving approval, and shall inform the contracting unit if the revisions to be made to the proposed contract warrant a public hearing.

b. The division, within 60 days of receipt of a proposed contract transmitted to it by a contracting unit pursuant to section 12 of this act, shall approve or conditionally approve the proposed contract. If the division approves the proposed contract, it shall accompany its approval with a written finding that the proposed contract complies with the provisions of section 15 of this act, and that the proposed contract is compatible with the fiscal and financial capabilities of the contracting unit. If the division conditionally approves the proposed contract, it shall state in writing the revisions which shall be made to the proposed contract prior to receiving approval, and shall inform the contracting unit if the revisions to be made to the proposed contract warrant a public hearing.

C. 58:27-14 Contract award.

14. (New section) A contracting unit may award a contract negotiated pursuant to the provisions of this act to a vendor only after the department and the division have approved the proposed contract pursuant to section 13 of this act.

C. 58:27-15 Mandatory provisions.

15. (New section) Any contract for the provision of wastewater treatment services negotiated and awarded to a vendor by a contracting unit pursuant to this act, or the "Local Public Contracts Law," P. L. 1971, c. 198 (C. 40A:11-1 et seq.), shall include, but shall not be limited to, provisions concerning:

a. The allocation of the risks of financing and constructing a wastewater treatment system, including delays in completion of the construction of the system, construction and financing cost overruns and increased costs resulting from change orders, construction changes required by revisions in applicable laws, rules, or regulations, failure of the system to achieve its required operating performance or efficiency, changes in tax benefits, and the need for equity contributions in addition to those provided for in the contract;

b. The allocation of the risks of operating and maintaining a wastewater treatment system, including excessive or nonscheduled periods of inoperation or technical failure, excess labor and materials costs due to underestimation, changes in operating procedures required by revisions in applicable laws, rules, or regulations, changes in the quantity or composition of wastewater delivered for treatment, excessive operation or maintenance costs due to poor management, and increased costs of disposal of the residue resulting from wastewater treatment;

c. The allocation of the risks associated with circumstances or occurrences beyond the control of the parties to the contract;

d. The defaulting and termination of the contract;

e. The periodic preparation by the vendor of an operating performance report and an audited balance statement of the wastewater treatment system, which shall be submitted to the contracting unit, the department and the division;

f. The intervals at which the contract shall be renegotiated;

g. The employment of current employees of the contracting unit whose positions or employment will be affected by the terms of the contract; and

h. The formulas to be used to determine the charges, rates, or fees to be charged for the wastewater treatment services, and the methodology or methodologies used to develop these formulas.

C. 58:27-16 Lease of site.

16. (New section) A contracting unit which has awarded a contract for the provision of wastewater treatment services to a vendor pursuant to this act or the "Local Public Contracts Law," P. L. 1971, c. 198 (C. 40A:11-1 et seq.) may lease to the vendor, for a fair market price, the property to be used as a site for a wastewater treatment system, the provisions of any other laws or rules and regulations adopted pursuant thereto to the contrary notwithstanding.

C. 58:27-17 Prior negotiations.

17. (New section) Any contracting unit which, prior to the effective date of this act, has issued a request for qualifications and a request for proposals from vendors for the provision of wastewater treatment services, or has initiated negotiations with a vendor for the provision of wastewater treatment services, may petition the department for certification as being substantially and materially in compliance with the provisions of this act, and, upon receiving this certification, may award a contract for the provision of wastewater treatment services pursuant to the provisions of this act.

C. 58:27-18 Rules, regulations.

18. (New section) The department and the division may adopt, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), rules and regulations necessary to carry out their respective responsibilities under this act.

19. Section 15 of P. L. 1971, c. 198 (C. 40A:11-15) is amended to read as follows:

C. 40A:11-15 Duration of certain contracts.

15. Duration of certain contracts. All purchases, contracts or agreements for the performing of work or the furnishing of materials, supplies or services shall be made for a period not to exceed 12 consecutive months, except that contracts or agreements may be entered into for longer periods of time as follows:

(1) Supplying of

(a) Fuel for heating purposes, for any term not exceeding in the aggregate, two years;

(b) Fuel or oil for use of airplanes, automobiles, motor vehicles or equipment for any term not exceeding in the aggregate, two years;

(c) Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 40 years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam;

(2) (Deleted by amendment; P. L. 1977, c. 53.)

(3) The collection and disposal of garbage and refuse, for any term not exceeding in the aggregate, five years;

(4) The recycling of solid waste, for any term not exceeding 25 years, when such contract is in conformance with a solid waste

management plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E-1 et seq.), and with the approval of the Division of Local Government Services and the Department of Environmental Protection;

(5) Data processing service, for any term of not more than three years;

(6) Insurance, for any term of not more than three years;

(7) Leasing or servicing of automobiles, motor vehicles, machinery and equipment of every nature and kind, for a period not to exceed three years; provided, however, such contracts shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(8) The supplying of any product or the rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Public Utilities for a term not exceeding five years;

(9) Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works project, including the retention of the services of any architect or engineer in connection therewith, for the length of time authorized and necessary for the completion of the actual construction;

(10) The providing of food services for any term not exceeding three years;

(11) On-site inspections undertaken by private agencies pursuant to the "State Uniform Construction Code Act" (P. L. 1975, c. 217; C. 52:27D-119 et seq.) for any term of not more than three years;

(12) The performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy in buildings owned by, or operations conducted by, the contracting unit, the entire price of which to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 10 years; provided, however, that such contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the Department of Energy establishing a methodology for computing energy cost savings;

(13) The performance of work or services or the furnishing of materials or supplies for the purpose of elevator maintenance for any term not exceeding three years;

(14) Leasing or servicing of electronic communications equipment for a period not to exceed five years; provided, however, such

contract shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(15) Leasing of motor vehicles, machinery and other equipment primarily used to fight fires, for a term not to exceed seven years, when the contract includes an option to purchase, subject to and in accordance with rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(16) The provision of water supply services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility, or any component part or parts thereof, including a water filtration system, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Public Utilities, and the Department of Environmental Protection pursuant to P. L. 1985, c. 37 (C. 58:26-1 et seq.). For the purposes of this subsection, "water supply services" means any service provided by a water supply facility; "water filtration system" means any equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, rehabilitated, or operated for the collection, impoundment, storage, improvement, filtration, or other treatment of drinking water for the purposes of purifying and enhancing water quality and insuring its potability prior to the distribution of the drinking water to the general public for human consumption, including plants and works, and other personal property and appurtenances necessary for their use or operation; and "water supply facility" means and refers to the real property and the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, real, personal and mixed, acquired, constructed or operated, or to be acquired, constructed or operated, in whole or in part by or on behalf of a political subdivision of the State or any agency thereof, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, or of conserving existing water resources, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering, conserving or transmitting of water and for the preservation and protection of these resources and facilities and

providing for the conservation and development of future water supply resources;

(17) The provision of solid waste disposal services by a resource recovery facility, the furnishing of products of a resource recovery facility, the disposal of the solid waste delivered for disposal which cannot be processed by a resource recovery facility or the waste products resulting from the operation of a resource recovery facility, including hazardous waste and recovered metals and other materials for reuse, or the design, financing, construction, operation or maintenance of a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Public Utilities, and the Department of Environmental Protection; and when the facility is in conformance with a solid waste management plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

(18) The sale of electricity or thermal energy, or both, produced by a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Board of Public Utilities; and when the facility is in conformance with a solid waste management plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

(19) The provision of wastewater treatment services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a wastewater treatment system, or any component part or parts thereof, for a period not to exceed 40 years, when the contract for these services is approved by the Divi-

sion of Local Government Services in the Department of Community Affairs and the Department of Environmental Protection pursuant to P. L. 1985, c. 72 (C. 58:27-1 et seq.). For the purposes of this subsection, "wastewater treatment services" means any service provided by a wastewater treatment system, and "wastewater treatment system" means equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, or operated for the storage, collection, reduction, recycling, reclamation, disposal, separation, or other treatment of wastewater or sewage sludge, or for the final disposal of residues resulting from the treatment of wastewater, including, but not limited to, pumping and ventilating stations, facilities, plants and works, connections, outfall sewers, interceptors, trunk lines, and other personal property and appurtenances necessary for their operation.

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, contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation authorized pursuant to subsection (12) above, contracts for water supply services or for a water supply facility, or any component part or parts thereof authorized pursuant to subsection (16) above, contracts for resource recovery services or a resource recovery facility authorized pursuant to subsection (17) above, contracts for the sale of energy produced by a resource recovery facility authorized pursuant to subsection (18) above, or contracts for wastewater treatment services or for a wastewater treatment system or any component part or parts thereof authorized pursuant to subsection (19) above, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause.

The Division of Local Government Services shall adopt and promulgate rules and regulations concerning the methods of accounting for all contracts that do not coincide with the fiscal year.

20. This act shall take effect immediately.

Approved March 11, 1985.

CHAPTER 73

AN ACT concerning mandatory retirement age, amending P. L. 1938, c. 295 and P. L. 1962, c. 37 and amending and supplementing P. L. 1945, c. 169.

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

1. Section 1 of P. L. 1938, c. 295 (C. 10:3-1) is amended to read as follows:

C. 10:3-1 Mandatory retirement ban.

1. In the selection of persons for employment in the service of the State, or of any county or municipality thereof, no appointing officer shall discriminate against any such applicant because such applicant has attained the age of at least 40 years, at the time of his said application for employment. Any provisions of law, executive order, rule or regulation to the contrary notwithstanding, no person other than a justice of the Supreme Court or a judge of the Superior Court pursuant to Article VI, Section VI, paragraph 3 of the Constitution of the State of New Jersey, or a judge of the Tax Court, or a member of the Division of State Police, employed in the service of the State, or of any county or municipality thereof, or a member of a police or fire department employed in the service of the State or of any county or municipality thereof, shall be required to retire upon the attainment of a particular age unless the public employer can show that the retirement age bears a manifest relationship to the employment in question or that the person in the service of the State, or of any county or municipality thereof, is unable to adequately perform his duties. A contract of tenure or similar arrangement providing for tenure shall not bar a public employer from showing that a retirement age bears a manifest relationship to the employment in question or that the person in the service of the State, or of any county or municipality thereof, is unable to adequately perform his duties. A person in the employ of the State, or of any county or municipality thereof, who is required to retire upon the attainment of a particular age in violation of this section shall be entitled to reinstatement with back pay and interest.

2. Section 8 of P. L. 1962, c. 37 (C. 10:5-2.1) is amended to read as follows:

C. 10:5-2.1 Other laws unaffected.

8. Nothing contained in this act or in P. L. 1945, c. 169 (C. 10:5-1 et seq.) shall be construed to require or authorize any act prohibited by law, nor to conflict with the provisions of chapter 2 (child labor) of Title 34 of the Revised Statutes, nor to require the employment of any person under the age of 18, nor to prohibit the establishment and maintenance of bona fide occupational qualifications or the establishment and maintenance of apprenticeship requirements based upon a reasonable minimum age, nor to prevent the termination or change of the employment of any person who in the opinion of the employer, reasonably arrived at, is unable to perform adequately the duties of employment, nor to preclude discrimination among individuals on the basis of competence, performance, conduct or any other reasonable standard, nor to interfere with the operation of the terms or conditions and administration of any bona fide retirement, pension, employee benefit or insurance plan or program, including any State or locally administered public retirement system, provided that the provisions of those plans or programs are not used to establish an age for mandatory retirement.

3. Section 11 of P. L. 1945, c. 169 (C. 10:5-12) is amended to read as follows:

C. 10:5-12 Unlawful employment practices, discrimination.

11. It shall be unlawful employment practice, or, as the case may be, an unlawful discrimination:

a. For an employer, because of the race, creed, color, national origin, ancestry, age, marital status, sex or atypical hereditary cellular or blood trait of any individual, or because of the liability for service in the Armed Forces of the United States or the nationality of any individual, to refuse to hire or employ or to bar or to discharge or require to retire, unless justified by lawful considerations other than age, from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment; provided, however, it shall not be an unlawful employment practice to refuse to accept for employment an applicant who has received a notice of induction or orders to report for active duty in the armed forces; provided further that nothing herein contained shall be construed to bar an employer from refusing to accept for employment any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification, reasonably necessary to the normal

operation of the particular business or enterprise; provided further that nothing herein contained shall be construed to bar an employer from refusing to accept for employment or to promote any person over 70 years of age; provided further that it shall not be an unlawful employment practice for a club exclusively social or fraternal to use club membership as a uniform qualification for employment, or for a religious association or organization to utilize religious affiliation as a uniform qualification in the employment of clergy, religious teachers or other employees engaged in the religious activities of the association or organization, or in following the tenets of its religion in establishing and utilizing criteria for employment of an employee; provided further that it shall not be an unlawful employment practice to require the retirement of any employee who, for the two-year period immediately before retirement, is employed in a bona fide executive or a high policy-making position, if that employee is entitled to an immediate, non-forfeitable annual retirement benefit from a pension, profit sharing, savings or deferred retirement plan, or any combination of those plans, of the employer of that employee which equals in the aggregate at least \$27,000.00; and provided further that an employer may restrict employment to citizens of the United States where such restriction is required by federal law or is otherwise necessary to protect the national interest.

For the purposes of this subsection, a "bona fide executive" is a top level employee who exercises substantial executive authority over a significant number of employees and a large volume of business. A "high policy-making position" is a position in which a person plays a significant role in developing policy and in recommending the implementation thereof.

b. For a labor organization, because of the race, creed, color, national origin, ancestry, age, marital status or sex of any individual, or because of the liability for service in the Armed Forces of the United States or nationality of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members, against any applicant for, or individual included in, any apprentice or other training program or against any employer or any individual employed by an employer; provided, however, that nothing herein contained shall be construed to bar a labor organization from excluding from its apprentice or other training programs any person on the basis of sex in those certain circumstances where sex is a

bona fide occupational qualification reasonably necessary to the normal operation of the particular apprentice or other training program.

c. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment, or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, age, marital status or sex or liability of any applicant for employment for service in the Armed Forces of the United States, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

d. For any person to take reprisals against any person because he has opposed any practices or acts forbidden under this act or because he has filed a complaint, testified or assisted in any proceeding under this act.

e. For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.

f. For any owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation directly or indirectly to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any person in the furnishing thereof, or directly or indirectly to publish, circulate, issue, display, post or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, or privileges of any such place will be refused, withheld from, or denied to any person on account of the race, creed, color, national origin, ancestry, marital status, sex or nationality of such person, or that the patronage or custom thereat of any person of any particular race, creed, color, national origin, ancestry, marital status, sex or nationality is unwelcome, objectionable or not acceptable, desired or solicited, and the production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any owner, lessee, proprietor, superintendent or manager thereof, shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained herein shall be construed to bar any place of public accommodation which

is in its nature reasonably restricted exclusively to individuals of one sex, and which shall include but not be limited to any summer camp, day camp, or resort camp, bathhouse, dressing room, swimming pool, gymnasium, comfort station, dispensary, clinic or hospital, or school or educational institution which is restricted exclusively to individuals of one sex, from refusing, withholding from or denying to any individual of the opposite sex any of the accommodations, advantages, facilities or privileges thereof on the basis of sex; provided further that the foregoing limitation shall not apply to any restaurant as defined in R. S. 33:1-1 or place where alcoholic beverages are served.

g. For the owner, lessee, sublessee, assignee or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent, lease, assign, or sublease any real property or part or portion thereof, or any agent or employee of any of these:

(1) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of the race, creed, color, national origin, ancestry, marital status, sex or nationality of such person or group of persons;

(2) To discriminate against any person or group of persons because of the race, creed, color, national origin, marital status or sex of such person or group of persons in the terms, conditions or privileges of the sale, rental or lease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith; or

(3) To print, publish, circulate, issue, display, post or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment or sublease of any real property or part or portion thereof, or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property, or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, sex or nationality or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person;

provided, however, that nothing contained in this subsection shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied exclusively by individuals of one sex to any individual of the opposite sex on the basis of sex.

h. For any real estate broker, real estate salesman or employee or agent thereof:

(1) To refuse to sell, rent, assign, lease or sublease, or offer for sale, rental, lease, assignment, or sublease any real property or part or portion thereof to any person or group of persons or to refuse to negotiate for the sale, rental, lease, assignment, or sublease of any real property or part or portion thereof to any person or group of persons because of the race, creed, color, national origin, ancestry, marital status, sex or nationality of such person or group of persons, or to represent that any real property or portion thereof is not available for inspection, sale, rental, lease, assignment, or sublease when in fact it is so available, or otherwise to deny or withhold any real property or any part or portion of facilities thereof to or from any person or group of persons because of the race, creed, color, national origin, ancestry, marital status, sex or nationality of such person or group of persons;

(2) To discriminate against any person because of his race, creed, color, national origin, ancestry, marital status or sex in the terms, conditions or privileges of the sale, rental, lease, assignment or sublease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith; or

(3) To print, publish, circulate, issue, display, post, or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, sex or nationality or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry

purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection h. shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied exclusively by individuals of one sex to any individual of the opposite sex on the basis of sex.

i. For any person, bank, banking organization, mortgage company, insurance company or other financial institution, lender or credit institution to whom application is made for any loan or extension of credit including but not limited to an application for financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any real property or part or portion thereof or any agent or employee thereof:

(1) To discriminate against any person or group of persons because of the race, creed, color, national origin, ancestry, marital status, sex or nationality of such person or group of persons or of the prospective occupants or tenants of such real property or part or portion thereof, in the granting, withholding, extending, modifying or renewing, or in the fixing of the rates, terms, conditions or provisions of any such loan, extension of credit or financial assistance or in the extension of services in connection therewith; or

(2) To use any form of application for such loan, extension of credit or financial assistance or to make record or inquiry in connection with applications for any such loan, extension of credit or financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, sex or nationality or intent to make any such limitation, specification or discrimination; unless otherwise required by law or regulation to retain or use such information.

j. For any person whose activities are included within the scope of this act to refuse to post or display such notices concerning the rights or responsibilities of persons affected by this act as the Attorney General may by regulation require.

k. For any real estate broker, real estate salesman or employee or agent thereof or any other individual, corporation, partnership, or organization, for the purpose of inducing a transaction

for the sale or rental of real property from which transaction such person or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, ancestry, marital status, sex or nationality of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including, but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other facilities.

1. For any person to refuse to buy from, sell to, lease from or to, license, contract with, or trade with, provide goods, services or information to, or otherwise do business with any other person on the basis of the race, creed, color, national origin, ancestry, age, sex, marital status, liability for service in the Armed Forces of the United States, or nationality of such other person or of such other person's spouse, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers. This subsection shall not prohibit refusals or other actions (1) pertaining to employee-employer collective bargaining, labor disputes, or unfair labor practices, or (2) made or taken in connection with a protest of unlawful discrimination or unlawful employment practices.

m. For any person to:

(1) Grant or accept any letter of credit or other document which evidences the transfer of funds or credit, or enter into any contract for the exchange of goods or services, where the letter of credit, contract, or other document contains any provisions requiring any person to discriminate against or to certify that he, she or it has not dealt with any other person on the basis of the race, creed, color, national origin, ancestry, age, sex, marital status, liability for service in the Armed Forces of the United States, or nationality of such other person or of such other person's spouse, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers.

(2) Refuse to grant or accept any letter of credit or other document which evidences the transfer of funds or credit, or refuse to enter into any contract for the exchange of goods or services, on the

ground that it does not contain such a discriminatory provision or certification.

The provisions of this subsection shall not apply to any letter of credit, contract, or other document which contains any provision pertaining to employee-employer collective bargaining, a labor dispute or an unfair labor practice, or made in connection with the protest of unlawful discrimination or an unlawful employment practice, if the other provisions of such letter of credit, contract, or other document do not otherwise violate the provisions of this subsection.

n. For any person to aid, abet, incite, compel, coerce, or induce the doing of any act forbidden by subsections 11 l. and m. of this act, or to attempt, or to conspire to do so. Such prohibited conduct shall include, but not be limited to:

(1) Buying from, selling to, leasing from or to, licensing, contracting with, trading with, providing goods, services, or information to, or otherwise doing business with any person because that person does, or agrees or attempts to do, any such act or any act prohibited by this subsection n.; or

(2) Boycotting, commercially blacklisting or refusing to buy from, sell to, lease from or to, license, contract with, provide goods, services or information to, or otherwise do business with any person because that person has not done or refuses to do any such act or any act prohibited by this subsection n.; provided that this subsection n. shall not prohibit refusals or other actions either pertaining to employee-employer collective bargaining, labor disputes, or unfair labor practices, or made or taken in connection with a protest of unlawful discrimination or unlawful employment practices.

C. 10:5-2.2 Higher education exception.

4. (New section) Notwithstanding the provisions of section 1 of P. L. 1938, c. 295 (C. 10:3-1) and section 8 of P. L. 1962, c. 37 (C. 10:5-2.1), an employee who has attained 70 years of age who is serving under a contract of tenure or similar arrangement providing for tenure at a public or private institution of higher education may, at the option of the institution, be required to retire.

C. 10:5-12.1 Reinstatement, back pay.

5. (New section) Notwithstanding any provision of law to the contrary, relief for having been required to retire in violation of the provisions of section 11 of P. L. 1945, c. 169 (C. 10:5-12),

shall be available to the person aggrieved by that violation solely through the procedure initiated by filing a complaint with the Attorney General under the provisions of P. L. 1945, c. 169 (C. 10:5-1 et seq.).

Notwithstanding any provision to the contrary of section 16 of P. L. 1945, c. 169 (C. 10:5-17) or any other law, relief ordered for or granted to a person in connection with his being required to retire in violation of the provisions of section 11 of P. L. 1945, c. 169 (C. 10:5-12) shall be limited to his reinstatement with back pay and interest.

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

Approved March 11, 1985.

CHAPTER 74

AN ACT authorizing the creation of debts of the State of New Jersey by issuance of bonds of the State in an aggregate principal amount not to exceed the amount necessary to refinance all or any portion of any series of bonds of the State authorized to be refinanced hereby, provided that the refinancings will result in a present value savings to the State and providing the ways and means to pay the interest of those debts and to pay and discharge the principal thereof.

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 "Refunding Bond Act of 1985."

2. The Legislature finds that:

a. Many series of bonds of the State have been issued periodically to fulfill the various purposes for which those bonds were authorized;

b. It has been necessary to sell some series of bonds of the State at times when interest rates in the municipal bond market have been higher than presently prevailing rates;

c. Projections indicate that, when interest rates decline in the municipal bond market, certain refinancing methods can be utilized to reduce, on a present value basis, the aggregate amount of principal and interest payable on bonds of the State;

d. Laws of the State enacted prior to the effective date of this act and authorizing the issuance of bonds do not provide the authority needed to utilize those refinancing methods;

e. Bonds of the State have heretofore and will hereafter be issued pursuant to those laws;

f. It is necessary for the State of New Jersey to provide for refinancing methods that will reduce, on a present value basis, the aggregate amount of principal and interest payable on bonds of the State in order to make more efficient use of the State's resources;

g. At the general election held in the month of November 1983, the people of the State approved, in accordance with the provisions of the Constitution of the State of New Jersey, the amendment of Article VIII, Section II, paragraph 3 of the Constitution to allow the Legislature to authorize actions which would facilitate greater financial flexibility in connection with the refinancing of all or a portion of any outstanding debts or liabilities of the State theretofore or thereafter created; and

h. The purpose of this Refunding Bond Act of 1985 is to implement the purpose of that amendment to the Constitution.

3. As used in this act:

a. "Outstanding bonds" means any bonds of the State of New Jersey, and the interest coupons, if any, appertaining thereto, which have heretofore been issued or which are hereafter issued pursuant to any law of the State in effect prior to the effective date of this act and which are direct obligations of the State for which the faith and credit of the State are pledged for the payment of the interest thereon as it shall become due and the payment of the principal at maturity.

b. "Government securities" means any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any federal agency to the extent those obligations are unconditionally guaranteed by the United States of America and any certificates or any other evidences of an ownership interest in those obligations of, or unconditionally guaranteed by, the United States of America or in specified portions of those

obligations (which may consist of the principal of, or the interest on, those obligations).

c. "State Treasurer" means the Treasurer of the State of New Jersey.

d. "Refinancing" means providing for the payment of an obligation at or prior to its maturity or upon redemption, as provided in this act.

e. "Refunding bonds" means bonds of the State issued under this act.

4. Refunding bonds of the State of New Jersey are authorized to be issued in an amount not to exceed the amount necessary to effectuate the refinancing of all or any portion of any series of outstanding bonds in accordance with the terms and conditions of section 5 of this act.

5. a. Refunding bonds shall be serial bonds or term bonds or a combination thereof and shall be known as "refunding bonds." They may be subject to redemption prior to maturity, including any sinking fund redemptions, at any time not later than five years following the latest scheduled maturity date, determined without regard to any redemptions prior thereto, of any of the outstanding bonds to be refinanced thereby, and shall mature and be paid in no event later than 35 years following the date of issuance of the refunding bonds, but may be issued in whole or in part for a shorter term.

b. The issuing officials named in section 6 of this act may issue refunding bonds at any time for the purpose set forth in section 4 of this act, subject to the following provisions:

(1) Refunding bonds may be issued at any time prior to the maturity or redemption of the outstanding bonds to be refinanced thereby as the issuing officials shall determine;

(2) Each series of refunding bonds may be issued in a sufficient amount to pay or to provide for the payment of the principal of the outstanding bonds to be refinanced, together with any redemption premium on the outstanding bonds, any interest accrued or to accrue on the outstanding bonds to be refinanced to the date of payment of those outstanding bonds, the expenses of issuing the refunding bonds and the expenses, if any, of paying the outstanding bonds to be refinanced;

(3) No refunding bonds shall be issued unless the issuing officials shall first determine that the present value of the aggregate prin-

principal of and interest on the refunding bonds is less than the present value of the aggregate principal of and interest on the outstanding bonds to be refinanced, except that, for the purposes of this limitation, present value shall be computed using a discount rate equal to the yield of those refunding bonds, and yield shall be computed using an actuarial method based upon a 360-day year with semiannual compounding and upon the prices paid to the State by the initial purchasers of those refunding bonds; and

(4) Any refinancing authorized under this act may be effected by the sale of the refunding bonds and the application of the proceeds of the refunding bonds to the payment of the principal of the outstanding bonds to be refinanced thereby, together with any redemption premium thereon, any interest accrued or to accrue on those outstanding bonds to be refinanced to the date of payment of the outstanding bonds, the expenses of issuing the refunding bonds and the expenses, if any, of paying the outstanding bonds to be refinanced, as provided in this act.

6. The Governor, State Treasurer and Comptroller of the Treasury or any two of those officials (hereinafter referred to as "the issuing officials") are authorized to carry out the provisions of this act relating to the issuance of refunding bonds, and shall determine all matters in connection therewith subject to the provisions of this act. If any of those officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by the person authorized by law to act in his place as a State official.

7. Refunding 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 it shall become due and the payment of the principal at maturity. The principal and interest on refunding bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

8. Refunding 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 (which seal may be by facsimile or by way of any other form of reproduction on the refunding bonds), and attested by the manual or facsimile signature of the Secretary of State, or an Assistant Secretary of State, shall be countersigned by the facsimile signature of the Comptroller of the Treasury and may be authenticated by an authenticating agent or bond registrar, as

the issuing officials shall determine. Interest coupons, if any, attached to the bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. Refunding bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the refunding bonds or coupons shall cease to hold office at the time of that issue or at the time of the delivery of the bonds to the purchaser.

9. a. Refunding bonds shall recite that they are issued for the purposes set forth in section 4 of this act and that they are issued in pursuance of this act and that this act was enacted in accordance with the provisions of the Constitution of the State of New Jersey. The recital in the bonds shall be conclusive evidence of the authority of the State to issue those bonds and of their validity. Any refunding bonds containing that 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. Refunding bonds shall be issued in denominations and in forms, whether coupon, fully registered or book-entry, and with or without provisions for interchangeability thereof, as may be determined by the issuing officials.

10. When refunding bonds are issued from time to time, the refunding bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of refunding bonds shall bear rates of interest as may be determined by the issuing officials, which interest shall be payable semiannually; except that the first and last periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

11. Refunding bonds may be issued and sold at public or private sale at prices and terms, conditions and regulations as the issuing officials may prescribe.

12. Until permanent refunding bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of the permanent refunding bonds, temporary refunding bonds in a form and with privileges as to registration and exchange for permanent refunding bonds as may be determined by the issuing officials.

13. a. Proceeds derived from the sale of each series of refunding bonds shall be applied, together with any other moneys legally

available therefor, to the payment of the expenses authorized by this act and to the immediate payment of the principal of, redemption premium, if any, and interest due on any outstanding bonds to be refinanced by the refunding bonds, or, to the extent not required for that immediate payment, shall be deposited, together with any other moneys legally available therefor, in trust with the State Treasurer, to be held separate and apart from all other funds of the State, or, at the direction of the issuing officials, in trust with one or more trustees or escrow agents, which trustees or escrow agents shall be trust companies or national or State banks having powers of a trust company, located either within or without the State. Proceeds or moneys deposited in trust with the State Treasurer or with one or more trustees or escrow agents shall be applied solely to the payment when due of the principal of, redemption premium, if any, and interest due and to become due on those outstanding bonds to be refinanced on or prior to the redemption date or maturity date of the outstanding bonds, as the case may be. Proceeds or moneys so held by the State Treasurer or deposited with trustees or escrow agents may be invested in government securities (including government securities issued or held in book-entry form on the books of the Department of the Treasury of the United States); except that those government securities shall not be subject to redemption prior to their maturity other than at the option of the holder thereof. Except as provided in subsection b. neither government securities nor moneys so deposited with the State Treasurer or with trustees or escrow agents shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal of, redemption premium, if any, and interest on the outstanding bonds to be refinanced by the refunding bonds; except that any cash received from principal or interest payments on government securities deposited with the State Treasurer or with trustees or escrow agents: (1) to the extent that the cash will not be required at any time for that purpose, shall be paid over to the State as received by the State Treasurer or by the trustees or escrow agents, and (2) to the extent the cash will be required for that purpose at a later date, shall, to the extent practicable and legally permissible, be reinvested in government securities maturing at times and in amounts sufficient to pay when due the principal of, redemption premium, if any, and interest to become due on the outstanding bonds on and prior to the redemption date or maturity date of the outstanding bonds, as the case may be,

and interest earned from those reinvestments to the extent not required for the payment of bonds shall be paid over to the State, as received by the State Treasurer or by the trustees or escrow agents.

b. Notwithstanding anything to the contrary contained in this section: (1) the State Treasurer or trustees or escrow agents shall, if so directed by the issuing officials, apply moneys on deposit with the State Treasurer or the trustees or escrow agents pursuant to the provisions of this section and redeem or sell government securities so deposited with the State Treasurer or the trustees or escrow agents and apply the proceeds thereof to: (a) the purchase of the outstanding bonds which were refinanced by the deposit with the State Treasurer or the trustees or escrow agents of the moneys and government securities and immediately thereafter cancel all outstanding bonds so purchased or (b) the purchase of different government securities; except that the moneys and government securities on deposit with the State Treasurer or the trustees or escrow agents after the purchase and cancellation of the outstanding bonds or the purchase of different government securities shall be sufficient to pay, when due, the principal of, redemption premium, if any, and interest on all other outstanding bonds in respect of which the moneys and government securities were deposited with the State Treasurer or the trustees or escrow agents on or prior to the redemption date or maturity date of the outstanding bonds, as the case may be; and (2) if on any date, as a result of any purchases and cancellations of outstanding bonds or any purchases of different government securities as provided in this subsection, the total amount of moneys and government securities remaining on deposit with the State Treasurer or the trustees or escrow agents is in excess of the total amount which would have been required to be deposited with the State Treasurer or the trustees or escrow agents on that date in respect of the remaining outstanding bonds for which the deposit was made in order to pay when due the principal of, redemption premium, if any, and interest on those remaining outstanding bonds, the State Treasurer or the trustees or escrow agents shall, if so directed by the issuing officials, pay the amount of that excess to the State.

c. Any amounts held by the State Treasurer in a separate fund for the payment of the principal of and interest on outstanding bonds to be refinanced, as provided in this section, shall, if so directed by the issuing officials, be transferred by the State Treasurer for deposit with one or more trustees or escrow agents as

provided in this section, or for deposit with the State Treasurer as provided in this section, to be held separate and apart from all other funds of the State, to be applied to the payment when due of the principal of, redemption premium, if any, and interest to become due on those outstanding bonds, as provided in this section, or be applied by the State Treasurer to the payment when due of the principal of and interest on refunding bonds issued under this act to refinance those outstanding bonds.

d. The State Treasurer is authorized, upon direction of the issuing officials, to enter into contracts with one or more trust companies or national or State banks, to act as trustees or escrow agents as provided in this section, on terms and conditions as shall be approved by the issuing officials.

14. The moneys and the principal of and interest on government securities held in trust as provided in section 13 of this act shall be applied for the purposes provided in this act, and those amounts are appropriated for those purposes.

15. If any coupon refunding bonds or coupons thereunto appertaining or any registered refunding bonds become lost, mutilated or destroyed, a new refunding bond or coupon shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed refunding bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of the loss, mutilation or destruction, proof of ownership and such security and indemnity and reimbursement for expenses as the issuing officials may require.

16. Accrued interest received upon the sale of refunding bonds shall be applied to the discharge of a like amount of interest upon those bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, authenticating, registering, trustees, escrow agents, legal, financial, advisory or other services necessary or convenient to carry out the duties imposed upon them by the provisions of this act, as well as the overhead and other expenses of the Department of the Treasury properly allocable to the cost of the State Treasurer performing the duties provided in this act, shall be paid from the proceeds of the sale of the 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.

17. Each series of refunding bonds shall mature, including any sinking fund redemptions, at those times not later than five years

following the latest scheduled maturity date, determined without regard to any redemptions prior thereto, of any of the outstanding bonds to be refunded thereby, but in no event later than 35 years following the date of issuance of the refunding bonds, and in those amounts as the issuing officials shall determine in accordance with the provisions of this act. The issuing officials may reserve to the State by appropriate provision in the refunding bonds of any series the power to redeem all or any of those bonds prior to maturity at prices and upon such terms and conditions as may be provided in those bonds.

18. a. Any refunding bonds and any coupons appertaining thereto shall no longer be deemed to be outstanding, shall no longer constitute a direct obligation of the State of New Jersey and the faith and credit of the State shall no longer be pledged to the payment of the principal of and interest on those bonds, and those bonds shall be secured solely by and payable solely from moneys and government securities deposited in trust with the State Treasurer, to be held separate and apart from all other funds of the State, or in trust with one or more trustees or escrow agents, which trustees or escrow agents shall be trust companies or national or State banks having powers of a trust company, located either within or without the State, whenever there shall be deposited in trust with the State Treasurer or with the trustees or escrow agents either moneys or government securities (including government securities issued or held in book-entry form on the books of the Department of the Treasury of the United States) the principal of and interest on which when due will provide money which, together with moneys, if any, deposited with the State Treasurer or with the trustees or escrow agents at the same time, shall be sufficient to pay when due the principal of, redemption premium, if any, and interest due and to become due on those bonds on or prior to the redemption date or maturity date of those bonds, as the case may be; except that government securities shall not be subject to redemption prior to their maturity other than at the option of the holder thereof; and except that those moneys and government securities shall be deposited with the State Treasurer or with one or more trustees or escrow agents as provided in the resolution of the issuing officials authorizing the issuance of the refunding bonds for which the deposit is made.

b. The State of New Jersey hereby covenants with the holders of any refunding bonds for which government securities or moneys shall have been deposited in trust with the State Treasurer or with

the trustees or escrow agents as provided in subsection a. of this section that, except as provided in subsection c. of this section, neither the government securities nor moneys so deposited with the State Treasurer or with the trustees or escrow agents shall be withdrawn or used by the State for any purpose other than, and shall be held in trust for, the payment of the principal of, redemption premium, if any, and interest to become due on those bonds; except that any cash received from the principal or interest payments on government securities deposited with the State Treasurer or with trustees or escrow agents: (1) to the extent that cash will not be required at any time for that purpose, shall be paid over to the State as received by the State Treasurer or by the trustees or escrow agents, free and clear of any trust, lien, pledge or assignment securing those bonds, and (2) to the extent that cash will be required for that purpose at a later date, shall, to the extent practicable and legally permissible, be reinvested in government securities maturing at times and in amounts sufficient to pay when due the principal of, redemption premium, if any, and interest to become due on those bonds on and prior to the redemption date or maturity date of those bonds, as the case may be, and interest earned from those reinvestments shall be paid over to the State, as received by the State Treasurer or by the trustees or escrow agents, free and clear of any trust, lien or pledge securing those bonds.

c. Notwithstanding anything to the contrary contained in this section: (1) the State Treasurer or trustees or escrow agents shall, if so directed by the issuing officials, apply moneys on deposit with the State Treasurer or with those trustees or escrow agents pursuant to the provisions of this section and redeem or sell government securities so deposited with the State Treasurer or with those trustees or escrow agents and apply the proceeds thereof to (a) the purchase of the refunding bonds which were refinanced by the deposit with the State Treasurer or with the trustees or escrow agents of those moneys and government securities and immediately thereafter cancel all refunding bonds so purchased, or (b) the purchase of different government securities, if the moneys and government securities on deposit with the State Treasurer or with the trustees or escrow agents after the purchase and cancellation of the refunding bonds or the purchase of different government securities shall be sufficient to pay when due the principal of, redemption premium, if any, and interest on all other refunding bonds in respect of which the moneys and government securities

were deposited with the State Treasurer or with the trustees or escrow agents on or prior to the redemption date or maturity date of the refunding bonds, as the case may be; and (2) if on any date, as a result of any purchases and cancellations of refunding bonds or any purchases of different government securities as provided in this subsection, the total amount of moneys and government securities remaining on deposit with the State Treasurer or with the trustees or escrow agents is in excess of the total amount which would have been required to be deposited with the State Treasurer or with the trustees or escrow agents on the date in respect of the remaining refunding bonds for which that deposit was made in order to pay when due the principal of, redemption premium, if any, and interest on those remaining refunding bonds, the State Treasurer or the trustees or escrow agents shall, if so directed by the issuing officials, pay the amount of that excess to the State free and clear of any trust, lien, pledge or assignment securing those refunding bonds.

19. To provide funds to meet the interest and principal payment requirements for the refunding bonds issued under this act and outstanding, there is hereby appropriated in the order following:

a. Revenue derived from the collection of taxes as provided by the "Sales and Use Tax Act," P. L. 1966, c. 30 (C. 54:32B-1 et seq.), or so much thereof as may be required; and

b. If in any year or at any time funds, as hereinabove appropriated, necessary to meet interest and principal payments upon outstanding refunding bonds, 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 refunding bonds issued under this act and on those refunding bonds as it is proposed to issue under this act in the calendar year in which that tax is to be raised and for the payment of refunding 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 each 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 that 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 Fund beyond the needs of the State, sufficient to meet the principal of refunding bonds falling due and all interest payable in the ensuing calendar year, if the issuing officials shall by resolution so find and shall file their findings in the office of the State Treasurer, whereupon the State Treasurer shall transfer the moneys to a separate fund to be designated by him, and shall pay the principal and interest out of that fund as it shall become due and payable, and the other sources of payment of that principal and interest provided for in this section shall not then be available, and the receipts for that year from the tax specified in subsection a. of this section shall thereon be considered and treated as part of the General Fund, available for general purposes.

20. Should the State Treasurer, by December 31 of any year, deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as provided in this act, to meet the interest and principal payments for the year after the ensuing year, then the State Treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for those purposes, the amount to be assessed, levied and collected for and in the ensuing calendar year. In that case the Comptroller of the Treasury shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected in each county. That calculation shall be based upon the corrected assessed valuation of the county for the year preceding the year in which the tax is to be assessed, but the tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify that amount to the county board of taxation and the county treasurer of each county. The county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

21. a. The issuing officials named in section 6 of this act shall cause to be prepared and delivered to the Joint Appropriations Committee's Subcommittee on Transfers, or its successor, reports or information as the subcommittee may request from time to time

concerning the use of the authority vested in the issuing officials by this act.

b. Upon the decision by the issuing officials to issue refunding bonds pursuant to section 5, and prior to the sale of those bonds, the issuing officials shall transmit to the Joint Appropriations Committee's Subcommittee on Transfers a report that a decision has been made, reciting the basis on which the decision was made, including an estimate of the debt service savings to be achieved and the calculations upon which the issuing officials relied when making the decision to issue refunding bonds. The report shall also disclose the intent of the issuing officials to issue and sell the refunding bonds at public or private sale and the reasons therefor.

c. The Joint Appropriations Committee's Subcommittee on Transfers shall have authority to approve or disapprove the sale of refunding bonds as included in each report submitted in accordance with subsection b. of this section. The subcommittee shall notify the issuing officials in writing of the approval or disapproval as expeditiously as possible.

d. No refunding bonds shall be issued unless the report has been submitted to and approved by the Joint Appropriations Committee's Subcommittee on Transfers as set forth in subsection b. of this section.

e. Within 30 days after the sale of the refunding bonds, the issuing officials shall notify the Subcommittee on Transfers of the result of that sale, including the prices and terms, conditions and regulations concerning the refunding bonds, the actual amount of debt service savings to be realized as a result of the sale of refunding bonds, and the intended use of the proceeds from the sale of those bonds pursuant to section 13 of this act.

f. The subcommittee shall, however, review all information and reports submitted in accordance with this section and may, on its own initiative, make observations and recommendations to the issuing officials, or to the Legislature, or both, as it deems appropriate.

22. This act shall take effect immediately.

Approved March 11, 1985.

CHAPTER 75

AN ACT to amend the "Boat Ownership Certificate Act," approved September 12, 1984 (P. L. 1984, c. 152).

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

1. Section 30 of P. L. 1984, c. 152, is amended to read as follows:
30. This act shall take effect January 15, 1986.
2. This act shall take effect immediately.

Approved March 11, 1985.

CHAPTER 76

AN ACT establishing the Alcoholic Beverage Control Enforcement Bureau in the Division of State Police in the Department of Law and Public Safety, supplementing chapter 1 of Title 53 of the Revised Statutes and amending N. J. S. 2C:39-6 and R. S. 33:1-4.

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

C. 53:1-11.3 Alcoholic Beverage Control Enforcement Bureau.

1. (New section) There is established in the Division of State Police in the Department of Law and Public Safety an Alcoholic Beverage Control Enforcement Bureau under the supervision of the Superintendent of State Police.

C. 53:1-11.4 Personnel.

2. (New section) The bureau shall consist of the following:

a. Inspectors appointed and trained by the superintendent. Inspectors shall not be subject to the provisions of Title 11 of the Revised Statutes and shall be removable by the superintendent at will for the first three years, but thereafter each inspector shall serve during good behavior and shall not be removed except for cause. Prior employment as an inspector in the Division of Alco-

holic Beverage Control in the Department of Law and Public Safety shall be included in determining tenure pursuant to this subsection.

b. Clerical and other employees appointed by the superintendent as he may deem necessary, who shall be subject to the provisions of Title 11 of the Revised Statutes.

C. 53:1-11.5 Powers of inspectors.

3. (New section) Inspectors within the bureau:

a. Shall have the authority to arrest without a warrant for violations of Title 33 of the Revised Statutes and any supplements thereto committed in their presence.

b. Shall have the powers and be subject to the obligations of constables and police officers in every county of this State in all criminal matters.

c. May serve or execute any process or writ in any criminal proceeding within the scope of their authority and make return thereof.

d. Shall have all of the powers previously conferred upon inspectors and investigators in the Division of Alcoholic Beverage Control pursuant to Title 33 of the Revised Statutes and any supplements thereto.

e. Shall have the authority to conduct any investigation ordered by the superintendent.

The authority conferred on the inspectors pursuant to this section shall not supersede but shall be in addition to the authority of local police departments in any municipality.

C. 53:1-11.6 Investigation on request.

4. (New section) The Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety may request the bureau to conduct an investigation relating to the enforcement of Title 33 of the Revised Statutes or any supplement thereto.

C. 53:1-11.7 Retention of rights.

5. (New section) Nothing in this act shall be construed to deprive a person of tenure rights or of a right or protection under the laws concerning civil service, pension or retirement.

C. 53:1-11.8 Agency transfer act applicable.

6. (New section) To the extent appropriate, all provisions of this act shall be carried out in accordance with the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq.).

C. 53:1-11.9 Rules, regulations.

7. (New section) The superintendent may promulgate rules and regulations pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), to effectuate the purposes of this act. Rules and regulations promulgated by the superintendent shall concern the inspectors and other employees of the Alcoholic Beverage Control Enforcement Bureau and the internal operating procedures of that bureau.

8. N. J. S. 2C:39-6 is amended to read as follows:

Exemptions.

2C:39-6. Exemptions. a. N. J. S. 2C:39-5 does not apply to:

(1) Members of the Armed Forces of the United States or of the National Guard while actually on duty, or while traveling between places of duty and carrying authorized weapons in the manner prescribed by the appropriate military authorities;

(2) Federal law enforcement officers, and any other federal officers and employees required to carry firearms in the performance of their official duties;

(3) Members of the State Police;

(4) A sheriff, undersheriff, sheriff's officer, county prosecutor, assistant prosecutor, prosecutor's detective or investigator, deputy attorney general or State investigator employed by the Division of Criminal Justice of the Department of Law and Public Safety, investigator employed by the State Commission of Investigation, inspector of the Alcoholic Beverage Control Enforcement Bureau of the Division of State Police in the Department of Law and Public Safety authorized to carry such weapons by the Superintendent of State Police, State park ranger, or State conservation officer;

(5) A prison or jail warden of any penal institution in this State or his deputies, or an employee of the Department of Corrections engaged in the interstate transportation of convicted offenders, while in the performance of his duties, and when required to possess the weapon by his superior officer, or a correction officer or keeper of a penal institution in this State at all times while in the State of New Jersey, provided he annually passes an examination approved by the superintendent testing his proficiency in the handling of firearms;

(6) A civilian employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located in this State

who is required, in the performance of his official duties, to carry firearms, and who is authorized to carry such firearms by said commanding officer, while in the actual performance of his official duties;

(7) A 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 N. J. S. 2C:39-5 do not apply to:

(1) A law enforcement officer employed by a governmental agency outside of the State of New Jersey while actually engaged in his official duties, provided, however, that he has first notified the superintendent or the chief law enforcement officer of the municipality or the prosecutor of the county in which he is engaged; or

(2) A licensed dealer in firearms and his registered employees during the course of their normal business while traveling to and from their place of business and other places for the purpose of demonstration, exhibition or delivery in connection with a sale, provided, however, that the weapon is carried in the manner specified in subsection g. of this section.

c. Subsections b. and c. of N. J. S. 2C:39-5 do not apply to:

(1) A special agent of the Division of Taxation who has passed an examination in an approved police training program testing proficiency in the handling of any firearm which he may be required to carry, while in the actual performance of his official duties and

while going to or from his place of duty, 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 the 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;

(8) An employee of a public utilities corporation actually engaged in the transportation of explosives; or

(9) A railway policeman, at all times while in the State of New Jersey, provided that he has passed an approved police academy training program consisting of at least 280 hours. The training program shall include, but need not be limited to, the handling of firearms, community relations, and juvenile relations.

d. (1) Subsections c. and d. of N. J. S. 2C:39-5 do not apply to antique firearms, provided that such antique firearms are unloaded or are being fired for the purposes of exhibition or demonstration at an authorized target range or in such other manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent.

(2) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S. 2C:39-5 do not apply to an antique cannon that is capable of being fired but that is unloaded and immobile, provided that the antique cannon is possessed by (a) a scholastic institution, a museum, a municipality, a county or the State, or (b) a person who obtained a firearms purchaser identification card as specified in N. J. S. 2C:58-3.

(3) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S. 2C:39-5 do not apply to an unloaded antique cannon that is being transported by one eligible to possess it, in compliance with regulations the superintendent may promulgate, between its permanent location and place of purchase or repair.

(4) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S. 2C:39-5 do not apply to antique cannons that are being loaded or fired by one eligible to possess an antique cannon, for purposes of exhibition or demonstration at an authorized target range or in the manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent, provided that performer has given at least 30 days' notice to the superintendent.

(5) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S. 2C:39-5 do not apply to the transportation of unloaded antique cannons directly to or from exhibitions or demonstrations authorized under paragraph (4) of subsection d. of this section, provided that the transportation is in compliance with safety regulations the superintendent may promulgate. Nor do those subsections apply to transportation directly to or from exhibitions or demonstrations authorized under the law of another jurisdiction, provided that the superintendent has been given 30 days' notice and that the transportation is in compliance with safety regulations the superintendent may promulgate.

e. Nothing in subsections b., c. and d. of N. J. S. 2C:39-5 shall be construed to prevent a person keeping or carrying about his place of business, residence, premises or other land owned or possessed by him, any firearm, or from carrying the same, in the manner specified in subsection g. of this section, from any place of purchase to his residence or place of business, between his dwelling and his place of business, between one place of business or residence and another when moving, or between his dwelling or place of business and place where such firearms are repaired, for

the purpose of repair. For the purposes of this section, a place of business shall be deemed to be a fixed location.

f. Nothing in subsections b., c. and d. of N. J. S. 2C:39-5 shall be construed to prevent:

(1) A member of any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from a place of target practice, carrying such firearms as are necessary for said target practice, provided that the club has filed a copy of its charter with the superintendent and annually submits a list of its members to the superintendent and provided further that the firearms are carried in the manner specified in subsection g. of this section;

(2) A person carrying a firearm or knife in the woods or fields or upon the waters of this State for the purpose of hunting, target practice or fishing, provided that the firearm or knife is legal and appropriate for hunting or fishing purposes in this State and he has in his possession a valid hunting license, or, with respect to freshwater fishing, a valid fishing license;

(3) A person transporting any firearm or knife while traveling:

(a) Directly to or from any place for the purpose of hunting or fishing, provided the person has in his possession a valid hunting or fishing license; or

(b) Directly to or from any target range, or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of the travel all firearms are carried in the manner specified in subsection g. of this section and the person has complied with all the provisions and requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgated thereunder; or

(c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle or pistol club, or any firearms collectors club, for the purpose of displaying the firearms to the public or to the members of the organization or club, provided, however, that not less than 30 days prior to the exhibition or display, notice of the exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with such reasonable safety regulations as the superintendent may promulgate. Any firearms transported pur-

suant to this section shall be transported in the manner specified in subsection g. of this section;

(4) A person from keeping or carrying about a private or commercial aircraft or any boat, or from transporting to or from such vessel for the purpose of installation or repair a visual distress signalling device approved by the United States Coast Guard.

g. All weapons being transported under paragraph (2) of subsection b., subsection e., or paragraph (1) or (3) of subsection f. of this section shall be carried unloaded and contained in a closed and fastened case, 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 N. J. S. 2C:39-5 shall be construed to prevent any employee of a public utility, as defined in R. S. 48:2-13, doing business in this State or any United States Postal Service employee, while in the actual performance of duties which specifically require regular and frequent visits to private premises, from possessing, carrying or using any device which projects, releases or emits any substance specified as being noninjurious to canines or other animals by the Commissioner of Health and which immobilizes only on a temporary basis and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the sole purpose of repelling canine or other animal attacks.

The device shall be used solely to repel only those canine or other animal attacks when the canines or other animals are not restrained in a fashion sufficient to allow the employee to properly perform his duties.

Any device used pursuant to this act shall be selected from a list of products, which consist of active and inert ingredients, permitted by the Commissioner of Health.

i. Nothing in subsection d. of N. J. S. 2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a felony, from possession for the purpose of personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession

of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than \$100.00.

9. R. S. 33:1-4 is amended to read as follows:

Appointment power of director.

33:1-4. The director is hereby empowered:

a. To maintain suitable headquarters for said division and such other offices and establishments within the State as he may determine necessary; to organize said division, creating such bureaus and altering them in such manner and at such times as he considers advisable.

b. To appoint and have at all times five deputy directors who shall each receive such salary as shall be approved by the director and the president of the Civil Service Commission, subject to availability of funds and who shall be removable by the director for cause, and who shall be respectively in charge of the bureaus assigned to them by the director. Each such deputy shall, before entering upon the duties of his office, if required by the director, give bond, to be approved by the director, in the sum of \$12,000.00. Deputy directors shall not be subject to the provisions of Title 11, Civil Service.

c. To appoint such clerical force and employees as he may deem necessary and to fix their duties, all of whom shall be subject to the provisions of Title 11, Civil Service.

d. To appoint such investigators and executive assistants as he may deem necessary and to fix their duties and compensation. Investigators and executive assistants shall (1) not be subject to the provisions of Title 11, Civil Service, and (2) shall be removable by the director at will; provided, however, that any person who has been employed as such investigator or executive assistant for a period of three years shall serve during good behavior and shall not be removed except for cause. The director, deputies, executive assistants and investigators shall have authority to investigate, and to arrest, without warrant, for violations of this chapter committed in their presence, and shall have all the authority and powers of peace officers to enforce this chapter.

e. To appoint for short-time employment or for the purpose of performing specified expert or specialist service such experts and specialists as from time to time he shall deem necessary to carry out the provisions of this chapter, and to determine the specified

duty, salary or fee and term of service. Such experts or specialists shall not be subject to the provisions of Title 11, Civil Service.

f. To appoint such counsel and other legal assistants as he shall deem necessary to carry out the provisions of this chapter and to fix their powers, duties, salaries and terms of office. Such counsel and assistants shall not be subject to the provisions of Title 11, Civil Service.

10. This act shall take effect immediately.

Approved March 14, 1985.

CHAPTER 77

AN ACT making an appropriation from the Higher Education Assistance Fund for the purpose of providing scholarships for New Jersey high school students.

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

1. There is appropriated from reserve monies maintained in the Higher Education Assistance Fund, as designated by the New Jersey Higher Education Assistance Authority, the sum of \$1,400,000.00 to provide merit-based scholarship awards to secondary school students under the Distinguished Scholars program of the Garden State Scholarship program, as provided in section 2 of P. L. 1984, c. 94 (C. 18A:71-26.12).

2. This act shall take effect immediately.

Approved March 14, 1985.

CHAPTER 78

AN ACT concerning property insurance and amending P. L. 1983, c. 348.

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

1. Section 1 of P. L. 1983, c. 348 (C. 17:10-14.1a) is amended to read as follows:

C. 17:10-14.1a Insurance optional.

1. A licensee under chapter 10 of Title 17 of the Revised Statutes may make available insurance covering direct or indirect damage or loss, by fire or other perils, including those of extended coverage, to the property of the borrower all or part of which is security for the loan. The insurance shall be for an amount and term not to exceed the amount and term of the loan.

The licensee shall provide the borrower with the following written statement, to be printed in at least 10-point bold type:

NOTICE TO THE BORROWER

YOU ARE NOT REQUIRED TO PURCHASE PROPERTY INSURANCE AS A CONDITION OF RECEIVING THE LOAN.

IF YOU DESIRE PROPERTY INSURANCE YOU MAY SECURE INSURANCE FROM A COMPANY OR AGENT OF YOUR OWN CHOOSING.

2. This act shall take effect immediately.

Approved March 14, 1985.

CHAPTER 79

AN ACT concerning county and municipal expenditures for certain purposes.

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

C. 40:5-2.10c Contributions to hospitals.

1. The governing body of a county or municipality may make voluntary contributions to a public or private nonprofit hospital for any health related service contributing to the health, education, welfare, or safety of the community.

2. This act shall take effect immediately.

Approved March 14, 1985.

CHAPTER 80

AN ACT concerning sureties, and supplementing chapter 31 of Title 17 of the Revised Statutes.

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

C. 17:31-9 Surety discrimination ban.

1. No surety authorized to do business in this State shall discriminate against minority or women's businesses with respect to the providing of coverage, and shall provide coverage for these businesses on the same basis and to the same extent as for any other like businesses.

2. This act shall take effect immediately.

Approved March 14, 1985.

CHAPTER 81

AN ACT authorizing and regulating certain consumer credit transactions.

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

C. 17:3B-4 Short title.

1. This act shall be known and may be cited as the "Market Rate Consumer Loan Act."

C. 17:3B-5 Definitions.

2. Definitions. As used in this act:

a. "Borrower" means a natural person or persons obtaining credit for personal, family or household purposes.

b. "Closed end credit" means the extension of credit by a lender to a borrower pursuant to a note or loan agreement which contains a term of payment and which is not a revolving credit plan.

c. "Credit device" means any card, check, identification code, or other means of identification contemplated by the agreement governing a revolving credit plan.

d. "Lender" means a banking institution as defined in section 1 of P. L. 1948, c. 67 (C. 17:9A-1), a federally chartered savings bank, and an association as defined in section 5 of P. L. 1963, c. 144 (C. 17:12B-5).

e. "Loan" means an advance or extension of credit to a borrower.

f. "Note" or "loan agreement" means a promissory note, bond or other written evidence of the extension by the lender of credit to a borrower.

g. "Outstanding unpaid indebtedness" means, on any day, the amount not in excess of the total amount of purchases and loans charged to the borrower's account under the plan, which is outstanding and unpaid at the end of such day, after adding the aggregate amount of any new purchases and loans charged to the account as of that day and deducting the aggregate amount of any payments and credits applied to that indebtedness as of that day.

h. "Purchases" means an agreement to make payment for property of whatever nature, real or personal, tangible or intangible, and an agreement to make payment for services, licenses, taxes, official fees, fines, private or governmental obligations, or any other thing of value.

i. "Revolving credit plan" or "plan" means a plan contemplating the extension of credit under an account governed by an agreement between a lender and a borrower pursuant to which:

(1) The lender permits the borrower and, if the agreement governing the plan so provides, persons acting on behalf of or with authorization from the borrower, from time to time to make purchases or to obtain loans by use of a credit device;

(2) The amounts of the purchases and loans are charged to the borrower's account under the revolving credit plan;

(3) The borrower is required to pay the lender the amounts of all purchases and loans charged to the borrower's account under the plan but has the privilege of paying those amounts outstanding from time to time in full or in installments; and

(4) Interest may be charged and collected by the lender from time to time on the outstanding unpaid indebtedness under that plan, except that interest shall be calculated on a simple interest basis.

j. "Periodic percentage rate" means a rate of interest on a revolving credit plan or under a closed end credit agreement for a daily, weekly, monthly, annual or other period.

C. 17:3B-6 Extension of credit under revolving credit plan.

3. Extension of credit under revolving credit plan. Any lender offering and extending credit under a revolving credit plan to a borrower may charge and collect interest and charges and may take security as collateral in connection therewith as hereinafter provided. Credit may be extended under a revolving credit plan by a lender's acquisition of obligations arising out of the honoring by a merchant, a lender, whether chartered or organized under the laws of this or any other state, the District of Columbia, the United States or any district, territory or possession of the United States, or any foreign country, or a government or governmental subdivision or agency of a credit device made available to a borrower under a plan, whether directly or indirectly by means of telephone, point of sale terminal, automated teller machine or other electronic or similar device or through the mails.

C. 17:3B-7 Interest.

4. Interest. Notwithstanding the provisions of R. S. 31:1-1, a lender may, subject to the criminal usury provisions of N. J. S. 2C:21-19, charge and collect interest under a revolving credit plan on outstanding unpaid indebtedness in the borrower's account under the plan at daily, weekly, monthly, annual or other periodic percentage rates as the agreement governing the plan provides or as established in the manner provided in the agreement governing the plan. If the applicable periodic percentage rate under the agreement governing the plan is other than daily, interest may be calculated on an amount not in excess of the average of outstanding unpaid indebtedness for the applicable billing period, determined by dividing the total of the amounts of outstanding unpaid indebtedness for each day in the applicable billing period by the number of days in the billing period. If the applicable periodic percentage rate under the agreement governing the plan is monthly, a billing period shall be deemed to be a month or monthly if the last day of each billing period is on the same day of each month or does not vary by more than four days therefrom.

Nothing in this section shall be construed to authorize the charging of interest on the amount of any accrued interest remaining unpaid on the account.

C. 17:3B-8 Periodic percentage rates.

5. Periodic percentage rates. If the agreement governing the revolving credit plan so provides, the periodic percentage rates of interest under the plan may increase or decrease in correspondence

with the movement of the market interest rate index specified in the revolving credit plan agreement, which index shall be readily verifiable by the borrower and beyond the control of the lender. Periodic percentage rate increases, based on a rise in the interest rate index, may be made at the option of the lender. Periodic percentage rate decreases shall be made whenever there is a decrease in the interest rate index which results in an interest rate which is less than the interest rate then applicable to the note or loan, except that the revolving credit plan agreement may stipulate a percentage decrease in the interest rate index below which a corresponding decrease in the periodic percentage rate need not be made by the lender, provided that the index decrement shall be the same as the index increment used for interest rate increases. Interest rate increases may, and interest rate decreases shall, apply to all outstanding unpaid indebtedness under the plan on or after the effective date of the rate variation, as provided in the plan agreement.

C. 17:3B-9 Purchases and loans—differing terms.

6. Purchases and loans—differing terms. A lender may, if the agreement governing a revolving credit plan so provides, impose different terms, including, without limitation, the terms governing the periodic percentage rate or rates used to calculate interest, the method of computing the outstanding unpaid indebtedness to which the rates are applied, and the terms of the installment repayment schedule, with respect to indebtedness arising out of purchases or loans made under the plan.

C. 17:3B-10 Overdraft accounts.

7. Overdraft accounts. If credit under a revolving credit plan is offered and extended in connection with a demand deposit account or other account maintained by the borrower with the lender pursuant to an agreement or arrangement whereby the lender agrees to honor checks, drafts or other debits to the account, which if paid would create or increase a negative balance in the account, by making extensions of credit to the borrower under the revolving credit plan, any charges customarily imposed by the lender, under the terms governing the demand deposit or other transaction account in the absence of any associated revolving credit plan, may continue to be imposed on the account without specific reference thereto or incorporation thereof by reference in the agreement governing the revolving credit plan, and the amount of the charge, to the extent the balance in the demand deposit or

other transaction account is insufficient to pay the charge, may be charged to the borrower's account under the plan as a loan thereunder and may be included in outstanding unpaid indebtedness in accordance with the terms of the agreement governing the revolving credit plan.

C. 17:3B-11 Omitted installments.

8. Omitted installments. A lender may at any time extend to a borrower under a revolving credit plan the option of omitting monthly installments.

C. 17:3B-12 Loans under a revolving credit plan.

9. Loans under a revolving credit plan. A lender may:

a. Take personal property as security on a loan made under a revolving credit plan;

b. Require that any property securing the loan be insured for the benefit of the lender against loss or damage of the security, and retain out of the proceeds of the loan the premium for the insurance;

c. Require that all taxes, assessments and other governmental charges against personal property securing the loan be paid when due and that the security be maintained free of all executions, levies, encumbrances, and other charges which may adversely affect the value of the lender's interest in the security.

C. 17:3B-13 Revolving credit plan prohibitions.

10. Revolving credit plan prohibitions. No revolving credit plan agreement shall contain:

a. An acceleration clause under which any part or all of the balance, not yet matured, may be declared immediately due and payable because the lender deems himself to be insecure, which provision shall be void and unenforceable;

b. A provision whereby the borrower waives any right of action or defense against the lender or other person acting on his behalf for any illegal act committed in the collection of the payments under the revolving credit plan, which provision shall be void and unenforceable;

c. A power of attorney to confess judgment or any other power of attorney, which provision shall be void and unenforceable; and

d. A requirement that the credit be secured by real property.

C. 17:3B-14 Collection costs.

11. Collection costs. Upon the filing of an action for the collection of an amount in default under the terms of the revolving

credit plan, the lender, in addition to the recovery of all court costs, reasonable attorney's fees and expenses of repossessing and storing goods where so authorized by law, may charge and collect from the borrower other reasonable collection costs incurred, not to exceed 20% of the first \$500.00 of the amount in default, 10% of the amount over \$500.00 up to \$2,000.00, and 5% of any amount in excess of \$2,000.00.

C. 17:3B-15 Changes in terms.

12. Changes in terms. a. A lender may, if the agreement governing a revolving credit plan so provides, at any time amend the terms of the agreement with respect to the periodic percentage rates used to calculate interest, the method of computing the outstanding unpaid indebtedness to which those rates are applied, and the terms of the installment repayment schedule, subject to the limitations of subsection b. of this section.

b. The lender shall notify each affected borrower of any amendment pursuant to subsection a. by mailing or delivering to the borrower, at least 30 days before the effective date of the amendment, a clear and conspicuous written notice which shall describe the amendment and the existing terms of the agreement affected by the amendment and shall also set forth the effective date of the amendment and the pertinent information contemplated by the following provisions of this section. If the amendment has the effect of increasing the interest or other charges to be paid by the borrower by changing the method of calculating interest or the index used to calculate the interest, the amendment shall become effective only if the borrower uses the plan after a date specified in the notice which is at least 30 days after the giving of the notice, but which need not be the date the amendment becomes effective, by making a purchase or obtaining a loan, or if the borrower indicates to the lender in writing the borrower's express agreement to the amendment, and the amendment may become effective as to a particular borrower as of the first day of the billing period during which the borrower so used the borrower's account or so indicated agreement to the amendment. Any borrower who fails to use the borrower's account or so to indicate agreement to an amendment shall be permitted to pay the outstanding unpaid indebtedness in the borrower's account under the plan in accordance with the terms of the agreement governing the plan without giving effect to the amendment.

For purposes of this section a variation in periodic percentage rates of interest in accordance with the terms of the index estab-

lished in the revolving credit plan agreement and notice provided pursuant to section 25 shall not be considered to be an amendment.

C. 17:3B-16 Extension of closed end credit.

13. Extension of closed end credit. A lender may, subject to the provisions of this act, offer and extend closed end credit in amounts, at rates of interest, and for a term of payment, and may take security, including personal property or real property, as collateral for the loan made in connection therewith, as may be agreed to by the lender and borrower, and as set forth in the note or loan agreement.

C. 17:3B-17 Interest.

14. Interest. Notwithstanding the provisions of R. S. 31:1-1, a lender extending closed end credit may, subject to the criminal usury provisions of N. J. S. 2C:21-19, charge and collect interest with respect to a note or loan at daily, weekly, monthly, annual or other periodic percentage rates established in accordance with the terms of the loan agreement, except that the interest shall be calculated on a simple interest basis. In no instance shall the pre-computed interest method be used. Nothing in this section shall be construed to authorize the charging of interest on any accrued interest remaining unpaid on the account.

For purposes of this section, a year may be, but need not be, a calendar year and shall be a period of 365 days. "Precomputed interest" means an amount equal to the whole amount of interest payable on a loan for the period from the making of the loan to the date scheduled by the terms of the loan for the repayment of the loan in full.

C. 17:3B-18 Periodic percentage rates.

15. Periodic percentage rates. The periodic percentage rates of interest charged and collected with respect to a loan under a closed end credit agreement may, subject to any limitations set forth in the loan agreement, vary in accordance with the market interest rate index specified in the loan agreement, which index shall be readily verifiable by the borrower and beyond the control of the lender. Periodic percentage rate increases, based on a rise in the interest rate index, may be made at the option of the lender. Periodic percentage rate decreases shall be made whenever there is a decrease in the interest rate index which results in an interest rate which is less than the interest rate then applicable to the note or loan, except that the loan agreement may stipulate a percentage decrease below which a corresponding decrease in the

periodic percentage rate need not be made by the lender, provided the index decrement shall be the same as the index increment used for interest rate increases. Interest rate increases may, and interest rate decreases shall, apply to any outstanding and unpaid loan balances on or after the effective date of the rate variation. Upon an increase in the rate of interest, the term of the note shall be extended as necessary to provide for payment of the balance due without any increase in the amount of each of the borrower's periodic payments, except that the periodic payments may be increased, if either a. the borrower, at his option within 20 days of the date of the notice provided by the lender pursuant to section 25, specifically requests the lender, in writing, to increase each periodic payment or the final payment, rather than extend the term, or b. if the periodic payment amounts would not be sufficient to reduce the principal amount due, the lender, after notifying the borrower of that fact pursuant to section 25, may require that the periodic payments be increased, or that there be a combination of an extended term and increased periodic payments.

C. 17:3B-19 Additional charges.

16. Additional charges. If the loan agreement so provides, a lender may, on a secured loan, charge and collect the actual costs of filing or recording the instrument of security, or notice or abstract thereof, if the filing or recording is authorized by law.

C. 17:3B-20 Deferred installments.

17. Deferred installments. A lender under a closed end credit agreement may, at any time, permit a borrower to defer installment payments on a loan and may, in connection with the deferral, charge and collect deferral charges in accordance with the loan agreement.

C. 17:3B-21 Insurance.

18. Insurance. A lender under a closed end credit agreement may:

a. Subject to the terms of the loan agreement, require any property securing the loan to be insured for the benefit of the lender against loss or damage of the security;

b. Offer credit life insurance or credit accident and health insurance, or both, on the borrower in accordance with the provisions of chapter 29 of Title 17B of the New Jersey Statutes.

A lender may deduct and retain from the proceeds of the loan the amount of the premium for any insurance provided by the lender to the borrower pursuant to this section.

C. 17:3B-22 Prepayment in a closed end credit arrangement.

19. Prepayment in a closed end credit arrangement.

a. An individual borrower may prepay a loan in full at any time without payment of any prepayment charge.

b. If a borrower wishes to prepay a loan, a lender shall not use the "rule of 78's" to calculate the amount of interest owed by the borrower. The lender shall use a simple interest basis to calculate the amount of interest owed by the borrower.

C. 17:3B-23 Closed end loan prohibitions.

20. Closed end loan prohibitions. No closed end loan agreement shall contain:

a. An acceleration clause under which any part or all of the balance, not yet matured, may be declared immediately due and payable because the lender deems himself to be insecure, which provision shall be void and unenforceable;

b. A provision whereby the borrower waives any right of action or defense against the lender or other person acting on his behalf for any illegal act committed in the collection of the payments under the agreement, which provision shall be void and unenforceable; and

c. A power of attorney to confess judgment or any other power of attorney, which provision shall be void and unenforceable.

C. 17:3B-24 Collection costs in a closed end credit arrangement.

21. Collection costs in a closed end credit arrangement. Upon the filing of an action for the collection of an amount in default under the terms of the loan agreement, the lender, in addition to the recovery of all court costs, reasonable attorney's fees and expenses of repossession and storing goods where so authorized by law, may charge and collect from the borrower other reasonable collection costs incurred, not to exceed 20% of the first \$500.00 of the unpaid balance of the loan, 10% of the amount over \$500.00 up to \$2,000.00, and 5% of any amount in excess of \$2,000.00.

C. 17:3B-25 Applicable federal law.

22. Applicable federal law. Revolving credit plans or closed end credit agreements shall be subject to the federal truth in lending provisions of the "Consumer Credit Protection Act," Pub. L. 90-321 (15 U. S. C. § 1601 et seq.) or other applicable provisions of federal law.

C. 17:3B-26 Administrative regulations.

23. Administrative regulations. The Commissioner of Banking may promulgate regulations to implement the provisions of this act.

C. 17:3B-27 Nonexclusivity.

24. Nonexclusivity. The provisions of this act are not exclusive and the lender may at its option elect to extend credit either pursuant to this act or as otherwise permitted by applicable law. The provisions of this act shall apply to all transactions made pursuant to this act, notwithstanding any limitation on interest rate, charges, costs, fees, term of loan or collateral in any other loan or credit laws of this State.

C. 17:3B-28 Notice to borrower.

25. A lender shall notify a borrower by mail of any variations in the periodic percentage rate of interest pursuant to section 5 or section 15 and of any change in the amount of periodic payment or term or both, resulting from a variation in the periodic percentage rate of interest pursuant to section 15. Any variation or change shall not take effect until at least 30 days and not more than 60 days after the date of the notice to the borrower. The notice may be provided to the borrower in a periodic bill or statement. If there is an increase in the periodic payment as provided for in subsection b. of section 15, the lender shall so notify the borrower. The notice period shall be uniform for both increases and decreases in the periodic percentage rate of interest or change in the amount of periodic payment or term or both.

26. This act shall take effect immediately.

Approved March 14, 1985.

CHAPTER 82

AN ACT concerning the amounts of money required to be expended by municipalities for the support of free public libraries, amending P. L. 1976, c. 68 and R. S. 40:54-8.

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

1. Section 3 of P. L. 1976, c. 68 (C. 40A:4-45.3) is amended to read as follows:

C. 40A:4-45.3 Budget "cap"; exceptions.

3. In the preparation of its budget a municipality shall limit any increase in said budget to 5% or the index rate, whichever is less, over the previous year's final appropriations subject to the following exceptions:

a. The amount of revenue generated by the increase in its valuations, based solely on applying the preceding year's general tax rate of the municipality to the assessed value of new construction or improvements;

b. Capital expenditures, including appropriations for current capital expenditures, whether in the capital improvement fund or as a component of a line item elsewhere in the budget, provided that any such current capital expenditure would be otherwise bondable under the requirements of N. J. S. 40A:2-21 and 40A:2-22;

c. An increase based upon: (1) emergency temporary appropriations made pursuant to N. J. S. 40A:4-20 to meet an urgent situation or event which immediately endangers the health, safety or property of the residents of the municipality, and over which the governing body had no control and for which it could not plan; (2) emergency appropriations made pursuant to N. J. S. 40A:4-46 and special emergency appropriations made pursuant to N. J. S. 40A:4-53; or (3) special emergency appropriations made pursuant to N. J. S. 40A:4-54, section 1 of P. L. 1961, c. 22 (C. 40A:4-55.1) or section 1 of P. L. 1968, c. 194 (C. 40A:4-55.13). Emergency temporary appropriations, special emergency appropriations and emergency appropriations under (1) and (2) above shall be approved by at least two-thirds of the governing body and by the Director of the Division of Local Government Services, and shall not exceed in the aggregate 3% of the previous year's final current operating appropriations. Special emergency appropriations under (3) above shall be approved by at least two-thirds of the governing body, and shall not exceed in the aggregate 3% of the previous year's final current operating appropriations. Neither procedure shall apply to appropriations adopted for a purpose referred to in subsection d. or j. below;

d. All debt service, including that of a Type I school district;

e. Amounts required for funding a preceding year's deficit;

f. Amounts reserved for uncollected taxes;

g. Expenditures mandated after the effective date of this act pursuant to State or federal law;

h. Expenditure of amounts derived from new or increased service fees imposed by ordinance, or derived from the sale of municipal assets;

i. When approved by referendum;

j. Amounts required to be paid pursuant to any contract with respect to use, service or provision of any project, facility or public improvement for water, sewer, solid waste, parking, senior citizen housing or any similar purpose, or payments on account of debt service therefor, between a municipality and any other municipality, county, school or other district, agency, authority, commission, instrumentality, public corporation, body corporate and politic or political subdivision of this State. With respect to the amounts required to be paid for senior citizen housing in the above cited political subdivisions or bodies, the exceptions shall be subject to the review and approval of the Local Finance Board;

k. Amounts required to be paid by any constituent municipality of the Hackensack Meadowlands District established pursuant to article 2 of the "Hackensack Meadowlands Reclamation and Development Act" (P. L. 1968, c. 404; C. 13:17-4), to the inter-municipal account established pursuant to article 9 of said act (C. 13:17-60 through 13:17-76);

l. Programs funded wholly or in part by federal or State funds and amounts received or to be received from federal, State or other funds in reimbursement for local expenditures;

m. Amounts appropriated to fund any increase in public utility, fuel oil, gasoline or heating oil charges which exceeds by more than 10% the amount produced by subtracting from the amount appropriated in the previous year for these purposes that amount which was excepted pursuant to this subsection in that previous year;

n. Increased revenue from payments in lieu of taxes on any property owned by a tax-exempt public entity, to the extent that the payment received for any single property exceeds the amount of real property taxes received on that property in the year immediately prior to acquisition by the public entity, or, in the case of State property subject to P. L. 1977, c. 272 (C. 54:4-2.2a et seq.), to the extent that the total State payment exceeds the amount of the payment received in the 1982 budget year;

o. Any decrease in amounts received pursuant to any federal general purposes aid program from the amounts received in local budget year 1982, after deducting from the decrease any amount of

new or increased federal or State general purposes aid explicitly provided for the purpose of replacing the decrease in federal aid;

p. Amounts expended for the conduct of a special election required by law to be held at a time other than the time of the general election or the time of a regular municipal election;

q. Expenditures of amounts to fund the purchase of vehicles used by the municipal police department and all equipment installed in or on the vehicles; or

r. Amounts expended to fund a free public library established pursuant to the provisions of R. S. 40:54-1 through 40:54-29, inclusive.

2. R. S. 40:54-8 is amended to read as follows:

Library tax.

40:54-8. The governing body or appropriate board of every municipality governed by this article shall annually appropriate and raise by taxation a sum equal to one-third of a mill on every dollar of assessable property within such municipality, provided, however, that no municipality which has implemented a revaluation of real property pursuant to Title 54 of the Revised Statutes after January 1, 1982 shall be required to exceed the amount it expended pursuant to this section in the year before that implementation by more than 10% annually for the first five years following the revaluation.

Such additional sum, as in the judgment of such body or board is necessary for the proper maintenance of a free public library, may be appropriated and raised by taxation annually.

3. This act shall take effect immediately.

Approved March 15, 1985.

CHAPTER 83

AN ACT concerning the reorganization of the State Athletic Commission, the establishment of the State Athletic Control Board, the regulation of boxing, wrestling, kick boxing, and the combative sports, and the revision and exemption of certain taxes on boxing, wrestling, kick boxing and combative sports events, and revising parts of the statutory law.

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

C. 5:2A-1 Definitions.

1. As used in this act:
 - a. "Attending physician" means a physician assigned to attend a boxing exhibition or performance pursuant to this act.
 - b. "Board" means the State Athletic Control Board established pursuant to section 3 of this act.
 - c. "Commissioner" means the commissioner appointed pursuant to section 5 of this act.
 - d. "Contest" means an engagement in which the participants strive in good faith to win.
 - e. "Council" means the State Athletic Control Board Medical Advisory Council established pursuant to section 8 of this act.
 - f. "Event" means any occurrence in which a boxer, wrestler, kick boxer or combative sports practitioner displays or exhibits his skills, performs or fights.
 - g. "Exhibition" means an engagement in which the participants show or display their skills without necessarily striving to win.
 - h. "Kick boxing or Thai boxing" means any professional sport where the use of hands or feet or other striking techniques are utilized to disable or cause injury to an opponent in a contest, exhibition, or performance.
 - i. "Combative sport" means any professional sport where participants intend to and actually inflict kicks, punches, blows, and other techniques to injure or disable an opponent in a contest, exhibition, or performance.
 - j. "Martial arts" means any discipline where the participants utilize kicks, punches, blows, and other techniques where the intent is not to injure or disable an opponent in a contest, exhibition, or performance.
 - k. "Physician" means an individual licensed to practice medicine and surgery in this State.
 - l. "Promoter" means any person, club, corporation or association, and in the case of a corporate promoter includes any officer, director, employee or stockholder thereof, who produces, arranges or stages any professional boxing, wrestling, kick boxing, or combative sports exhibition, event, performance or contest.

C. 5:2A-2 Findings, declarations.

2. The Legislature finds and declares to be the public policy of this State that it is in the best interest of the public and of boxing,

wrestling, kick boxing and combative sports that boxing, wrestling, kick boxing and combative sports exhibitions, events, performances and contests should be subject to an effective and efficient system of strict control and regulation in order to:

- a. Protect the safety and well-being of participants in boxing, wrestling, kick boxing and combative sports exhibitions, events, performances and contests; and
- b. Promote the public confidence and trust in the regulatory process and the conduct of boxing, wrestling, kick boxing and combative sports exhibitions, events, performances and contests.

To further such public confidence and trust, the regulatory provisions of this act are designed to extend strict State regulation to all persons, practices and associations related to the operation of any boxing, wrestling, kick boxing or combative sports exhibition, event, performance or contest held in this State.

C. 5:2A-3 State Athletic Control Board.

3. a. There is created and established within the Department of Law and Public Safety a State Athletic Control Board. The board shall consist of three public members appointed by the Governor with the advice and consent of the Senate for terms of three years, except that of the three members first appointed, one shall be appointed for a term of one year, one for a term of two years and one for a term of three years. One of the members shall be designated by the Governor as chairman of the board at the time of the member's appointment, and shall serve as chairman during the member's entire term of office and until a successor is duly appointed and qualified. The initial chairman shall be the member appointed to a term of three years. No more than two of the members shall be of the same political party. Members shall serve until their successors are appointed and have been qualified. The terms of their successors shall be calculated from the expiration of the incumbents' terms. Any vacancy in the membership of the board other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

b. Each member of the board may be removed from office by the Governor for cause. Each member of the board before entering upon his duties shall take and subscribe an oath to perform the duties of his office faithfully, impartially and justly to the best of the member's ability. A record of these oaths shall be filed in the offices of the Secretary of State and the Attorney General.

c. The members of the board shall receive an annual salary of \$10,000.00 and shall be reimbursed for actual expenses incurred in the performance of their responsibilities. The members of the board shall not be eligible for membership in any State-administered retirement system.

d. The powers of the board shall be vested in the members thereof in office from time to time, and two members of the board shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the board at any meeting thereof by the affirmative vote of at least two members of the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all powers and perform all duties of the board.

C. 5:2A-4 Sole authority.

4. The State Athletic Control Board shall have and exercise sole discretion, management, control and supervision over all public boxing, wrestling, kick boxing and combative sports exhibitions, events, performances and contests. The board shall promulgate such rules and regulations as may be necessary and appropriate to carry out the purposes of this act and for the proper discharge of its responsibilities hereunder and may prescribe and enforce penalties for the violation thereof.

C. 5:2A-5 Commissioner; other personnel.

5. a. The board shall appoint a commissioner, who shall be the chief executive officer of the board and assist the board and be responsible for the proper implementation of board directives and policies and for the discharge of such duties and responsibilities as may be imposed by the board or this act. The commissioner shall receive such salary as the board may determine. The commissioner shall not be subject to the provisions of Title 11, Civil Service.

b. The board shall, with the advice of the commissioner, appoint such deputy commissioners, a chief inspector and such inspectors, judges, referees and physicians as it deems necessary to carry out the purposes of this act, who shall receive such salary or compensation as the board may determine and who shall not be subject to the provisions of Title 11, Civil Service. Persons appointed by the board pursuant to this subsection shall hereinafter sometimes be referred to collectively as "agents."

c. The board may employ such other personnel as it deems necessary. All employees, except for those mentioned in subsections

a. and b. of this section, shall be in the classified service of the Civil Service.

d. The board is authorized to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation for use in considering applicants for employment.

C. 5:2A-6 Restrictions on board members, employees, agents.

6. a. No board member or employee shall be permitted to accept complimentaries or gratuities in any form from any licensee or applicant for licensure under this act or from any person or entity which is either licensed pursuant to the "Casino Control Act," P. L. 1977, c. 110 (C. 5:12-1 et seq.) or is an applicant for licensure pursuant to the "Casino Control Act," P. L. 1977, c. 110 (C. 5:12-1 et seq.), except as provided by regulations promulgated by the board. Those regulations may authorize the furnishing of lodging, meals and parking for board employees assigned to a particular exhibition, event, performance or contest.

b. No board member or full-time employee shall be permitted to gamble in any establishment licensed pursuant to the "Casino Control Act," P. L. 1977, c. 110 (C. 5:12-1 et seq.).

c. No board member, employee or agent shall act in his official capacity in any matter wherein he or his spouse, child, parent or sibling has a direct or indirect financial interest that might reasonably be expected to impair his objectivity or independence of judgment.

d. No board member, employee or agent shall act in his official capacity in a matter concerning an applicant for licensure or a licensee who is the employer of a spouse, child, parent or sibling of the board employee or agent when the fact of the employment of the spouse, child, parent or sibling might reasonably be expected to impair the objectivity and independence of judgment of the board member, employee or agent.

e. No board member, employee or agent shall have any interest, direct or indirect, in any applicant for licensure or in any licensee during his term of office or employment.

C. 5:2A-7 Responsibilities of board.

7. The board shall have general responsibility for the implementation of this act, as hereinafter provided, including without limitation, the responsibility:

a. To issue licenses and to decide causes affecting the granting, suspension, revocation or renewal thereof;

b. To conduct hearings or direct that hearings be conducted pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) pertaining to civil violations of this act or regulations promulgated thereunder;

c. To promulgate rules and regulations;

d. To establish, prescribe and charge fees for licenses and permits;

e. To collect all license fees and taxes imposed by this act and the regulations promulgated thereunder;

f. To levy and collect penalties for violations of provisions of this act and the regulations promulgated thereunder; and

g. To ensure that all public boxing, wrestling, kick boxing and combative sports exhibitions, events, performances and contests are conducted in accordance with the provisions of this act and regulations promulgated pursuant to this act.

C. 5:2A-8 Medical advisory council.

8. a. A State Athletic Control Board Medical Advisory Council is created to assist the board. It shall consist of seven members to be appointed by the Governor. Of the members first appointed by the Governor, three shall be appointed for terms of one year, three for terms of two years, and one member for a term of three years, from the effective date of this section. The Governor shall designate one member as chairman of the council. The term of a member thereafter appointed, except to fill a vacancy, shall be three years from the expiration of the term of his predecessor. Upon the appointment of a successor to the chairman of the council, the Governor shall designate the successor or other member of the council as chairman. A vacancy occurring otherwise than by expiration of term shall be filled by appointment by the Governor for the remainder only of the term. Each member of the council shall be duly licensed to practice dentistry, medicine or osteopathy in the State of New Jersey and, at the time of appointment, shall have had at least five years' experience in the practice of his profession. Consideration shall be given to the appointment of members from the fields of dentistry, cardiology, neurology, ophthalmology and orthopedics. The members of the council shall receive such compensation and shall be reimbursed for actual expenses as may be established for professional boards and commissions pursuant to section 2 of P. L. 1977, c. 285 (C. 45:1-2.5). The members of the council shall not be eligible for membership in any State-administered retirement system.

b. The council shall recommend for board approval regulations, rules and standards for the physical and mental examination of all participants, including, without limitation, pre-fight and post-fight examinations and periodic comprehensive examinations. The council shall serve in an advisory capacity to the board and from time to time prepare and submit to the board for its approval, such additional regulations, rules and standards of examination as in its judgment will safeguard the physical welfare of all participants licensed by the board. The council shall recommend to the board from time to time such qualified physicians for the purposes of conducting physical examinations and other services as the rules of the board shall provide, and shall recommend to the board a schedule of fees to be paid to physicians for the examinations and other services required by this act.

c. The council shall develop appropriate medical education programs for all board personnel involved in the conduct of exhibitions, events, performances or contests, so that the personnel can recognize and act upon evidence of potential or actual adverse medical indications in a participant.

d. The council shall review the credentials and performance of each board physician on an annual basis as a condition of reappointment of each such physician, including the physician's comprehension of the medical literature referred to in subsection e. of this section.

e. The council shall recommend to the board a compilation of medical publications which shall be maintained by the board and be made available for review to all board personnel involved in the conduct of any exhibition, event, performance or contest.

f. The council shall also advise the board with respect to any study of equipment, procedures or personnel which will, in its opinion, promote the safety of participants.

C. 5:2A-9 Investigations.

9. a. The board may make or cause to be made such investigations as it shall deem proper in the administration of this act or the rules or regulations promulgated pursuant to the act, including but not limited to examination of the books, records, documents, papers or any financial records of any licensee or applicant for a license pursuant to this act.

b. Every licensee and every applicant for a license shall on demand exhibit to the board or to the commissioner all of the matters

and things which the board is authorized and empowered to investigate, inspect or examine and shall facilitate as far as may be in their power to do any such investigation, examination or inspection, and they shall not in any way hinder or delay or cause the hindrance or delay of same in any manner whatsoever.

c. For the purpose of any investigation, examination or inspection, or any other proceeding authorized under this act, the board or the commissioner may examine, under oath, any and all persons whatsoever and compel by subpoena the attendance of witnesses and the production of books, records, accounts, papers and documents of any person. The board may serve its process and notices in the manner provided for civil actions in accordance with the Rules of Court.

d. The fees of witnesses required to attend before the commissioner or other issuing authority shall be the same as those allowed to witnesses in the Superior Court.

e. If any person in any proceeding before the board refuses to take the oath or refuses to respond to a subpoena by failing to appear or testify or produce or file any books, records, accounts, papers or documents when ordered to do so by the board, the Attorney General may file in the Superior Court a petition for an order of such court:

(1) Compelling the person to respond in accordance with the subpoena issued to that person;

(2) Suspending the license of the person pending hearing and determination or until compliance with the subpoena; or

(3) Imposing any other relief or sanction for contempt that may be necessary in accordance with the New Jersey Court Rules.

C. 5:2A-10 Immunity.

10. a. The board may order any person to answer a question or questions or produce evidence of any kind and confer immunity as provided in this section. If, in the course of any investigation or hearing conducted by the board under this act, a person refuses to answer a question or questions or produce evidence of any kind on the ground that he will be exposed to criminal prosecution or penalty or to a forfeiture of his estate thereby, the board may order the person to answer the question or questions or produce the requested evidence and confer immunity as in this section provided. No order to answer or produce evidence with immunity shall be made except by unanimous vote and after the Attorney

General and the appropriate county prosecutor shall have been given at least seven days' written notice of the board's intention to issue the order and afforded an opportunity to be heard in respect to any objections they or either of them may have to the granting of immunity.

b. If, upon issuance of such an order, the person complies therewith, he shall be immune from having the responsive answer given by him or the responsive evidence produced by him, or evidence derived therefrom, used to expose him to criminal prosecution or penalty or to a forfeiture of his estate, except that the person may nevertheless be prosecuted for any perjury committed in the answer or in producing the evidence, or be prosecuted for willful refusal to give an answer or produce evidence in accordance with an order of the board or held in contempt for failing to give an answer or produce evidence in accordance with the order of the board; and any answer given or evidence produced shall be admissible against him upon any criminal investigation, proceeding or trial against him for that perjury, upon any investigation, proceeding or trial against him for contempt or willful refusal to give an answer or produce evidence in accordance with an order of the board.

c. If the board proceeds against any witness for contempt of court for refusal to answer, subsequent to a grant of immunity, the witness may be incarcerated at the discretion of the Superior Court; provided, however, that (1) no incarceration for civil contempt shall exceed a period of 18 months of actual incarceration exclusive of releases for whatever reason; (2) the board may seek the release of a witness for good cause on appropriate motion to the Superior Court; and (3) nothing contained herein shall be deemed to limit any of the vested constitutional rights of any witness before the board.

C. 5:2A-11 Penalties for violations.

11. Any person violating any provision of this act or regulation promulgated thereunder shall, in addition to any other sanction provided herein, be liable to a civil penalty of not less than \$250.00 and not more than \$25,000.00 for the first offense and not less than \$500.00 and not more than \$50,000.00 for the second and each subsequent offense. For the purpose of construing this section, each transaction or statutory violation shall constitute a separate offense, except that a second or subsequent offense shall not be deemed to exist unless an administrative or court order has been entered in a prior, separate and independent proceeding.

C. 5:2A-12 Docketing as judgment.

12. Upon the failure of any person to comply within 10 days after service of any board order directing payment of penalties or restoration of moneys, the Attorney General or the commissioner may, after an opportunity for a hearing has been provided pursuant to subsection b. of section 7 of this act, issue a certificate to the Clerk of the Superior Court that the person is indebted to the State for the payment of that penalty or the restoration of moneys. A copy of that certificate shall be served upon the person against whom the order was entered. Thereupon the clerk shall immediately enter upon his record of docketed judgments the name of the person so indebted and of the State, a designation of the statute under which the penalty is imposed, the amount of the penalty imposed, or the amount of moneys ordered restored, and the date of the certification. Such an entry shall have the same force and effect as the entry of a docketed judgment in the Superior Court, and the Attorney General shall have all rights and remedies of a judgment creditor in addition to exercising all other available remedies.

C. 5:2A-13 Injunction.

13. Whenever it shall appear to the board that a violation of this act or the regulations promulgated thereunder has occurred, is occurring or will occur, the Attorney General, in addition to any other proceeding authorized by law, may seek and obtain in a summary proceeding in the Superior Court an injunction prohibiting such an act or practice. In any such proceeding the court may assess a civil penalty in accordance with the provisions of this act and may enter such orders as may be necessary to prevent the performance of an unlawful practice in the future and to fully remedy any past unlawful activity.

C. 5:2A-14 Licensure.

14. a. No promoter shall hold or conduct any public boxing, wrestling, kick boxing or combative sports exhibition, event, performance or contest in the State of New Jersey without first having obtained a license from the board.

b. No person shall participate, either directly or indirectly, in any boxing, wrestling, kick boxing or combative sports exhibition, event, performance or contest, or be a holder thereof, unless the person shall have first obtained a license from the board.

The board shall license all promoters; boxers, wrestlers, kick boxers, combative sports contestants or performers, their man-

agers, scorers and trainers; booking agents; ring officials and other persons the board deems necessary.

c. All licenses shall be for a period of one year, unless revoked for cause, and shall be subject to the provisions of this act and to the rules and regulations adopted pursuant to this act. Before acting upon any application for a license, the board may examine, under oath, applicants or other witnesses. All applications shall be on a form prescribed by the board. The board shall, by regulation, establish fees for the issuance or renewal of all licenses.

C. 5:2A-15 Qualifications; passport books.

15. a. The board shall not grant a license to any person who does not possess good character, honesty, integrity and responsibility.

b. No license shall be granted or renewed if the applicant has been delinquent in paying a tax which has been assessed pursuant to section 20 of this act unless good cause is shown.

c. Each applicant for licensure pursuant to this act shall produce such information, documentation and assurances as may be required to establish by clear and convincing evidence the applicant's reputation for good character, honesty, integrity and responsibility.

d. The board may exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation for use in considering applicants for licensure.

e. The board shall adopt rules and regulations for the conduct of an extensive medical examination prior to licensure and the renewal of any license.

f. The board shall adopt rules and regulations providing for the issuance of a passport book to each licensed boxer, which shall contain a current photograph of the boxer; the address, telephone number, social security number or other number assigned by the board to the boxer and his manager; and an accurate history of all matches that the boxer has engaged in since becoming a professional, which history shall include information on the matches won and lost and the matches in which there was a technical knockout or a knockout. A boxer who shall fail to provide accurate information in the passport book in accordance with the rules and regulations of the board shall be denied a license or shall have his license suspended immediately, as the case may be.

C. 5:2A-16 Bond required.

16. Before any license is granted or renewed pursuant to subsection a. of section 14 of this act, the applicant shall execute and

file with the board a bond to the State of New Jersey in an amount, not less than \$10,000.00, to be fixed by the board, conditioned upon the faithful performance by the applicant of the provisions of this act and the payment of taxes herein imposed. The bond shall be in a form with sureties thereon satisfactory to the board. No license shall be renewed unless this bond has been renewed and filed with the board.

C. 5:2A-17 Disciplining of licensees.

17. a. The board may revoke any license, after hearing for cause. The board may discipline any licensee who shall violate any of the provisions of this act or the regulations made pursuant thereto. This discipline may take the form of revocation or suspension of a license held by the licensee for all or part of the unexpired portion thereof, and of a refusal to renew a license held by any such licensee.

b. The board may, upon its own motion, or upon the verified written complaint of any person charging a licensee with violating any provision of this act or the rules and regulations promulgated hereunder, suspend temporarily any license or permit until final determination by the board when such an action is necessary to protect the public welfare and the best interests of boxing, wrestling, kick boxing or combative sports.

A hearing shall be held within 30 days after the date on which any license or permit has been suspended temporarily unless extended for good cause.

c. The board may also, after affording an opportunity to be heard, take one or more of the following actions:

(1) Issue a reprimand or censure with regard to any act, conduct or practice which in the board's judgment upon consideration of all relevant facts and circumstances does not warrant the initiation of formal action;

(2) Assess civil penalties in accordance with this act;

(3) Order that any person violating any provision of this act or any regulation made pursuant thereto cease and desist from future violations thereof or take such affirmative corrective action as may be necessary with regard to any act or practice found unlawful by the board;

(4) Order any person found to have violated any provision of this act or any regulation made pursuant thereto to restore to any person aggrieved by an unlawful act or practice, any moneys or

property, real or personal, acquired by means of that act or practice, except that the board shall not order restoration in a dollar amount greater than those moneys received by a licensee or his agent or any other person violating this act or any regulation made pursuant thereto; and

(5) Order any person as a condition for continued, reinstated or renewed licensure to secure medical or such other professional treatment as may be necessary.

C. 5:2A-18 Permits.

18. a. No boxing, wrestling, kick boxing or combative sports exhibition, event, performance or contest shall be held by any promoter unless the promoter shall have, at least two weeks before the holding of the same, notified the board, in such form, with such detailed information and at such place as the board may prescribe, of the proposed holding of the same, and shall, in addition to having a license as provided by section 14 of this act, have obtained from the board a permit in writing to hold the same. No permit shall be granted to any promoter who has been delinquent in paying a tax which has been assessed pursuant to section 20 of this act unless good cause is shown.

b. The board shall be notified, at least one week in advance, in such form and with such detailed information as the board may prescribe, that a boxing, wrestling, kick boxing or combative sports exhibition, event, performance or contest is to be telecast, televised or broadcast in any manner, including but not limited to television, radio or any transmission via a cable television system, as defined in section 3 of P. L. 1972, c. 186 (C. 48:5A-3), or any transmission via microwave, closed circuit, satellite, fiber optic link or any other method of limited distribution.

c. No person shall charge or receive an admission fee for exhibiting within this State a telecast of any boxing, wrestling, kick boxing or combative sports exhibition, event, performance or contest which occurs or has occurred within this State without a permit issued by the board. Permits are required for simultaneous telecasts, closed-circuit telecasts, or any transmission of any kind, including but not limited to transmission via microwave, closed circuit, satellite or fiber optic link. As a condition of obtaining a permit, the board shall be furnished with all contracts and agreements pertaining to such transmissions.

d. The board shall be informed by the promoter when any boxing, wrestling, kick boxing or combative sports exhibition, event, per-

formance or contest will be exhibited in any manner either within or without the State. As a condition of obtaining a permit, the board shall be furnished with all contracts and agreements pertaining to such exhibitions viewed either within or without the State.

C. 5:2A-19 State Athletic Control Board Account.

19. a. There is created and established a nonlapsing dedicated account to be known as the State Athletic Control Board Account. The account shall be credited with taxes, revenue and penalties collected pursuant to this act.

b. Amounts received, receivable or anticipated from the date of enactment shall be appropriated to fund the necessary expenses of the board in the performance of the functions, duties and powers of the board upon the certification of the board.

c. To the extent that moneys are available beyond those funds necessary to meet the costs of subsection b. of this section, the board shall determine at the close of each fiscal year an appropriate amount to be returned to the General Fund for general State purposes.

d. There shall be made available from the General Fund such additional amounts as may be required to carry out the provisions of this act.

C. 5:2A-20 Complimentary tickets; tax.

20. a. Every promoter shall, within seven days, exclusive of Saturdays, Sundays and legal holidays, after the conclusion of an exhibition, event, performance or contest, furnish to the board at such place as it may prescribe, a duly verified written report of the exact amount of tickets either sold or issued as complimentary tickets for the exhibition, event, performance or contest, the gross proceeds thereof and such other matters as the board may prescribe.

b. The board shall determine and fix the number of complimentary tickets for each exhibition, event, performance or contest. All complimentary tickets shall include upon the face of the ticket the price of the ticket and shall be printed or otherwise labelled as a complimentary ticket. The price shall be deemed to be the value of each ticket of the same kind for which the ticket normally would be offered for sale if it was not issued as a complimentary ticket. It shall be a crime of the fourth degree to sell, offer to sell or receive with the intent to sell a ticket which was originally issued as a complimentary ticket.

c. Every promoter who holds any boxing, wrestling, kick boxing or combative sports exhibition, event, performance or contest shall, within seven days, exclusive of Saturdays, Sundays and legal holidays, after the conclusion thereof, pay to the board a tax;

(1) On the total gross receipts from the sale of tickets and on the face value of all tickets issued as complimentary tickets as follows: 3% of the first \$25,000.00 derived from those tickets; 4% of the next \$50,000.00 derived from those tickets; 5% of the next \$125,000.00 derived from those tickets; and 6% of any amount derived from those tickets exceeding \$200,000.00, except that in no event shall any tax assessed under the provisions of this subsection exceed \$100,000.00 for each exhibition, event, performance or contest;

(2) On any moneys received by reason of the lease or sale of television, including cable television and closed circuit television, moving picture or radio rights in connection with any such exhibition or performance a tax of 5% of the first \$50,000.00 derived from the lease or sale of television, moving picture or radio rights; 3% of the next \$100,000.00 derived from the lease or sale of those rights; 2% of the next \$100,000.00 derived from the lease or sale of those rights; and 1% of any amount in excess of \$250,000.00 derived from the lease or sale of those rights, except that in no event shall any tax assessed under the provisions of this subsection exceed \$100,000.00 for each exhibition, event, performance or contest.

For the purposes of this subsection, the total gross receipts from the sale of tickets or from the lease or sale of television, moving picture or radio rights shall not be subject to any reduction or allowance of any kind whatsoever.

d. The total amount of gross receipts from any such exhibition or performance, including those derived from the sale or lease of television, moving picture and radio rights, and the total amount of tax due hereunder shall be provided to the board for review and determination. For this purpose the board may examine, or cause to be examined, the books and records of any person and hold a hearing as provided herein.

e. Should any person being liable for the tax hereby imposed fail to pay the same, an action in the name of the board may be maintained in any court of competent jurisdiction, to be prosecuted by the Attorney General, in addition to any remedies given by the

bond filed in accordance with section 16 of this act, which actions and remedies may be pursued simultaneously or in any order which the Attorney General may see fit.

C. 5:2A-21 Approval of printers.

21. Tickets for all exhibitions, events, performances or contests authorized by the board shall be obtained from a printer approved by the board. For the purpose of this act and for the prevention of fraud, the board shall prescribe rules and regulations governing the approval of printers and the issuance of tickets. Tickets shall be printed and made in such form as the board shall prescribe.

C. 5:2A-22 Casino licensee involvement.

22. a. The Attorney General is authorized to investigate and prosecute any allegation of criminal or civil violations pertaining to any boxing, wrestling, kick boxing or combative sports exhibition, event, performance or contest which is held at or sponsored by any person or entity licensed pursuant to the "Casino Control Act," P. L. 1977, c. 110 (C. 5:12-1 et seq.).

b. The identities of all recipients of complimentary tickets to any boxing, wrestling, kick boxing or combative sports exhibition, event, performance or contest which are distributed by the holder of a casino license, as defined in section 10 of P. L. 1977, c. 110 (C. 5:12-10), shall be included within the quarterly report on complimentary services required pursuant to subsection m. of section 102 of P. L. 1977, c. 110 (C. 5:12-102).

c. All contracts or agreements entered into by any person or entity licensed pursuant to the "Casino Control Act," P. L. 1977, c. 110 (C. 5:12-1 et seq.) and any promoter, sponsor or participant in any boxing, wrestling, kick boxing or combative sports exhibition, event, performance or contest shall be made available for inspection upon request by either the board or the Attorney General. All such exhibitions, events, performances and contests and all such contracts or agreements shall be governed as if the exhibition, event, performance or contest took place in a casino hotel complex. The Attorney General is also authorized to examine any contract or agreement relating to the televising of any boxing, wrestling, kick boxing or combative sports exhibition, which is supplied to the board pursuant to section 18 of this act.

d. Every exhibition, event, performance or contest in a casino hotel licensed pursuant to the "Casino Control Act," P. L. 1977, c. 110 (C. 5:12-1 et seq.) shall be subject to licensure in accordance with the "Casino Control Act," P. L. 1977, c. 110 (C. 5:12-1 et seq.).

C. 5:2A-23 \$1,000 penalty.

23. Any person violating any of the provisions of this act for which no specific penalty or other remedy is provided, or in any way aiding, abetting or assisting in such a violation, shall be liable to a penalty of \$1,000.00.

C. 5:2A-24 School exemption.

24. The provisions of this act shall not apply with respect to a boxing, wrestling, kick boxing or combative sports exhibition, event, performance or contest in which school pupils or instructors are the only participants, except that this exemption shall apply only to a performance or exhibition conducted under the direct supervision and control of the board of education of a school district, or the person in authority of a teachers' training school or other institution under the control of the Commissioner of Education and the State Board of Education, or the boards, bodies, or persons in authority of duly constituted private or parochial schools, colleges or universities, or schools for kick boxing, combative sports, or the martial arts.

C. 5:2A-25 Thumbless gloves.

25. The board shall adopt rules and regulations concerning the conduct of a study into the advisability of the use of thumbless gloves in boxing events and shall report its findings to the Governor and the Legislature within six months after the appointment of all the members.

C. 5:2A-26 Scoring in writing.

26. At the conclusion of each round in any boxing event, the judges shall provide their respective scoring of the round in writing to the commissioner or his designee.

C. 5:2A-27 Restrictions on promoters.

27. A person promoting a boxing event shall have no financial dealings, directly or indirectly, with a manager or a boxer who is engaged in an event promoted by the person, nor shall such a person promote a boxing event in which the manager or the boxer is a member of the immediate family of the promoter; unless the financial dealings or relationship is disclosed to the board prior to the time that the event is authorized by the board.

C. 5:2A-28 No cash payments.

28. No official or appointee of the board who receives compensation for the performance of duties at a boxing exhibition, event, performance or contest shall be paid in cash. Payment for those services shall be only by check issued by the board.

C. 5:2A-29 Inspection of training facilities.

29. The board shall make periodic inspections of training facilities in this State.

30. There is established the "New Jersey Commission to Study Benefits to be Provided to Professional Boxers." The commission shall consist of eight members:

a. Two members of the Senate from different political parties appointed by the President of the Senate;

b. Two members of the General Assembly from different political parties appointed by the Speaker of the General Assembly; and

c. Four public or governmental official members appointed by the Governor.

The commission shall provide its recommendations concerning, but not limited to, disability and pension benefits for professional boxers to the board no later than one year from the date of the appointment of its full membership. All members of the commission shall serve without compensation but may be reimbursed for reasonable expenses incurred during the performance of their duties on the commission.

31. If any clause, sentence, subparagraph, paragraph, subsection, section, article or other portion of this act or the application thereof to any person or circumstance shall be held to be invalid, such a holding shall not affect, impair or invalidate the remainder of this act or the application of the portion held invalid to any other person or circumstance, but shall be confined in its operation to the clause, sentence, subparagraph, paragraph, subsection, section, article or other portion thereof directly involved in the holding or to the person or circumstance therein involved.

C. 5:2A-30 Agency transfer act applicable.

32. The transfer directed by this act shall be made in accordance with the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq.).

C. 5:2A-31 Existing licenses.

33. Nothing in this act shall affect the validity of any license heretofore issued to any person by the State Athletic Commissioner, but all persons holding such licenses shall in all other respects be subject to the provisions of this act.

34. Section 2 of P. L. 1947, c. 71 (C. 40:48-8.16) is amended to read as follows:

C. 40:48-8.16 Tax act definitions.

2. As used in this act:

“Retail sale” or “sale at retail” means and includes:

(1) Any sale in the ordinary course of business for consumption of whiskey, beer or other alcoholic beverages by the drink in restaurants, cafes, bars, hotels and other similar establishments;

(2) Any cover charge, minimum charge, entertainment, or other similar charge made to any patron of any restaurant, cafe, bar, hotel or other similar establishment;

(3) The hiring, with or without service, of any room in any hotel, inn, rooming or boarding house;

(4) The hiring of any rolling chair, beach chair or cabana; and

(5) The granting or sale of any ticket, license or permit for admission to any theatre, moving picture exhibition or show, pier, exhibition, or place of amusement, except charges for admission to boxing, wrestling, kick boxing or combative sports events, matches, or exhibitions, which charges are taxed pursuant to section 20 of P. L. 1985, c. 83 (C. 5:2A-20).

“Vendor” means any person selling or hiring property or services to another person upon the receipts from which a tax is imposed.

“Purchaser” means any person purchasing or hiring property or services from another person, the receipts from which are taxable.

Repealer.

35. The following are repealed:

R. S. 5:2-1 through R. S. 5:2-19;

P. L. 1948, c. 247 (C. 5:2-13.1 et seq.);

P. L. 1948, c. 255 (C. 5:2-20);

Sections 4 through 9 and sections 18 and 19 of P. L. 1948, c. 455 (C. 52:16A-4 through 52:16A-9 and C. 52:16A-18 and 52:16A-19); and

P. L. 1972, c. 95 (C. 52:17B-140 et seq.).

36. This act shall take effect on the 45th day following enactment, except that sections 3 and 5 shall take effect immediately.

Approved March 15, 1985.

CHAPTER 84

AN ACT to mandate testing of certain children one through five years of age for lead poisoning, supplementing Title 26 of the Revised Statutes, repealing section 12 of P. L. 1971, c. 366 and making an appropriation.

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

C. 26:2-130 Findings, declarations.

1. The Legislature finds and declares that:

a. Exposure to lead and lead poisoning lead to morbidity, mortality, mental retardation, and learning disability in young children, the monetary and social costs of which far exceed the costs of monitoring and preventing lead poisoning.

b. The New Jersey Department of Health estimates that 44 of every 1,000 children are at risk of lead poisoning and that the rate of lead poisoning among children at risk now exceeds the rate of paralytic polio at the height of the epidemic of the 1950's; however, the department has the resources to test and follow up on only 16% of the 220,000 children it estimates are at risk of lead poisoning.

c. Very few health departments have the resources to comply fully with the minimum standards of performance for local boards of health and Chapter XIII of the State Sanitary Code concerning control of lead poisoning in children due to the costs of the required testing, follow-up and abatement.

C. 26:2-131 Definitions.

2. As used in this act:

a. "Child" means a person one through five years of age;

b. "Commissioner" means the Commissioner of Health;

c. "Department" means the Department of Health;

d. "Lead poisoning" means a concentration of lead as defined in Chapter XIII of the State Sanitary Code established pursuant to section 7 of P. L. 1947, c. 177 (C. 26:1A-7).

C. 26:2-132 Lead poisoning control program.

3. The department, within the limits of funds appropriated for this purpose, has the responsibility for the development, implementation and coordination of a program to control lead poisoning and abate identified lead hazards by:

a. Identifying areas where there is a high risk of the presence of lead paint in a dwelling;

b. Establishing testing procedures for the detection of the presence of lead in persons and dwellings; and

c. Stimulating professional and public education concerning the need to test, detect and control lead poisoning and to abate identified lead hazards.

C. 26:2-133 Testing of children.

4. a. Within the limits of funds appropriated pursuant to this act, every child determined to be at high risk of lead poisoning according to criteria established by the Department of Health shall be tested for lead poisoning. The department shall adopt regulations for the testing pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), which are consistent with accepted public health practice and specify the periodicity for, and methods of testing and follow-up for lead poisoning.

b. The commissioner may require that testing for lead poisoning take place through institutions, agencies, and programs that serve children, including but not limited to municipal and county health departments, hospitals, clinics, physicians' offices, special supplemental food programs for women, infants and children, early and periodic screening, diagnostic and treatment services, day-care centers, Head Start programs and preschools.

c. The institution, agency or program which conducts the testing shall notify, in writing, parents or guardians of children who have been tested as to the results of the testing with an explanation in plain language of the significance of lead poisoning, the importance of treating it at an early age, and the public services available for treatment.

d. The commissioner may exempt a child from the lead poisoning testing provisions of this act if the parent or guardian of the child objects to the testing in writing on the grounds that the testing conflicts with his religious tenets or practices.

C. 26:2-134 Comprehensive plan.

5. Within six months of the effective date of this act, the commissioner shall prepare a comprehensive plan to control lead poisoning in the State. The commissioner shall submit the plan to the Governor and the Legislature.

C. 26:2-135 Annual report.

6. The commissioner shall issue an annual report to the Governor and the Legislature by October 1 of each year. The report shall

include a summary of the lead poisoning testing and abatement program activities in the State during the preceding fiscal year and any recommendations or suggestions for legislative consideration.

C. 26:2-136 Loans to local boards.

7. The department may set aside up to 10% of the funds appropriated pursuant to this act for the purpose of providing loans to local boards of health to abate lead paint nuisances pursuant to section 9 of P. L. 1971, c. 366 (C. 24:14A-9). The department shall establish criteria for making the loans and procedures for repayment of the loans to the department.

C. 26:2-137 Regulations.

8. The commissioner shall, pursuant to the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt regulations necessary to effectuate the provisions of this act.

9. There is appropriated to the Department of Health from the General Fund \$500,000.00 to carry out the provisions of this act.

Repealer.

10. Section 12 of P. L. 1971, c. 366 (C. 24:14A-12) is repealed.

11. This act shall take effect immediately.

Approved March 15, 1985.

CHAPTER 85

AN ACT concerning the payment of fees for the construction of solar energy heating and cooling systems.

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

C. 52:27D-130.2 Solar energy system: municipal fee exemption.

1. No person shall be required to pay a municipal fee or charge in order to secure a construction permit for the installation or alteration of a solar energy heating or cooling system in any building or part thereof. As used in this act, "solar energy heating and cooling system" means a system which is certified as eligible for an

exemption from property taxation by the Department of Community Affairs pursuant to P. L. 1977, c. 256 (C. 54:4-3.113 et seq.).

C. 52:27D-130.3 State fee exemption.

2. The installation or alteration of a solar energy heating or cooling system in any building shall not be subject to any fee, including any surcharge or training fee, imposed by any department or agency of State government pursuant to any law, or rule or regulation.

3. This act shall take effect immediately.

Approved March 26, 1985.

CHAPTER 86

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the amounts appropriated under P. L. 1984, c. 58, the following amount is appropriated from the General Fund for the purpose specified:

DIRECT STATE SERVICES

DEPARTMENT OF COMMUNITY AFFAIRS

Economic Planning, Development and Security

55 Related Social Services Programs

05-8050 Human Resources	\$423,484
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Special Purpose:

Community Services Block Grant

Contingency Fund	(\$423,484)
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The amount hereinabove shall be available for one-time grants to Community Services Block Grant grantees to adjust the starting dates of their fiscal years, as directed by the Commissioner of Com-

munity Affairs. Grant availability shall be restricted to first quarter Community Services Block Grant grantees, those grantees whose funding cycles begin in October, November, or December. Regulations for the disbursement of grants from this appropriation shall be established by the Commissioner of Community Affairs, subject to the following conditions: (1) Grantees receiving grants from this appropriation shall move forward the starting dates of their fiscal years as directed by the Commissioner of Community Affairs. (2) Grants to any grantee for any federal fiscal year shall not exceed that amount of the federal funds due to the grantee in the first quarter of its new federal fiscal year contract, or such amount as may be necessary to adjust the starting date of its fiscal year beyond the first quarter. (3) Upon application to and with the approval of the Commissioner of Community Affairs, grantees may use grant funds to pay interest on loans they were required to obtain to continue operations while awaiting the receipt of Community Services Block Grant funding.

2. This act shall take effect immediately.

Approved March 26, 1985.

CHAPTER 87

AN ACT concerning support proceeding for or against persons residing in other states, territories or possessions of the United States and amending P. L. 1981, c. 243.

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

1. Section 13 of P. L. 1981, c. 243 (C. 2A:4-30.36) is amended to read as follows:

C. 2A:4-30.36 Officials to represent obligee.

13. Officials to represent obligee. If this State is acting as an

initiating state the county welfare agency upon the request of the court shall represent the obligee in any proceeding under this act.

2. Section 18 of P. L. 1981, c. 243 (C. 2A:4-30.41) is amended to read as follows:

C. 2A:4-30.41 Duty of the court and officials of this State as responding state.

18. Duty of the court and officials of this State as responding state. a. After the responding court receives copies of the complaint, certificate and act from the initiating court, it shall docket the case and notify the county welfare agency of its action.

b. The county welfare agency shall prosecute the case diligently. The agency shall take all action necessary in accordance with the laws of this State to enable the court to obtain jurisdiction over the obligor or his property and shall request the court to set a time and place for a hearing and give notice thereof to the obligor in accordance with law.

3. Section 19 of P. L. 1981, c. 243 (C. 2A:4-30.42) is amended to read as follows:

C. 2A:4-30.42 Further duties of court and officials in the responding state.

19. Further duties of court and officials in the responding state.

a. The county welfare agency on its own initiative shall use all means at its disposal to locate the obligor or his property, and if because of inaccuracies in the complaint or otherwise the court cannot obtain jurisdiction, the county welfare agency shall inform the court of what the agency has done and request the court to continue the case pending receipt of more accurate information or an amended complaint from the initiating court.

b. If the obligor or his property is not found in the county, and the county welfare agency discovers that the obligor or his property may be found in another county of this State or in another state the agency shall so inform the court. Thereupon the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other county or to a court in the other state or to the information agency or other proper official of the other state with a request that the documents be forwarded to the proper court. All powers and duties provided by this act apply to the recipient of the documents so forwarded. If the clerk of a court of this State forwards documents to another court he shall forthwith notify the initiating court.

c. If the county welfare agency has information as to the location of the obligor or his property the agency shall so inform the initiating court.

4. Section 23 of P. L. 1981, c. 243 (C. 2A:4-30.46) is amended to read as follows:

C. 2A:4-30.46 Order of support.

23. Order of support. If the responding court finds a duty of support it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. Support orders made pursuant to this act shall require that payments be made to the probation department of the court of the responding state. The court and county welfare agency of any county in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the county in which it was first issued. If enforcement is impossible or cannot be completed in the county in which the order was issued, the county welfare agency shall send a certified copy of the order to the county welfare agency of any county in which it appears that proceedings to enforce the order would be effective. Before the county welfare agency transfers an order to any other county welfare agency for enforcement, it shall first obtain from the court an order permitting the transfer. The county welfare agency to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.

5. Section 36 of P. L. 1981, c. 243 (C. 2A:4-30.59) is amended to read as follows:

C. 2A:4-30.59 Official to represent obligee.

36. Official to represent obligee. If this State is acting either as a rendering or a registering state the county welfare agency upon the request of the court shall represent the obligee in proceedings under this part.

6. Section 37 of P. L. 1981, c. 243 (C. 2A:4-30.60) is amended to read as follows:

C. 2A:4-30.60 Registration procedure; notice.

37. Registration procedure; notice. a. An obligee seeking to register a foreign order in a court of this State shall transmit to the clerk of the court (1) three certified copies of the order with all modifications thereof, (2) one copy of the reciprocal enforcement of support act of the state in which the order was made, and (3) a statement verified and signed by the obligee, showing the post office address of the obligee, the last known place of residence and post office address of the obligor, the amount of support remaining unpaid, a description and the location of any property of the obligor available upon execution, and a list of the states in which

the order is registered. Upon receipt of these documents the clerk of the court, without payment of a filing fee or other cost to the obligee, shall file them in the Registry of Foreign Support Orders. The filing constitutes registration under this act.

b. Promptly upon registration the clerk of the court shall send by certified or registered mail to the obligor at the address given a notice of the registration with a copy of the registered support order and the post office address of the obligee. He shall also docket the case and notify the county welfare agency of his action. The county welfare agency shall proceed diligently to enforce the order.

7. This act shall take effect 60 days after enactment.

Approved March 26, 1985.

CHAPTER 88

AN ACT concerning certain taxation of insurance companies, and amending P. L. 1950, c. 231.

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

1. Section 1 of P. L. 1950, c. 231 (C. 17:32-15) is amended to read as follows:

C. 17:32-15 Retaliatory taxation of foreign insurers.

1. When by the laws of any other state or foreign country any premium or income or other taxes, or any fees, fines, penalties, licenses, deposit requirements or other obligations, prohibitions or restrictions are imposed upon New Jersey insurance companies, or reciprocal or interinsurance exchanges, doing business in such other state or foreign country, or upon their agents therein, which are in excess of such taxes, fees, fines, penalties, licenses, deposit requirements or other obligations, prohibitions or restrictions imposed upon insurance companies, or reciprocal or interinsurance exchanges of such other state or foreign country doing business in New Jersey, or upon their agents therein, so long as such laws continue in force the same premium or income or other taxes, or fees, fines, penalties, licenses, deposit requirements or other obligations, prohibitions and restrictions of whatever kind shall be imposed upon insurance companies, or reciprocal or interinsurance

exchanges of such other state or foreign country doing business in New Jersey, or upon their agents therein. Any tax obligation imposed by any city, county, school district or other political subdivision of any other state or foreign country on New Jersey insurance companies, or reciprocal or interinsurance exchanges, shall be deemed to be imposed by such state or foreign country within the meaning of this section, and the Commissioner of Insurance for the purpose of this section may compute the burden of any such tax obligation on an aggregate statewide or foreign countrywide basis as an addition to the rate of tax payable by similar New Jersey companies, or reciprocal or interinsurance exchanges, in such state or foreign country. The addition to the rate of tax payable by similar New Jersey companies, or reciprocal or interinsurance exchanges, shall be calculated by dividing (i) the aggregate of their tax obligations paid to any such city, county, school district or other political subdivision of such state or foreign country by (ii) the aggregate of the taxable premiums under the premium taxing statute of such state or foreign country. The commissioner may issue regulations to carry out the purpose of this act. The provisions of this section shall not apply to ad valorem taxes on real or personal property or to personal income taxes or to special purpose assessments imposed in connection with particular kinds of insurance.

2. This act shall take effect immediately.

Approved March 26, 1985.

CHAPTER 89

AN ACT changing the number of members on the Board of Pharmacy and amending R. S. 45:14-1.

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

1. R. S. 45:14-1 is amended to read as follows:

Board of Pharmacy.

45:14-1. The board of pharmacy of the State of New Jersey, hereinafter in this chapter designated as the "board", established by an act entitled "An act to regulate the practice of pharmacy in this State," approved March nineteenth, one thousand nine hundred

and one (L. 1901, c. 51, p. 85), as amended and supplemented, is continued. The board shall consist of nine members, two of whom shall be public members and one of whom shall be a State executive department member appointed pursuant to the provisions of P. L. 1971, c. 60 (C. 45:1-2.1 et seq.). Each of the remaining six members shall be appointed from time to time as hereinafter directed by the Governor, shall be a citizen of and an able and skilled registered pharmacist in this State, shall have been registered as a pharmacist in this State for at least five years prior to his appointment, shall be actually engaged in conducting a pharmacy at the time of his appointment and shall continue in the practice of pharmacy during the term of his office. No member shall be a teacher or instructor in any college of pharmacy. Upon the expiration of the term of office of a member, his successor shall be appointed by the Governor for a term of five years from June first of the year in which the term of such former member expired, and the terms of not more than two members who are registered pharmacists shall expire in any year. Any vacancy in the membership of the board shall be filled for the unexpired term in the manner provided for an original appointment; and the New Jersey Pharmaceutical Association may annually send to the Governor the names of four registered pharmacists engaged in the practice of pharmacy in this State and having the qualifications required by this section, one of whom the Governor may appoint to fill any vacancy occurring in the board.

2. This act shall take effect immediately.

Approved March 26, 1985.

CHAPTER 90

AN ACT concerning the fire safety commission and amending
P. L. 1983, c. 382.

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

1. Section 5 of P. L. 1983, c. 382 (C. 52:27D-25e) is amended to read as follows:

C. 52:27D-25e Fire safety commission.

5. a. To assist and advise the commissioner in the administration of this act, there is created in the Department of Community Affairs a fire safety commission consisting of 20 members. The commission shall consist of: two members of the Senate, appointed by the President of the Senate, who shall not be both of the same political party; two members of the General Assembly, appointed by the Speaker of the General Assembly, who shall not be both of the same political party; seven citizens of the State, appointed jointly by the President of the Senate and the Speaker of the General Assembly, no more than four of whom shall be of the same political party, including a representative of a volunteer fire organization, a representative of a construction labor organization, a representative of the fire insurance industry, a representative of the construction industry, a representative of the International Association of Fire Chiefs, a municipal construction official, and a representative of the New Jersey State Fire Prevention and Protection Association; and nine citizens of the State appointed by the Governor, no more than five of whom shall be of the same political party, and who shall include a representative of the New Jersey State Firemen's Mutual Benevolent Association, a representative of the New Jersey League of Municipalities, two representatives of the volunteer fire service, one of whom shall be a representative of the New Jersey State Volunteer Firemen's Association, a representative of the New Jersey State Fire Chiefs' Association, a representative of the New Jersey Paid Fire Chiefs' Association, a representative of the Fire Fighters' Association of New Jersey, a representative of the New Jersey State Association of Fire Districts, and a municipal fire protection sub-code official. The members of the Senate and General Assembly appointed to the commission shall serve for terms which shall be for the legislative session for which they were elected. Of the seven members first appointed jointly by the President of the Senate and the Speaker of the General Assembly, three shall be appointed for terms of five years, three shall be appointed for terms of four years, and one shall be appointed for a term of three years. Of the eight members first appointed by the Governor, three shall be appointed for terms of five years, three shall be appointed for a term of four years, and two shall be appointed for terms of three years. The first representative of the New Jersey State Association of Fire Districts appointed by the Governor shall be for a term of three years. Thereafter, members of the fire safety commission,

except as provided above for members of the Legislature, shall be appointed for terms of five years. Vacancies on the commission shall be filled in the same manner as the original appointments but for the unexpired terms. Members may be removed by the appointing authority for cause.

b. Members of the fire safety commission shall serve without compensation but shall be entitled to reimbursement for expenses incurred in performance of their duties, within the limits of any funds appropriated or otherwise made available for that purpose.

c. To advise and assist the fire safety commission in the performance of its responsibilities under this act, there are created four advisory councils, one in each of the following subject areas: the "Uniform Fire Safety Act"; training and education which shall be comprised of at least 60% of the representatives of the volunteer fire service; statistics and information; and master planning and research. Additional advisory councils shall be created by the fire safety commission as it deems appropriate. Each advisory council shall consist of one member of the fire safety commission, who shall be chairman, and as many citizens who are knowledgeable and experienced in matters related to the particular subject as the fire safety commission shall appoint. Members of the advisory councils shall serve without compensation and at the pleasure of the fire safety commission.

2. This act shall take effect immediately.

Approved March 26, 1985.

CHAPTER 91

A SUPPLEMENT to "An act making appropriations for the support of the State government and the several public purposes for the fiscal year ending June 30, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, there is appropriated from the General Fund the following sum for the purpose specified:

STATE AID

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

45 Recreational Resource Management—State Aid

21-4895 Navigational Aids \$500,000

State Aid:

To provide moneys for the protection
from silting of Deal Lake, Monmouth
county through silt retention and bank
stabilization (\$500,000)

2. This act shall take effect immediately.

Approved March 26, 1985.

CHAPTER 92

AN ACT concerning the timing of absentee ballot distribution and certain other activities relating to elections and revising parts of the statutory law.

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

1. N. J. S. 18A:9-10 is amended to read as follows:

Election of additional board members.

18A:9-10. If the membership of the board in any such district so becoming a type II district is less than nine, it shall be increased to nine by the election of added members at the next annual school election, unless the adopting election shall have been held more than 130 days or less than 60 days before the date fixed for such annual school election, in which case they shall be elected at a special school election which shall be called and held by the members of the board so holding over; if the adopting election was held more than 130 days before the annual school election, then not less than 60 or more than 70 days after the adopting election; or if the adopting election was held less than 60 days before the annual school election, then not less than 60 or more than 70 days after such annual school election, excluding in each instance from the calculation of the period which will elapse between such 60 and 70 days any period which would elapse between the twenty-first day before and the

twenty-first day after any day fixed according to law for the holding of any primary election for the general election or general election or municipal election held within the district.

2. N. J. S. 18A:14-9 is amended to read as follows:

Nomination by petition.

18A:14-9. Each candidate to be voted upon at a school election shall be nominated directly by petition, signed by at least 10 persons, none of whom shall be the candidate himself, and filed with the secretary of the board of education of the district on or before four p.m. of the 54th day preceding the date of the election. The signatures need not all appear upon a single petition and any number of petitions may be filed on behalf of any candidate but no petition shall contain the endorsement of more than one candidate.

3. N. J. S. 18A:14-12 is amended to read as follows:

Defective petition.

18A:14-12. If, on or before the 49th day preceding the date of the election, the secretary of the board finds a nominating petition to be defective excepting as to the number of signatures, the secretary of the board shall forthwith notify the candidate of the defect and of the candidate's right to remedy the defect not later than the 49th day preceding the date of the election, and the candidate indorsing the petition may amend the same in form or substance, but not to add signatures, so as to remedy the defect at any time prior to said date. A nominating petition not so found to be defective shall be, as of the 48th day preceding the election, conclusively valid for the purposes of this chapter.

4. N. J. S. 18A:14-12.1 is amended to read as follows:

Withdrawal as candidate.

18A:14-12.1. Any candidate may withdraw his name as a candidate for election at the annual school election by filing a notice in writing, signed by him, of his withdrawal with the secretary of the board before four p.m. of the 46th day before the date of the election and thereupon the name of such candidate shall be withdrawn by the secretary. The name of such candidate shall not be printed on the ballot. The secretary shall likewise withdraw on that date the name of any candidate who has been notified under N. J. S. 18A:14-12 of a defect in a petition of nomination but who has failed to remedy the defect in accordance with that section. The names of any candidates originally designated on the ballot below the name of the withdrawn candidate shall be advanced one place each, respectively, on the ballot.

5. N. J. S. 18A:14-25 is amended to read as follows:

Publication of notices.

18A:14-25. Not less than 54 days whenever possible, and always as nearly 54 days as possible, prior to the date fixed for the holding of any school election, the secretary of the board of education shall cause notices, of the character provided in section 7 of the "Absentee Voting Law (1953)," P. L. 1953, c. 211 (C. 19:57-7) to be published at least once in one newspaper published in the county or each county in which the district is situate and circulating in such county or in each such county, and if no newspaper is published in any such county or such a newspaper will not be published in time to publish such notices in accordance with this section, then in at least one newspaper published in the State and circulating in the municipality or municipalities in such county or each such county, which notices shall state that the applications for any such ballots may be made to the secretary.

6. N. J. S. 18A:14-28 is amended to read as follows:

Absentee ballots.

18A:14-28. Said military service and civilian absentee ballots shall be forwarded to voters, voted and returned and the result thereof canvassed and certified by the county board of elections to the secretary of the board of education of the district in which the election is held, and shall be counted, in determining the result of the election, in the same manner as is required under chapter 211 of the laws of 1953, the said "Absentee Voting Law (1953)."

7. R. S. 19:13-9 is amended to read as follows:

Filing of petitions.

19:13-9. All such petitions and acceptances thereof shall be filed with the officer or officers to whom they are addressed before 4:00 p.m. of the 54th day next preceding the day of the holding of the primary election for the general election in this Title provided. All petitions when filed shall be open under proper regulations for public inspection.

The officer or officers shall transmit to the Election Law Enforcement Commission the names of all candidates, other than candidates for federal office, nominated by petition and any other information required by the commission in the form and manner prescribed by the commission and shall notify the commission immediately upon the withdrawal of a petition of nomination.

8. R. S. 19:13-10 is amended to read as follows :

Objection to petition.

19:13-10. Every petition of nomination in apparent conformity with the provisions of this Title shall be deemed to be valid, unless objection thereto be duly made in writing and filed with the officer with whom the original petition was filed not later than the fourth day after the last day for filing of petitions. If such objection is made, notice thereof signed by such officer shall forthwith be mailed to the candidate who may be affected thereby, addressed to him at his place of residence as given in the petition of nomination.

9. R. S. 19:13-11 is amended to read as follows :

Determination of validity.

19:13-11. The officer with whom the original petition was filed shall in the first instance pass upon the validity of such objection in a summary way unless an order shall be made in the matter by a court of competent jurisdiction and for this purpose such officer shall have power to subpoena witnesses and take testimony or depositions. He shall file his determination in writing in his office on or before the 48th day before the primary election for the general election, which determination shall be open for public inspection.

10. R. S. 19:13-12 is amended to read as follows :

Judicial hearing.

19:13-12. Any judge of the Superior Court, in the case of candidates to be voted for by the electors of the entire State or of more than one county thereof, and in all other cases a judge of the Superior Court assigned to the county in which any petition of nomination shall be filed, on the application or complaint, duly verified, of any candidate, which application or complaint shall be made at least 50 days before the election, setting forth any invasion or threatened invasion of his rights under the petition of nomination filed with the Secretary of State or with any county clerk, shall hear such application or complaint in a summary way and make such order thereon as will protect and enforce the rights of such candidates, which order or determination shall be filed within three days after the filing of the application or complaint.

11. R. S. 19:13-13 is amended to read as follows :

Amendment of petitions.

19:13-13. A candidate whose petition of nomination, or any affidavit or affidavits thereto, is defective may cause such petition, or the affidavit or affidavits thereto, to be amended in matters of

substance or of form as may be necessary, but not to add signatures, or such amendment or amendments may be made by filing a new or substitute petition, or affidavit or affidavits, and the same when so amended shall be of the same effect as if originally filed in such amended form; but every amendment shall be made on or before the 48th day before the primary election for the general election. This provision shall be liberally construed to protect the interest of candidates.

12. R. S. 19:13-16 is amended to read as follows:

Declined nomination.

19:13-16. When a person nominated as herein provided by direct petition or State convention for election to public office at the general election shall, at least 60 days before the day of the general election, in a writing signed by him and duly acknowledged, notify the officer with whom the original petition or certificate of nomination was filed that he declines the nomination, the nomination shall be void.

13. R. S. 19:13-19 is amended to read as follows:

Nomination of successor.

19:13-19. If the candidate vacating the nomination was nominated directly by petition his successor shall be nominated in the same manner by direct petition, which new petition of nomination must be filed with the Secretary of State or county clerk, as the case may require, not later than 54 days before the day of election whereat such candidate is to be voted for.

14. R. S. 19:13-20 is amended to read as follows:

Vacancy procedure.

19:13-20. In the event of a vacancy, howsoever caused, among candidates nominated at primaries, which vacancy shall occur not later than the 51st day before the general election, or in the event of inability to select a candidate because of a tie vote at such primary, a candidate shall be selected in the following manner:

a. (1) In the case of an office to be filled by the voters of the entire State, the candidate shall be selected by the State committee of the political party wherein such vacancy has occurred.

(2) In the case of an office to be filled by the voters of a single and entire county, the candidate shall be selected by the county committee in such county of the political party wherein such vacancy has occurred.

(3) In the case of an office to be filled by the voters of a portion of the State comprising all or part of two or more counties, the

candidate shall be selected by those members of the county committees of the party wherein the vacancy has occurred who represent those portions of the respective counties which are comprised in the district from which the candidate is to be elected.

(4) In the case of an office to be filled by the voters of a portion of a single county, the candidate shall be selected by those members of the county committee of the party wherein the vacancy has occurred who represent those portions of the county which are comprised in the district from which the candidate is to be elected.

b. (1) Whenever in accordance with subsection a. of this section members of two or more county committees are empowered to select a candidate to fill a vacancy, it shall be the responsibility of the chairmen of said county committees, acting jointly, to call together the members of their respective committees who are so empowered.

(2) Whenever in accordance with the provisions of subsection a. of this section members of a county committee are empowered to select a candidate to fill a vacancy, it shall be the responsibility of the chairman of such county committee to call together the members of the committee who are so empowered.

(3) A county committee chairman or chairmen who call a meeting pursuant to paragraph (1) or (2) of this subsection shall not be entitled to vote upon the selection of a candidate at such meeting unless he or they are so entitled pursuant to subsection a.

c. Whenever a selection is to be made pursuant to this section to fill a vacancy resulting from inability to select a candidate because of a tie vote at a primary election, the selection shall be made from among those who have thus received the same number of votes at the primary.

d. A selection made pursuant to this section shall be made not later than the 48th day preceding the date of the general election, and a statement of such selection shall be filed with the Secretary of State or the appropriate county clerk, as the case may be, not later than said 48th day, and in the following manner:

(1) A selection made by a State committee of political party shall be certified to the Secretary of State by the State chairman of the political party.

(2) A selection made by a county committee of a political party, or a portion of the members thereof, shall be certified to the county clerk of the county by the county chairman of such political party; except that when such selection is of a candidate for the Senate or General Assembly or the United States House of Representatives

the county chairman shall certify the selection to the State chairman of such political party, who shall certify the same to the Secretary of State.

(3) A selection made by members of two or more county committees of a political party acting jointly shall be certified by the chairmen of said committees, acting jointly, to the State chairman of such political party, who shall certify the same to the Secretary of State.

e. A statement filed pursuant to subsection d. of this section shall state the residence and post office address of the person so selected, and shall certify that the person so selected is qualified under the laws of this State to be a candidate for such office, and is a member of the political party filling the vacancy. Accompanying the statement the person endorsed therein shall file a certificate stating that he is qualified under the laws of this State to be a candidate for the office mentioned in the statement, that he consents to stand as a candidate at the ensuing general election and that he is a member of the political party named in said statement, and further that he is not a member of, or identified with, any other political party or any political organization espousing the cause of candidates of any other political party, to which shall be annexed the oath of allegiance prescribed in R. S. 41:1-1 duly taken and subscribed by him before an officer authorized to take oaths in this State. The person so selected shall be the candidate of the party for such office at the ensuing general election.

15. R. S. 19:13-21 is amended to read as follows:

Candidate for Presidential elector.

19:13-21. If the nomination vacated is that of a candidate for elector of the President and Vice-President of the United States, the vacancy shall be filled by the committee to whom power shall have been delegated to fill vacancies if such there be, otherwise by the State committee of the political party which nominated the elector whose nomination is vacated. The chairman and secretary of the vacancy committee or State committee shall file with the Secretary of State on or before the 48th day prior to the general election a certificate of nomination for filling the vacancy. This certificate shall be made and filed in the same manner and form as heretofore provided for filling vacancies among candidates nominated at the primary and there shall be annexed thereto the oath of allegiance prescribed in section 41:1-1 of the Revised Statutes duly taken and subscribed by the person so nominated before an officer authorized to take oaths in this State.

16. R. S. 19:14-1 is amended to read as follows:

Copy for printer.

19:14-1. Every county clerk shall have ready for the printer on or before the 43rd day prior to the general election a copy of the contents of official ballots as hereinafter required to be printed for use at such election. He shall also on or before that time place another copy of such contents on file in his office and keep the same open to public inspection until the sample ballots hereinafter provided to be printed shall have been distributed.

17. R. S. 19:23-12 is amended to read as follows:

Committee on vacancies.

19:23-12. The signers to petitions for "Choice for President," delegates and alternates to national conventions, for Governor, United States Senator, member of the House of Representatives, State Senator, member of the General Assembly and any county office may name three persons in their petition as a committee on vacancies.

This committee shall have power in case of death or resignation or otherwise of the person indorsed as a candidate in said petition to fill such vacancy by filing with the Secretary of State in the case of officers to be voted for by the voters of the entire State or a portion thereof involving more than one county thereof or any congressional district, and with the county clerk in the case of officers to be voted for by the voters of the entire county or any county election district, a certificate of nomination to fill the vacancy.

Such certificate shall set forth the cause of the vacancy, the name of the person nominated and that he is a member of the same political party as the candidate for whom he is substituted, the office for which he is nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee is authorized to fill vacancies and such further information as is required to be given in any original petition of nomination.

The certificate so made shall be executed and sworn to by the members of such committee, and shall upon being filed at least 48 days before election have the same force and effect as the original petition of nomination for the primary election for the general election and there shall be annexed thereto the oath of allegiance prescribed in R. S. 41:1-1 duly taken and subscribed by the person so nominated before an officer authorized to take oaths in this State. The name of the candidate submitted shall be immediately certified to the proper municipal clerks.

18. R. S. 19:23-14 is amended to read as follows:

Certification by municipal clerk.

19:23-14. Petitions addressed to the Secretary of State, the county clerks, or the municipal clerks shall be filed with such officers, respectively, before 4:00 p.m. of the 54th day next preceding the day of the holding of the primary election for the general election.

Not later than the close of business of the 48th day preceding the primary election for the general election, the municipal clerk shall certify to the county clerk the full and correct names and addresses of all candidates for nomination for public and party office and the name of the political party of which such persons are candidates together with their slogan and designation. The county clerk shall transmit this information to the Election Law Enforcement Commission in the form and manner prescribed by the commission and shall notify the commission immediately upon the withdrawal of a petition of nomination.

19. R. S. 19:23-21 is amended to read as follows:

Certification by Secretary of State.

19:23-21. The Secretary of State shall certify the names of the persons indorsed in the petitions filed in his office to the clerks of counties concerned thereby not later than the 48th day prior to the holding of the primary election, specifying in such certificate the political parties to which the persons so nominated in the petitions belong. In the case of candidates for offices other than federal office, the Secretary of State shall also transmit this information to the Election Law Enforcement Commission in the form and manner prescribed by the commission and shall notify the commission immediately upon the withdrawal of a petition of nomination.

20. R. S. 19:23-22 is amended to read as follows:

Certification by county clerk.

19:23-22. The county clerk shall certify all of the persons so certified to him by the Secretary of State and in addition the names of all persons indorsed in petitions filed in his office to the clerk of each municipality concerned thereby in his respective county not later than the close of business of the 47th day prior to the time fixed by law for the holding of the primary election, specifying in such certificate the political party to which the person or persons so nominated belong. The county clerk shall also transmit this information with respect to persons, other than candidates for federal office, indorsed in petitions filed in his office to the Election Law Enforcement Commission in the form and

manner prescribed by the commission and shall notify the commission immediately upon the withdrawal of a petition of nomination filed in his office.

21. R. S. 19:23-24 is amended to read as follows:

Ballot positions.

19:23-24. The position which the candidates and bracketed groups of names of candidates for the primary for the general election shall have upon the primary election ballots, in the case of candidates for nomination for members of the United States Senate, Governor, members of the House of Representatives, members of the State Senate, members of the General Assembly, choice for President, delegates and alternates-at-large to the national conventions of political parties, district delegates and alternates to conventions of political parties, candidates for party positions, and county offices or party positions which are to be voted for by the voters of the entire county or a portion thereof greater than a single municipality, including a congressional district which is wholly within a single municipality, shall be determined by the county clerks in their respective counties; and, excepting in counties where R. S. 19:49-2 applies, the position on the primary ballots in the case of candidates for nomination for office or party position wherein the candidates for office or party position to be filled are to be voted for by the voters of a municipality only, or a subdivision thereof (excepting in the case of members of the House of Representatives) shall be determined by the municipal clerk in such municipalities, in the following manner: The county clerk, or his deputy, or the municipal clerk or his deputy, as the case may be, shall at his office on the 47th day prior to the primary election at three o'clock in the afternoon draw from the box, as hereinafter described, each card separately without knowledge on his part as to which card he is drawing. Any legal voter of the county or municipality, as the case may be, shall have the privilege of witnessing such drawing. The person making the drawing shall make public announcement at the drawing of each name, the order in which same is drawn, and the office for which the drawing is made. When there is to be but one person nominated for the office, the names of the several candidates who have filed petitions for such office shall be written upon cards (one name on a card) of the same size, substance and thickness. The cards shall be deposited in a box with an aperture in the cover of sufficient size to admit a man's hand. The box shall be well shaken and turned over to thoroughly mix the

cards, and the cards shall then be withdrawn one at a time. The first name drawn shall have first place, the second name drawn, second place, and so on; the order of the withdrawal of the cards from the box determining the order of arrangement in which the names shall appear upon the primary election ballot. Where there is more than one person to be nominated to an office where petitions have designated that certain candidates shall be bracketed, the position of such bracketed names on the ballot (each bracket to be treated as a single name), together with individuals who have filed petitions for nomination for such office, shall be determined as above described. Where there is more than one person to be nominated for an office and there are more candidates who have filed petitions than there are persons to be nominated, the order of the printing of such names upon the primary election ballots shall be determined as above described.

The county clerk in certifying to the municipal clerk the offices to be filled and the names of candidates to be printed upon the primary election ballots, shall certify them in the order as drawn in accordance with the above described procedure, and the municipal clerk shall print the names upon the ballots as so certified and in addition shall print the names of such candidates as have filed petitions with him in the order as determined as a result of the drawing as above described.

22. R. S. 19:24-4 is amended to read as follows:

National convention delegates.

19:24-4. Not less than 100 members of each such political party may file with the Secretary of State at least 54 days prior to the primary election for the general election in any year of a national convention a petition requesting that the name of a person therein indorsed shall be printed on the primary ticket of such political party as candidate for the position of delegate-at-large or alternate-at-large, to be chosen by the party voters throughout the State to the national convention of that party, or as a delegate or alternate to be chosen to that convention by the voters of any congressional district.

The signers to the petition for any delegate-at-large or alternate-at-large shall be legal voters resident in the State; and the signers for any delegate or alternate from any Congressional district shall be voters of such district.

The Secretary of State shall not later than the 48th day preceding the primary election for the general election certify to each

county clerk and county board such nominations for delegates and alternates-at-large and the nominations for delegate or alternate for any Congressional district.

23. Section 1 of P. L. 1952, c. 2 (C. 19:25-3) is amended to read as follows:

C. 19:25-3 Presidential candidates.

1. Not less than one thousand voters of any political party may file a petition with the Secretary of State on or before the 54th day before a primary election in any year in which a President of the United States is to be chosen, requesting that the name of the person indorsed therein as a candidate of such party for the office of President of the United States shall be printed upon the official primary ballot of that party for the then ensuing election for delegates and alternates to the national convention of such party.

The petition shall be prepared and filed in the form and manner herein required for the indorsement of candidates to be voted for at the primary election for the general election, except that the candidate shall not be permitted to have a designation or slogan following his name, and that it shall not be necessary to have the consent of such candidate for President indorsed on the petition.

24. Section 2 of P. L. 1952, c. 2 (C. 19:25-4) is amended to read as follows:

C. 19:25-4 Certification.

2. The Secretary of State shall certify the names so indorsed to the county clerk of each county not later than the 48th day before such primary election, but if any person so indorsed shall on or before such date decline in writing, filed in the office of the Secretary of State, to have his name printed upon the primary election ballot as a candidate for President, the Secretary of State shall not so certify such name.

25. R. S. 19:27-6 is amended to read as follows:

Congressional vacancy.

19:27-6. In the case of a vacancy in the representation of this State in the United States Senate or House of Representatives, the writ may designate the next general election day for the election, but if a special day is designated, it shall specify the cause and purpose of such election, the name of the officer in whose office the vacancy has occurred, the day on which a special primary election shall be held, which shall be not less than 65 days nor more than 71 days following the date of such proclamation, and

the day on which the special election shall be held, which shall be not less than 46 nor more than 52 days following the day of the special primary election. The writ shall also specify the day or days when the district boards shall meet for the purpose of making, revising or correcting the registers of voters to be used at such special election.

If the vacancy happens in the representation of this State in the United States Senate the election shall take place at the general election next succeeding the happening thereof, unless the vacancy shall happen within 64 days next preceding the primary election prior to the general election, in which case it shall be filled by election at the second succeeding election, unless the Governor shall deem it advisable to call a special election therefor, which he is authorized hereby to do.

If the vacancy happens in the representation of this State in the House of Representatives in any year, not later than the 65th day prior to the day for holding the next primary election for the general election, the Governor shall issue a writ of election to fill such vacancy, designating in said writ the next general election day as the day on which the election shall be held to fill such vacancy. The nomination of candidates to fill such vacancy shall be made in the same manner as the nomination of other candidates at the said primary election for the general election.

26. Section 4 of P. L. 1981, c. 429 (C. 19:27-6.1) is amended to read as follows:

C. 19:27-6.1 Legislative vacancy.

4. In the case of a vacancy in the representation of this State in the Senate or General Assembly, the writ shall designate a special election day, the cause and purpose of the election and the name of the member in whose office the vacancy has occurred. The special election day shall be not less than 65 nor more than 71 days following the date on which the writ is issued, but if the primary election for the general election shall occur within 70 days after the date on which the writ is issued, the special election day shall be on the day on which the primary election is to be held, provided the writ is issued no later than 65 days before the primary election. The writ also shall specify the day or days when the district boards shall meet for the purpose of making, revising or correcting the registers of voters to be used at the special election.

27. Section 1 of P. L. 1945, c. 206 (C. 19:27-10.1) is amended to read as follows:

C. 19:27-10.1 House vacancy.

1. When a vacancy, howsoever caused, happens in the representation of this State in the House of Representatives in any year later than the 64th day prior to the day for holding the primary election for the general election but before the 52nd day preceding the day of the general election, and the unexpired term to be filled exceeds one year, the Governor, in issuing a writ of election to fill such vacancy, may designate in said writ the next general election day as the day on which the election shall be held to fill such vacancy and that no primary election shall be held for nomination of candidates to fill such vacancy.

In such case, each political party shall select its candidate to fill such vacancy in the same manner prescribed in R. S. 19:13-20 for selecting candidates to fill vacancies arising among candidates nominated at primary elections, except that the time for making such selection and filing the statement thereof shall be within 10 days following the issuance of the writ of election.

In such case, petitions of nomination of other candidates shall be filed in the office of the Secretary of State within 10 days of the date of such proclamation.

The Secretary of State on the eleventh day following the date of such proclamation shall certify to the clerk and county board of each county affected by the vacancy a statement of all candidates selected and nominated for the office so vacated.

The election to fill such vacancy shall in all other respects be conducted as though it were being conducted to fill the office upon the expiration of the term of the incumbent.

28. R. S. 19:27-11 is amended to read as follows:

Legislative, county, municipal vacancies.

19:27-11. In the event of any vacancy in the Senate or General Assembly, each political party shall select a candidate for the office in question in the manner prescribed in R. S. 19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections, and shall do so within seven days of the issuance of the writ of election.

A statement of such selection shall be filed with the Secretary of State not later than seven days after the issuance of the writ of election.

In the event of any vacancy in any county or municipal office, which vacancy shall occur after the 11th day preceding the last day for filing petitions for nomination for the primary election and on or before the 51st day preceding the general election, each political party may select a candidate for the office in question in the manner prescribed in R. S. 19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections. A statement of such selection shall be filed with the county clerk not later than the close of business of the 48th day preceding the date of the general election.

Beside the selection of candidates by each political party as before provided, candidates may also be nominated by petition in a similar manner as herein provided for direct nomination by petition for the general election, but the petition shall be filed with the county clerk or the Secretary of State, as the law may require, at least 48 days prior to such general election.

When the vacancy occurs in the Senate or General Assembly, the county clerk of each county which is comprised in whole or part in the Senate or Assembly district shall forthwith give notice thereof to the chairman of the county committee of each political party and in counties of the first class to the county board.

When the vacancy occurs in a county office the county clerk shall forthwith give notice thereof to the chairman of the county committee of each political party and in counties of the first class to the county board, and in case the vacancy occurs in a municipal office the municipal clerk shall forthwith give notice thereof to the county clerk, the chairman of the county committee of each political party and in counties of the first class the county board.

The county clerk shall print on the ballots for the territory affected, in the personal choice column, the title of office and leave a proper space under such title of office; and print the title of office and the names of such persons as have been duly nominated, in their proper columns.

29. R. S. 19:37-1 is amended to read as follows:

Referendum.

19:37-1. When the governing body of any municipality or of any county desires to ascertain the sentiment of the legal voters of the municipality or county upon any question or policy pertaining to the government or internal affairs thereof, and there is no other statute by which the sentiment can be ascertained by the

submission of such question to a vote of the electors in the municipality or county at any election to be held therein, the governing body may adopt at any regular meeting an ordinance or a resolution requesting the clerk of the county to print upon the official ballots to be used at the next ensuing general election a certain proposition to be formulated and expressed in the ordinance or resolution in concise form. Such request shall be filed with the clerk of the county not later than 74 days previous to the election.

30. Section 2 of P. L. 1967, c. 101 (C. 19:37-1.1) is amended to read as follows:

C. 19:37-1.1 Petition of voters.

2. Whenever a governing body of a municipality has adopted an ordinance or resolution pursuant to section 19:37-1 of the Revised Statutes, upon the presentation to the governing body of such municipality of a petition signed by 10% or more of the voters registered and qualified to vote at the last general election in such municipality, requesting the governing body of such municipality to ascertain the sentiment of the legal voters of the municipality upon any question or policy pertaining to the government or internal affairs thereof that is reasonably related to any proposition formulated and expressed in such ordinance or resolution, such governing body of the municipality shall thereupon adopt at its next regular meeting following the presentation of such petition a resolution requesting the clerk of the county to print upon the official ballots to be used at the next ensuing general election a certain proposition as formulated and expressed in the petition. Such request shall be filed with the clerk of the county not later than the 60th day previous to the election.

31. Section 7 of P. L. 1953, c. 211 (C. 19:57-7) is amended to read as follows:

C. 19:57-7 Absentee ballots.

7. The county clerk of the county, in the case of any Statewide or countywide election; the clerk of the municipality, in the case of any municipal election; the secretary of the board of education, in the case of any school election; and the commissioners or other governing or administrative body of the district, in the case of any election to be held in any fire district, road district, sewerage district, street lighting district, water supply district or other special district, other than a municipality, created for specified public purposes within one or more municipalities, shall publish or

cause to be published the following notices in substantially the following forms:

NOTICE TO MILITARY SERVICE VOTERS AND TO THEIR RELATIVES AND FRIENDS

If you are in the military service or the spouse or dependent of a person in military service or are a patient in a veterans' hospital or a civilian attached to or serving with the Armed Forces of the United States without the State of New Jersey, or the spouse or dependent of and accompanying or residing with a civilian attached to or serving with the Armed Forces of the United States, and desire to vote, or if you are a relative or friend of any such person who, you believe, will desire to vote in the

(municipal, primary, gen-

..... election to be held on kindly write
eral or other) (date of election)

to the undersigned at once making application for a military service ballot to be voted in said election to be forwarded to you, stating your name, age, serial number if you are in military service, home address and the address at which you are stationed or can be found, or if you desire the military service ballot for a relative or friend then make an application under oath for a military service ballot to be forwarded to him, stating in your application that he is over the age of 18 years and stating his name, serial number if he is in military service, home address and the address at which he is stationed or can be found.

(NOTE: MILITARY SERVICE VOTER CLAIMING MILITARY STATION AS HOME ADDRESS FOR VOTING PURPOSES MAY NOT USE MILITARY ABSENTEE BALLOT UNLESS REGISTERED TO VOTE IN THE MUNICIPALITY WHERE SUCH STATION IS LOCATED.)

Forms of application can be obtained from the undersigned.

Dated

.....
(signature and title of county clerk)

.....
(address of county clerk)

NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE BALLOTS

If you are a qualified and registered voter of the State who expects to be absent outside the State on,
(date of election)

or a qualified and registered voter who will be within the State on but because of permanent and total disability,
(date of election)

or because of illness or temporary physical disability, or because of the observance of a religious holiday pursuant to the tenets of your religion, or because of resident attendance at a school, college, or university, or because of the nature and hours of employment, will be unable to cast your ballot at the polling place in your district on said date, and you desire to vote in the

(municipal, primary, general,
..... election to be held on
or other) (date of election)

kindly complete the application form below and send to the undersigned, or write or apply in person to the undersigned at once requesting that a civilian absentee ballot be forwarded to you. Such request must state your home address, and the address to which said ballot should be sent, and must be signed with your signature, and state the reason why you will not be able to vote at your usual polling place. No civilian absentee ballot will be furnished or forwarded to any applicant unless request therefor is received not less than seven days prior to the election, and contains the foregoing information.

Voters who are permanently and totally disabled shall, after their initial request and without further action on their part, be forwarded an absentee ballot application by the county clerk for all future elections in which they are eligible to vote. Application forms may be obtained by applying to the undersigned either in writing or by telephone, or the application form provided below may be completed and forwarded to the undersigned.

Dated

.....
(signature and title of county clerk)

.....
(address of county clerk)

.....
(Telephone No. of county clerk)

APPLICATION FORM FOR CIVILIAN ABSENTEE BALLOT

(Form to be prepared by the Secretary of State pursuant to section 17 of this amendatory and supplementary act.)

Such notices shall be separately published prior to the 50th day immediately preceding the holding of any election.

Notices relating to any Statewide or countywide election shall be published by the county clerk in at least two newspapers published in the county. All other officials charged with the duty of publishing such notices shall publish the same in at least one newspaper published in each municipality or district in which the election is to be held or if no newspaper be published in said municipality, then in a newspaper published in the county and circulating in such municipality, municipalities or district. All such notices shall be display advertisements.

32. Section 11 of P. L. 1953, c. 211 (C. 19:57-11) is amended to read as follows:

C. 19:57-11 Forwarding of ballots.

11. Each county clerk shall forward a military service ballot or a civilian absentee ballot, as the case may be, for use under this act by first-class mail or hand delivery to each military service voter who applies therefor or on whose behalf application is made therefor, and whose application is approved in any case where approval is required under section 10 of this act, and to each civilian absentee voter whose request therefor has been approved. Hand delivery of an absentee ballot shall be made by the county clerk or his designee only to the voter or his authorized messenger, who must appear in person. Ballots that have not been hand delivered shall be addressed to the voter at the forwarding address given in the application. All ballots to be forwarded to persons at an address located within the limits of the states of Alaska and Hawaii or anywhere else without the limits of the other 48 states and the District of Columbia shall be forwarded by air mail.

Such ballot shall be so forwarded as soon as practicable after the 40th day preceding the day upon which any election is to be held.

33. Section 14 of P. L. 1953, c. 211 (C. 19:57-14) is amended to read as follows:

C. 19:57-14 Contents of absentee ballot.

14. Each absentee ballot to be used at any election to be held while this act is in effect shall be printed entirely in black ink and,

except as otherwise provided, shall conform generally to the ballot to be used at said election in the absentee voter's election district and shall be so prepared that the absentee voter may indicate thereon his choice of such of the candidates for the offices to be filled, and as to such public questions to be voted upon, at said election by the voters of the entire State, county or municipality in which such absentee voter is a resident, as shall be ascertained and known on the 48th day preceding the election and sufficient space shall be provided thereon for such absentee voter to write in the name of and vote for any candidate for, or his personal choice for, any public office to be voted for at such election in such election district. A list of the candidates for the offices to be filled in each election district in the county, whose names are known and ascertained on the day on which the ballot is forwarded but do not appear upon said ballot, with a statement of the office for which each is a candidate, shall be forwarded with such ballot.

In the preparation of absentee ballots the name of any candidate who has been nominated for any office shall be placed upon the absentee ballot to be used in the general election to be held in said year in each election district in which he is a candidate, whether or not such candidate has accepted such nomination prior to said date; provided that he has not prior to said date declined the same.

34. Section 4 of P. L. 1981, c. 379 (C. 40:45-8) is amended to read as follows:

C. 40:45-8 Petitions of nomination.

4. On or before the 54th day prior to a regular municipal election, the names of candidates for all elective offices shall be filed with the municipal clerk, in the following manner and form and subject to the following conditions:

a. The petition of nomination shall consist of individual certificates, equal in number to at least 1%, but in no event less than 25, of the registered voters of the municipality or the ward, as the case may be, and shall read substantially as follows:

"I, the undersigned, a registered voter of the municipality of, residing at
certify that I do hereby join in a petition of the nomination of whose residence is at
. for the office of mayor (or councilman-at-large, or ward councilman of the ward, or commissioner, or village trustee, as the case may be) to be voted for at the election to be held in the municipality on the

....., 19, and I further certify that I know this candidate to be a registered voter, for the period required by law, of the municipality (and the ward, in the case of ward councilman) and a person of good moral character, and qualified, in my judgment, to perform the duties of the office, and I further certify that I have not signed more petitions or certificates of nomination than there are places to be filled for the above office.

Signed"

Any such petition of nomination which is provided to candidates by the municipal clerk shall contain the following notice: "Notice: All candidates are required by law to comply with the provisions of the 'New Jersey Campaign Contributions and Expenditures Reporting Act.' For further information, please call (insert phone number of the Election Law Enforcement Commission)."

b. Each petition signature shall be on a separate sheet of paper and shall bear the name and address of the petitioner. The candidate for office and his campaign manager shall make an oath before an officer competent to administer oaths that the statements made therein are true, and that each signature to the papers appended thereto is the genuine signature of the person whose name it purports to be, to their best knowledge and belief. The oath, signed by the candidate, shall constitute his acceptance of nomination and shall be annexed to the petition, together with the oath of his campaign manager, at the time the petition is submitted.

c. The municipal clerk shall immediately provide the Election Law Enforcement Commission with official certification of the filing or withdrawal of a petition of nomination.

35. Section 5 of P. L. 1981, c. 379 (C. 40:45-9) is amended to read as follows:

C. 40:45-9 Individual certificates.

5. a. The municipal clerk shall furnish, upon request, a reasonable number of forms of individual certificates of nomination.

b. Each certificate shall contain the name of one candidate, and no more. Each signer must not, at the time of signing the certificate, have signed more certificates for candidates for that office than there are places to be filled for the office. Where ward councilmen are to be elected, no petitioner shall sign more than one certificate for ward council, and the candidate named in the petition shall reside in the same ward as the signer. All certificates not complying substantially with this act shall be rejected.

c. When a petition of nomination is presented for filing to the municipal clerk, he shall examine it and ascertain whether or not it conforms to the provisions of this act and, where applicable, the provisions of the general election laws. If it does not conform, he shall retain the petition and notify the person nominated of the defect, by written notice delivered to him personally or by certified mail to his place of residence stated in the petition.

d. Where the nominating petition, or any affidavit or affidavits thereto is found defective, the candidate named therein may file such amendment or amendments as may be necessary to eliminate the defect, whether of matters of substance or form, and when so amended the effect shall be as if the petition had been originally filed in the amended form. After the last day for the filing of the original petition, no amendment may be made for the purpose of adding the name of any person who did not sign the original petition, nor shall any amendment be made at any time for the purpose of changing the name of the candidate or the office for which he was to be nominated. No amendment to a nominating petition shall be made and filed less than 48 days before the election.

36. This act shall take effect immediately but shall not apply to any primary, general or other election occurring on or before the 90th day following enactment.

Approved March 26, 1985.

CHAPTER 93

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

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

1. Section 40 of P. L. 1975, c. 291 (C. 40:55D-52) is amended to read as follows:

C. 40:55D-52 Effect of final approval of a site plan or major subdivision.

40. Effect of final approval of a site plan or major subdivision.
a. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to section 37 of this act, whether conditionally or otherwise, shall not be changed for a period of two years after the date

of final approval; provided that in the case of major subdivision the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided in section 42 of this act. If the developer has followed the standards prescribed for final approval, and, in the case of a subdivision, has duly recorded the plat as required in section 42 of this act, the planning board may extend such period of protection for extensions of one year but not to exceed three extensions. Notwithstanding any other provisions of this act, the granting of final approval terminates the time period of preliminary approval pursuant to section 37 of this act for the section granted final approval.

b. In the case of a subdivision or site plan for a planned development of 50 acres or more, conventional subdivision or site plan for 150 acres or more, or site plan for development of a nonresidential floor area of 200,000 square feet or more, the planning board may grant the rights referred to in subsection a. of this section for such period of time, longer than two years, as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) economic conditions and (3) the comprehensiveness of the development. The developer may apply for thereafter, and the planning board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) the number of dwelling units and nonresidential floor area remaining to be developed, (3) economic conditions and (4) the comprehensiveness of the development.

2. This act shall take effect immediately.

Approved March 26, 1985.

CHAPTER 94

AN ACT concerning the contested case jurisdiction of the Office of Administrative Law, and amending P. L. 1978, c. 67.

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

1. Section 10 of P. L. 1978, c. 67 (C. 52:14F-8) is amended to read as follows:

C. 52:14F-8 Administrative Law jurisdictional exclusions.

10. Unless a specific request is made by the agency, no administrative law judge shall be assigned by the director to hear contested cases with respect to:

a. The State Board of Parole; the Public Employment Relations Commission; the Division of Workers' Compensation; the Division of Tax Appeals; or the management or operation by any agency of a State custodial, penal or correctional institution or program, insofar as the acts of the agency relate to the internal affairs of the institution or program unless the sanctions arising from a single incident involve the loss of 365 days or more of time credits awarded pursuant to R. S. 30:4-140.

b. Any matter where the head of the agency, a commissioner or several commissioners are required to conduct or determine to conduct the hearing directly and individually.

2. This act shall take effect immediately and shall expire on December 31, 1987.

Approved March 26, 1985.

CHAPTER 95

AN ACT temporarily permitting certain municipalities to appropriate certain amounts in the 1985 local budget year as an exception to the limits imposed upon final appropriations pursuant to P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.).

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

1. As used in this act, "qualified municipality" means any municipality having a population in excess of 8,000, but less than 10,000, according to the 1980 federal decennial census, which is located in a county of the second class having a population in excess of 450,000, but less than 500,000, according to the 1980 federal decennial census, and which certifies to the Director of the Division of Local Government Services in the Department of Community Affairs, prior to the adoption of its 1985 municipal budget, that:

a. There exist overexpenditures and overcommitments of funds from any local fiscal year preceding 1985 for which deferred charges have not been appropriated prior to 1985; and

b. The overexpenditures and overcommitments exceed, in the aggregate, 45% of the amount the municipality raised by taxation in 1984 for municipal purposes.

2. The provisions of any law to the contrary notwithstanding, any qualified municipality is authorized to appropriate any deferred charges which consist of overexpenditures or overcommitments of funds during any local budget year prior to 1985 as an exception to the limits imposed on increases in final appropriations pursuant to P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.).

3. The Director of the Division of Local Government Services in the Department of Community Affairs shall monitor the execution of the budget of any qualified municipality operating pursuant to the provisions of this act to ensure that the funds appropriated for the purposes specified in section 2 of this act are lawfully and properly disbursed.

4. This act shall take effect immediately, shall be retroactive to January 1, 1985, and shall expire on December 31, 1986.

Approved March 26, 1985.

CHAPTER 96

AN ACT concerning the destruction of hypodermic needles or syringes and amending P. L. 1972, c. 143.

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

1. Section 1 of P. L. 1972, c. 143 (C. 2A:170-25.17) is amended to read as follows:

C. 2A:170-25.17 Destruction of hypodermic needles, syringes.

1. No person shall discard or abandon in any public or private place accessible to any other person, whether or not the other person may be a trespasser, any disposable or reusable hypodermic needle or syringe, without first destroying the needle or syringe; nor shall any owner, lessee or other person in control of premises accessible to any other person, whether or not the other person may be a

trespasser, knowingly permit discarded or abandoned hypodermic needles or syringes to remain on said premises in an intact condition.

For purposes of this act, a hypodermic needle or syringe shall be deemed destroyed only if: *a.* the needle is broken from the hub or mangled, in the case of a needle, and the nipple of the barrel is broken from the barrel or the plunger and barrel are melted, in the case of a syringe; or *b.* it is discarded as a single unit, without recapping, into a rigid container and the container is destroyed by grinding or crushing in a compacter, or by burning in an incinerator approved by the Department of Environmental Protection, or by any other method approved by the Department of Health.

Any person who violates the provisions of this act is a disorderly person and shall be punished by a fine not exceeding \$500.00 or by imprisonment for not more than five days, or both.

2. This act shall take effect immediately.

Approved March 26, 1985.

CHAPTER 97

AN ACT concerning death by auto and assault and amending N. J. S. 2C:11-5 and N. J. S. 2C:12-1.

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

1. N. J. S. 2C:11-5 is amended to read as follows:

Death by auto.

2C:11-5. Death by auto. *a.* Criminal homicide constitutes death by auto when it is caused by driving a vehicle recklessly.

b. Death by auto is a crime of the third degree and, notwithstanding the provisions of 2C:43-2, the court may not suspend the imposition of sentence on any defendant convicted under this section, who was operating the vehicle under the influence of an intoxicating liquor, narcotic, hallucinogenic or habit-producing drug, and any sentence imposed under this section shall include either a fixed minimum term of 270 days' imprisonment, during which the defendant shall be ineligible for parole, or a requirement that the defendant perform a community related service for a minimum of 270 days.

c. For good cause shown, the court may, in accepting a plea of guilty under this section, order that such plea not be evidential in any civil proceeding.

2. N. J. S. 2C:12-1 is amended to read as follows:

Assault.

2C:12-1. Assault. a. Simple assault. A person is guilty of assault if he:

(1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or

(2) Negligently causes bodily injury to another with a deadly weapon; or

(3) Attempts by physical menace to put another in fear of imminent serious bodily injury.

Simple assault is a disorderly persons offense unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty disorderly persons offense.

b. Aggravated assault. A person is guilty of aggravated assault if he:

(1) Attempts to cause serious bodily injury to another, or causes such injury purposely or knowingly or under circumstances manifesting extreme indifference to the value of human life recklessly causes such injury; or

(2) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon; or

(3) Recklessly causes bodily injury to another with a deadly weapon; or

(4) Knowingly under circumstances manifesting extreme indifference to the value of human life points a firearm, as defined in section 2C:39-1f., at or in the direction of another, whether or not the actor believes it to be loaded; or

(5) Commits a simple assault as defined in subsection a. (1) and (2) of this section upon

(a) Any law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority; or

(b) Any paid or volunteer fireman acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of the duties of a fireman; or

(c) Any person engaged in emergency first-aid or medical services acting in the performance of his duties while in uniform or

otherwise clearly identifiable as being engaged in the performance of emergency first-aid or medical services; or

(d) Any school board member or school administrator, teacher or other employee of a school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a member or employee of a school board.

Aggravated assault under subsection b. (1) is a crime of the second degree; under subsection b. (2) is a crime of the third degree; under subsection b. (3) and b. (4) is a crime of the fourth degree; and under subsection b. (5) is a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree.

c. A person is guilty of assault by auto when the person drives a vehicle recklessly and causes either serious bodily injury or bodily injury to another. Assault by auto is a crime of the fourth degree if serious bodily injury results and is a disorderly persons offense if bodily injury results.

3. This act shall take effect immediately.

Approved March 27, 1985.

CHAPTER 98

AN ACT concerning the making, negotiating and awarding of contracts by the Office of Legislative Services and amending P. L. 1979, c. 8.

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

1. Section 11 of P. L. 1979, c. 8 (C. 52:11-64) is amended to read as follows:

C. 52:11-64 Award of contracts by Office of Legislative Services.

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

b. Contracts for goods and services. The provisions of any other law to the contrary notwithstanding, every contract for goods or services to be paid for from funds appropriated or otherwise made available to the Office of Legislative Services may be made, negotiated and awarded directly by the Office of Legislative Services. These contracts shall follow the procedures for public advertisement for bids, the exceptions thereto and the waiver procedures set forth in sections 3 through 7 of P. L. 1954, c. 48 (C. 52:34-8 through 52:34-12) and the provisions set forth in sections 10, 13 and 14 of P. L. 1954, c. 48 (C. 52:34-15, 52:34-18 and 52:34-19).

The Office of Legislative Services shall employ the administrative and technical assistance of the Division of Purchase and Property, or its successor, in the Department of the Treasury, to make and negotiate these contracts.

The Division of Purchase and Property, or its successor, in the Department of the Treasury shall provide the administrative and technical assistance to the Office of Legislative Services in making and negotiating these contracts, but shall do so in consultation with and with the approval of the office.

2. This act shall take effect immediately.

Approved March 29, 1985.

CHAPTER 99

AN Act appropriating monies from the “Water Supply Fund” for State projects or local projects to rehabilitate, repair or consolidate antiquated, damaged or inadequately operating 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 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), as amended by P. L. 1983, c. 355, the following sum of money for State projects or local projects to rehabilitate, repair or consolidate antiquated, damaged or inadequately operating water supply

facilities; for feasibility studies for water delivery and treatment programs for additional water supply facilities; and for State projects or local projects to plan, design, acquire and construct various water supply facilities to resolve contamination problems, all as recommended by the New Jersey Statewide Water Supply Plan:

Loans for high priority rehabilitation and consolidation of inadequate water supply systems	\$32,200,000.00
Loans for high priority interconnections of water supply systems	568,000.00
Feasibility studies for additional water supply projects, in accordance with the New Jersey Statewide Water Supply Plan	3,850,000.00
Watershed and aquifer protection, including groundwater programs	4,985,000.00
Loans for remedial programs to resolve water supply contamination problems	10,000,000.00
	<hr/>
Total Appropriation, Department of Environmental Protection	\$51,603,000.00
	<hr/> <hr/>

Funds shall be appropriated for allocation to the following applicants in the designated categories:

Rehabilitation Applicants

Ringwood borough
 Franklin borough
 Hopatcong borough
 Keansburg MUA
 Pemberton township
 Jersey City
 Newark city
 Perth Amboy city
 Deptford township MUA
 Brigantine city
 Park Ridge borough
 Pompton Lakes borough MUA

Denville township
Rockaway township
Hawthorne borough
Wildwood city
Red Bank borough
Mahwah township
Union Beach borough
Paulsboro borough
Seaside Park borough
Florence township
Stockton borough
Lakehurst borough
Ho-Ho-Kus borough
Riverdale borough
Chatham borough
Roosevelt borough
Hamilton township MUA
Atlantic City MUA
Madison borough
Denville township
Monroe township MUA
Tuckerton borough MUA
West Cape May borough
Rockaway borough
Beach Haven borough
Haddon township

Interconnection Applicants

Chatham borough
Netcong borough
Essex Fells township

Feasibility Study Applicants

Lawrence Chain of Lakes
Six Mile Run (Franklin township)
Consolidation of Small Water Companies
Cape May Regional Area
Hopewell-Pennington Water Supply

Watershed and Aquifer Protection Applicants

- Atlantic City Area
 - Regional Aquifer Study
- Camden Area
 - Regional Aquifer Study
- South River Area
 - Regional Aquifer Study
- Atlantic City Offshore Wells

Remedial Water Contamination Program Applicants

- Upper Deerfield township
- Stafford township
- Delanco township
- Lodi borough
- Washington township (Mercer)
- Essex Fells township
- Hawthorne borough
- Monroe township (Middlesex)
- Deerfield township
- Boonton township
- Lafayette township
- East Hanover township
- Stanhope borough
- Washington township (Morris)
- Mount Olive township
- Bridgewater township
- Monroe township (Middlesex) (JIS Area)
- Branchburg township (JIS Area)

2. The expenditure of the sum appropriated by this act is subject to the provisions and conditions of P. L. 1981, c. 261, as amended by P. L. 1983, c. 355.

3. a. Six months after the effective date of this act and every six months thereafter, the department shall submit to the Joint Appropriations Committee's Subcommittee on Transfers and the Director of the Division of Budget and Accounting an itemized accounting of the projects for which funds have been allocated pursuant to this act, and the amounts therefor.

b. 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 in the Department of the Treasury for permission to transfer funds from one category or project to another, which application shall specifically identify which project or projects will be allocated increased funding and which will lose funding, and the respective amounts thereof. Upon the approval of an application by the director and by the Joint Appropriations Committee's Subcommittee on Transfers or its successor in writing, the director shall make the transfer as provided by law.

c. From the sum appropriated by this act, there may be allocated whatever sums, as the commissioner may determine, for personal services by contract, or, in lieu thereof, by State employees for the purpose of planning, engineering, design, research, construction property acquisition, or other costs related to construction, except that the expenditure of any of these sums is subject to approval as transfers as prescribed in subsection b. of this section. The Department of Environmental Protection's use of monies appropriated pursuant to this act for administrative costs shall not exceed 5% of the amount appropriated pursuant to this act.

4. Any funds made available to local water supply purveyors or municipalities shall be in the form of loans with principal payments due to be repaid to the "Water Supply Fund," and interest payments due to be repaid into the General Fund in accordance with the terms of a written agreement. The form of the loan agreement shall be specified by the State Treasurer.

5. This act shall take effect immediately.

Approved April 1, 1985.

CHAPTER 100

AN ACT establishing a program for the voluntary fingerprinting of certain school children.

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

C. 18A:36-29 Fingerprinting of students.

1. The sheriff of each county shall work in conjunction with local law enforcement officials and local boards of education to

provide a fingerprint program for the protection of its students. The sheriff shall visit each public school and shall, at the request of a parent or guardian or temporary caretaker, provide each student in any grades from kindergarten through nine with the opportunity to have the student's fingerprints taken as provided in this act.

C. 18A:36-30 Assistance of school officials; authorization.

2. a. Public school officials shall cooperate with sheriffs and local law enforcement officials in setting dates for fingerprinting pupils pursuant to this act and providing school facilities and personnel to assist in the fingerprinting process.

b. No pupil shall be fingerprinted unless the signed authorization section of the fingerprint card is completed by the student's parent or guardian or temporary caretaker.

c. School officials shall notify the parents or guardians or temporary caretakers of eligible pupils of the date set for the fingerprinting program at the school at least two weeks prior thereto. For purposes of this subsection, "eligible pupils" means pupils who have not been fingerprinted previously pursuant to this act.

C. 18A:36-31 Fingerprint card.

3. a. Fingerprinting pursuant to this act shall be done on a fingerprint card provided by the sheriff or local law enforcement officials. Fingerprints shall be recorded on an eight by eight inch seven mil paper card stock, with the grain running from left to right. In addition to fingerprints, the card shall contain the following information: name, address, race, sex, date of birth, birthplace, height, weight, color of hair, color of eyes, complexion, scars and the name of the parent or guardian of the pupil. The fingerprint card shall contain a place for rolled and plain impressions as presently utilized on standard fingerprint cards. Sufficient space shall be provided on the back of the card for palm prints, should they be necessary. The card shall also provide for the voluntary written consent of the student's parent or guardian or temporary caretaker and for the signature of the person taking the fingerprints, his department and the date the fingerprints were taken. The sheriff's office and local law enforcement officials shall not retain any fingerprint cards for their own records and shall not imprint or duplicate the fingerprints of a pupil except as provided in this act.

b. Completed fingerprint cards shall be given to the pupil's parent or guardian or temporary caretaker.

c. Each school district shall provide an orientation program conducted by certified school staff for the students for whom fingerprinting has been requested to ensure that the students can more readily understand its purposes.

d. Any fingerprint that becomes smudged in the process of imprinting or is otherwise indistinct shall immediately be destroyed and a new fingerprint shall be imprinted.

4. This act shall take effect on September 1 next following enactment.

Approved April 4, 1985.

CHAPTER 101

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, there are appropriated from the General Fund the following sums for the purposes specified:

DIRECT STATE SERVICES

DEPARTMENT OF HUMAN SERVICES

Economic Planning, Development and Security

55 Related Social Services Programs

7570 Division of Youth and Family Services

16-7570 Initial Response/Case Management \$5,000,000

Personal Services:

Salaries and wages (\$3,400,000)

Services Other Than Personal (210,000)

Maintenance and Fixed Charges (590,000)

Additions, Improvements and

Equipment (800,000)

Total Appropriation, Division of Youth and

Family Services 5,000,000

Total Appropriation, Direct State Services \$5,000,000

STATE AID

DEPARTMENT OF HUMAN SERVICES

Economic Planning, Development and Security

55 Related Social Services Programs—State Aid

7570 Division of Youth and Family Services

17-7570	Substitute Care	\$5,800,000
18-7570	General Social Services	2,050,000

State Aid:

Residential care	(\$2,800,000)	
Foster care	(1,300,000)	
Foster care and subsidized adoptions—5% rate increase	(500,000)	
Subsidized adoptions	(1,200,000)	
Family support services	(2,050,000)	
Total Appropriation, Division of Youth and Family Services		7,850,000
Total Appropriation, State Aid		7,850,000
Total Appropriation, General Fund		\$12,850,000

2. The Commissioner of Human Services shall use the funds appropriated in section 1 of this act for Initial Response/Case Management only to employ additional caseworkers, supervisors and clerical personnel for district offices and to fund related non-salary support costs for these additional employees. The commissioner shall not transfer any of these funds for other purposes within the Division of Youth and Family Services or to other operating accounts within the Department of Human Services.

The Director of the Division of Youth and Family Services shall report monthly to the Senate Institutions, Health and Welfare Committee and the General Assembly Corrections, Health and Human Services Committee on the division's progress in hiring the additional personnel pursuant to section 1 of this act.

3. Any person in a position of employment with a county welfare agency on the date that the agency withdraws from a merger of operations with the Division of Youth and Family Services in the Department of Human Services shall, upon filing an application with the division within 120 days after the withdrawal or within 120 days after the effective date of this act, whichever is later, and

subject to the availability of a suitable position in the division, be transferred to and employed with the division within six months after the filing of the application, in a position of the same or substantially similar title, duties and responsibilities, without diminution in compensation and seniority rights, and without impairment of tenure, civil service, pension and retirement rights which accrued to the person by reason of employment with the agency upon the effective date of the transfer.

4. This act shall take effect immediately.

Approved April 4, 1985.

CHAPTER 102

AN ACT creating a New Jersey Commission on Science and Technology in the Department of Commerce and Economic Development and supplementing Title 52 of the Revised Statutes.

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

C. 52:9X-1 Findings.

1. The Legislature finds that the Report of the Governor's Commission on Science and Technology contains recommendations which merit consideration and evaluation by persons with expertise in the various respective areas of science and technology; and the Legislature further finds that it is necessary and desirable to establish a qualified body to exercise oversight for the responsibility of implementing and evaluating the outcome of the commission's recommendations, and for formulating long-range plans and programs for science and technology in New Jersey.

C. 52:9X-2 Definitions.

2. For purposes of this act:

a. "Advanced technology center" means outstanding programs or departments at New Jersey's public and private higher education institutions, which are provided substantial and concentrated financial support to promote their development into national-level bases for innovative technology research.

b. "Business incubation facilities" means the provision of space and technical assistance to a targeted network of developmental

facilities, consisting of low-cost space, for short-term occupancy, to new companies employing selected technologies congruent with the strengths of the State's public and private institutions of higher education.

c. "Innovation partnership grants" means matching grants to academic researchers performing applied research in emerging technologies at the State's public and private institutions of higher education, which are of strategic importance to the New Jersey economy, under regulations adopted by the commission pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

d. "Technology extension services" means programs to accelerate the application and transfer of technological innovation by the State's public and private institutions of higher education to existing industry, specifically to work with the State's businesses to adapt these innovations to the requirements of individual business operations.

C. 52:9X-3 Commission on Science and Technology.

3. The New Jersey Commission on Science and Technology (hereinafter referred to as the "commission") is created and established in the Executive Branch of the State Government. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the commission is allocated within the Department of Commerce and Economic Development, but notwithstanding this allocation, the commission shall be independent of any supervision or control by the department or by any board or officer thereof.

C. 52:9X-4 Membership.

4. The commission shall consist of the following members: four public members to be appointed by the Governor, with the advice and consent of the Senate, of whom no more than two shall be of the same political party; two public members to be appointed by the Governor upon the recommendation of the President of the Senate and two public members to be appointed by the Governor upon the recommendation of the Speaker of the General Assembly, of whom no more than one of each group of two shall be of the same political party; two members of the Senate who shall not be of the same political party to be appointed by the President of the Senate; two members of the General Assembly who shall not be of the same political party to be appointed by the Speaker of the General Assembly; the Chancellor of Higher Education, ex officio, or his duly

authorized representative; the Commissioner of Commerce and Economic Development, ex officio, or his duly authorized representative; and a member of the Governor's staff, designated by the Governor, ex officio, or his duly authorized representative. In the selection of public members, a strong effort shall be made to appoint women and minorities to the commission. These 15 members shall have a right to vote on the various matters considered by the commission. In addition, the commission shall include two presidents from the State's public and private research institutions of higher education, who shall be appointed annually by the Governor and who shall serve as nonvoting members.

C. 52:9X-5 Terms; removal, suspension.

5. a. The terms of the public members of the commission appointed by the Governor shall be for five years or until their successors are appointed, except that of the appointments first made to the commission under this act, two shall serve for three years or until their successors are appointed, three shall serve for four years or until their successors are appointed, and three shall serve for five years or until their successors are appointed. Legislative members shall serve for the terms of their office. Any vacancy shall be filled in the same manner as the original appointment but only for the balance of the unexpired term. The commission members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

b. Each member appointed by the Governor may be removed from office by the Governor, for cause, after a public hearing, and may be suspended by the Governor pending the completion of the hearing. Each member before entering upon his duties shall take and subscribe an oath to perform the duties of this office faithfully, impartially and justly to the best of his ability. A record of these oaths shall be filed in the office of the Secretary of State.

C. 52:9X-6 Chairman.

6. The Governor shall designate the chairman of the commission from among the public members appointed by him.

C. 52:9X-7 Executive director.

7. The commission shall appoint an executive director, who shall serve at its pleasure and who shall receive such compensation as provided by law.

C. 52:9X-8 Staff.

8. The executive director shall be responsible for the selection of properly qualified staff members. Staff members shall have

strong backgrounds in science and technology as well as in economic development.

C. 52:9X-9 Duties of commission.

9. The commission shall:

- a. Be responsible for the development and oversight of policies and programs in science and technology for New Jersey;
- b. Ensure that the programs in science and technology are adequately funded to achieve their stated goals;
- c. Stimulate academic-industrial collaboration through such mechanisms as advanced technology centers, innovation partnership grants, business incubation facilities, and technology extension services;
- d. Plan and assist in the establishment of new advanced technology centers, business incubation facilities, and technology extension services and adopt rules and regulations regarding the operation of these activities;
- e. Coordinate activities of the advanced technology centers, business incubation facilities and technology extension services in conjunction with designated public and private institutions of higher education;
- f. Recommend funding levels, determine eligible fields and supervise the process of making awards for innovation partnership grants;
- g. Continue to identify and to support research opportunities at New Jersey academic institutions and other institutions that can advance economic development and employment;
- h. Encourage and coordinate activities to help entrepreneurs and inventors;
- i. Stimulate technology transfer between higher education institutions and industry, including transfer of information available from various federal agencies;
- j. Appoint a peer review committee, where warranted, for each of the fields of technology, drawn from the academic, scientific and industrial communities to review all situations involving either competitive applications for agency support or judgments on complex scientific or technological matters with the stipulation that neither reviewers nor their affiliated institutions shall be eligible as applicants;
- k. Monitor changes in national and international economic conditions which might justify a reorientation of the State's technology program;

- l. Identify future fields of science and technology that offer potential for application in New Jersey and help to find funding sources;
- m. Adopt rules and regulations pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) to effectuate the provisions of this act, consistent with the rules and regulations of the Department of Higher Education;
- n. Adopt, amend and repeal bylaws for the regulation of its affairs and the conduct of its business;
- o. Adopt and have a seal and alter the same at pleasure;
- p. Have authority to sue and be sued;
- q. Have authority to conduct meetings and public hearings in connection with the purposes of this act;
- r. Have authority to enter into contracts, public and private, with a person upon those terms and conditions as the commission determines to be reasonable and to effectuate the purposes of this act;
- s. Employ consultants and specialists in science and technology and any other employees as may be required in the judgment of the commission to effectuate the purposes of this act, and to fix and pay their compensation from funds available therefor, all without regard to the provisions of Title 11 of the Revised Statutes;
- t. Receive and disburse funds from non-State sources including but not limited to federal funds; and
- u. Have authority to do any and all things necessary or convenient to carry out its purposes and exercise the powers granted in this act.

C. 52:9X-10 Annual report.

10. The commission shall annually report to the Governor and the Legislature on or before February 15. Each report shall set forth a complete operating and financial statement covering the operations of the commission and all advanced technology centers within its jurisdiction. The financial records of the commission shall be audited annually by the State Auditor.

11. The appropriation for the Governor's Commission on Science and Technology in the Department of Higher Education is transferred to the New Jersey Commission on Science and Technology in the Department of Commerce and Economic Development.

12. This act shall take effect immediately.

Approved April 8, 1985.

CHAPTER 103

AN ACT establishing an Advanced Technology Center in Hazardous and Toxic Substance Management 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:64J-1 Hazardous, toxic substance management center.

1. The Legislature finds and declares that the management of hazardous and toxic substances is one of the most pressing problems confronting the citizens of our State. Progress in this area is expected to produce significant health benefits and an increase in economic growth for our citizenry. The Legislature further finds that the establishment of an advanced technology center in hazardous and toxic substance management is desirable.

C. 18A:64J-2 Definitions.

2. For the purposes of this act:

a. “Advanced technology center” means one or more outstanding programs or departments at New Jersey’s public and private institutions of higher education, which are provided substantial and concentrated financial support to promote their development into national-level bases for innovative technology research.

b. “Business incubation facilities” means low-cost, short-term occupancy, rental spaces wherein assistance is granted to a targeted network of new companies employing selected technologies congruent with the strengths of the State’s public and private institutions of higher education.

c. “Commission” means the Governor’s Commission on Science and Technology as created by Executive Order No. 12 of 1982 or its successor which is established by the Legislature.

d. “Consortium” means a cooperative arrangement between two or more institutions of higher education to pursue a program for strengthening academic programs, improving administration or providing for other special needs.

e. “Innovation partnership grants” means matching grants to academic researchers performing applied research in emerging technologies at any of the State’s public and private institutions

of higher education, which are of strategic importance to the New Jersey economy, under regulations adopted by the commission pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

f. "Private institutions of higher education" means independent colleges, universities or institutes incorporated and located in New Jersey, which by virtue of law or character or license are non-profit educational institutions authorized to grant academic degrees and which provide a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which are eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey, but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.

g. "Public institutions of higher education" means Rutgers, The State University, the State colleges, the New Jersey Institute of Technology, the University of Medicine and Dentistry of New Jersey, the county colleges and any other public university or college now or hereafter established or authorized by law.

h. "Technology extension services" means programs that not only accelerate the application and transfer of technological innovations by the State's public and private institutions of higher education to existing industry, but also adapt these innovations to the requirements of individual business operations.

C. 18A:64J-3 Center at New Jersey Institute of Technology.

3. There is established the Advanced Technology Center in Hazardous and Toxic Substance Management, hereinafter referred to as the center, at the New Jersey Institute of Technology in the City of Newark, County of Essex with the cooperation of a research and public policy consortium led by the New Jersey Institute of Technology and including Stevens Institute of Technology, the University of Medicine and Dentistry of New Jersey and Rutgers, The State University. Various other public and private institutions of higher education and their faculties may be considered for participation in the work of the center in the future by the commission.

C. 18A:64J-4 Director.

4. As soon as practicable, the participating institutions, in consultation with and under regulations adopted by the commission, shall appoint a director of the center.

C. 18A:64J-5 Procedures.

5. Under the leadership of the New Jersey Institute of Technology, the participating institutions shall develop procedures to:

- a. Administer and operate the center;
- b. Appoint, remove and transfer personnel;
- c. Establish programs in the center to promote the management of hazardous and toxic substances; and
- d. Do all other acts and things necessary and proper for the purposes of the center.

C. 18A:64J-6 Annual budget requests.

6. Annual budget requests for the center shall be submitted to and approved by the commission.

C. 18A:64J-7 Functions of center.

7. The center, where appropriate, and in consultation with the commission, shall:

- a. Research new techniques for dealing with hazardous and toxic substances;
- b. Serve as a repository for existing knowledge concerning hazardous and toxic substance management;
- c. Make recommendations to the commission concerning innovation partnership grants;
- d. Serve as a forum for the exchange of ideas among industry, government, academia and the public;
- e. Disseminate authoritative and objective information and guidance on the many issues arising concerning hazardous and toxic substance management;
- f. Promote technology extension services to businesses engaged in hazardous and toxic substance management;
- g. Make low-cost business incubation facilities available to new industry working in the field of hazardous and toxic substance management.

8. This act shall take effect on the 60th day following enactment.

Approved April 8, 1985.

CHAPTER 104

AN ACT establishing the Advanced Technology Center in Food 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:64J-3 Food technology center establishment.

1. The Legislature finds and declares that food technology, encompassing the study of the chemical, biological, and engineering aspects of food and food processing, packaging, and storing, is an important part of this State's economic base. Located in the heart of the nation's major population center, New Jersey has a good transportation system, and varied and extensive agricultural and aquatic resources. By expanding its role as a major food processing and distribution center, New Jersey can increase employment and benefits from the business opportunities thereby created in related areas such as ingredient supplies, chemical and packaging instrumentation, transportation, warehousing and waste disposal. The Legislature finds that the establishment of an advanced technology center in food technology would assist in promoting food technology and economic growth relating thereto.

C. 18A:64J-9 Definitions.

2. For the purposes of this act:

a. "Advanced technology center" means one or more outstanding programs or departments at New Jersey's public and private institutions of higher education, which are provided substantial and concentrated financial support to promote their development into national-level bases for innovative technology research.

b. "Business incubation facilities" means low-cost, short-term occupancy, rental spaces wherein assistance is granted to a targeted network of new companies employing selected technologies congruent with the strengths of the State's public and private institutions of higher education.

c. "Commission" means the Governor's Commission on Science and Technology as created by Executive Order No. 12 of 1982 or its successor which is established by the Legislature.

d. "Innovation partnership grants" means matching grants to academic researchers performing applied research in emerging technologies at any of the State's public and private institutions of higher education, which are of strategic importance to the New Jersey economy, under regulations adopted by the commission pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

e. "Private institutions of higher education" means independent colleges or universities incorporated and located in New Jersey, which by virtue of law or character or license are nonprofit educational institutions authorized to grant academic degrees and which provide a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which are eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey, but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.

f. "Public institutions of higher education" means Rutgers, The State University, the State colleges, the New Jersey Institute of Technology, the University of Medicine and Dentistry of New Jersey, the county colleges and any other public university or college now or hereafter established or authorized by law.

g. "Technology extension services" means programs that not only accelerate the application and transfer of technological innovations by the State's public and private universities to existing industry, but also adapt these innovations to the requirements of individual business operations.

C. 18A:64J-10 Center at Cook College.

3. There is established the Advanced Technology Center in Food Technology located at Cook College of Rutgers, The State University, hereinafter referred to as the center. Other public and private institutions of higher education and their faculties may be considered for participation in the center in the future by the commission.

C. 18A:64J-11 Appointment of director.

4. As soon as may be practicable, the participating institution or institutions, in consultation with and under regulations adopted by the commission, shall appoint a director of the center.

C. 18A:64J-12 Duties of director.

5. The participating institution or institutions through the director shall:

- a. Administer and operate the center;
- b. Appoint, remove and transfer personnel;
- c. Establish programs in the center to promote food technology research and food technology industries; and
- d. Take all action necessary and proper for the operation of the center.

C. 18A:64J-13 Annual budget request.

6. The center shall submit its annual budget request to the commission for approval.

C. 18A:64J-14 Functions of center.

7. The center, where appropriate, and in consultation with the commission, shall:

- a. Research new food products and develop more efficient and economical food processing and related techniques;
- b. Coordinate personnel and other resources from the departments of food science, biochemistry, microbiology, chemistry, nutrition, plant physiology, horticulture, mechanical engineering, chemical engineering and materials sciences at Rutgers, The State University in programs relating to the promotion of food technology research and industries;
- c. Promote research, especially in the areas of agriculture and food science;
- d. Promote technology extension services to businesses engaged in food science and related fields;
- e. Make low-cost business incubation facilities available to new industry working in the field of food science and related fields; and
- f. Make recommendations to the commission concerning innovation partnership grants.

8. This act shall take effect on the 60th day following enactment.

Approved April 8, 1985.

CHAPTER 105

AN ACT establishing the Advanced Technology Center in Biotechnology 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:64J-15 Biotechnology center establishment.

1. The Legislature finds and declares that the field of biotechnology, which applies scientific and engineering principles to the processing of materials by biological agents to produce goods and services, is an important and dynamic addition to the world economy. Progress in biotechnology has included gene splicing, monoclonal antibody technology, protein engineering, and large scale plant and animal cell culture. New Jersey is by all measures a major center for the health care, pharmaceutical, chemical, and food processing industries, all of which now benefit from and will increasingly depend upon advances in biotechnology. In recognition of the economic importance of biotechnology to New Jersey industries, the Legislature further finds and declares that the establishment of an advanced technology center in biotechnology would strengthen the State and serve as a stimulus for technology-based industrial growth.

C. 18A:64J-16 Definitions.

2. For the purposes of this act:

a. “Advanced technology center” means one or more outstanding programs or departments at New Jersey’s public and private institutions of higher education, which are provided substantial and concentrated financial support to promote their development into national-level bases for innovative technology research.

b. “Business incubation facilities” means low-cost, short-term occupancy, rental spaces wherein assistance is granted to a targeted network of new companies employing selected technologies congruent with the strengths of the State’s public and private institutions of higher education.

c. “Commission” means the Governor’s Commission on Science and Technology as created by Executive Order No. 12 of 1982 or its successor which is established by the Legislature.

d. "Innovation partnership grants" means matching grants to academic researchers performing applied research in emerging technologies at any of the State's public and private institutions of higher education, which are of strategic importance to the New Jersey economy, under regulations adopted by the commission pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

e. "Private institutions of higher education" means independent colleges or universities incorporated and located in New Jersey, which by virtue of law or character or license are nonprofit educational institutions authorized to grant academic degrees and which provide a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which are eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey, but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.

f. "Public institutions of higher education" means Rutgers, The State University, the State colleges, the New Jersey Institute of Technology, the University of Medicine and Dentistry of New Jersey, the county colleges and any other public university or college now or hereafter established or authorized by law.

g. "Technology extension services" means programs that not only accelerate the application and transfer of technological innovations by the State's public and private institutions of higher education to existing industry, but also adapt these innovations to the requirements of individual business operations.

C. 18A:64J-17 Joint governance.

3. There is established the Advanced Technology Center in Biotechnology (hereinafter referred to as the center) under the joint governance of Rutgers, The State University and the University of Medicine and Dentistry of New Jersey and with the participation of other public and private institutions of higher education and faculties who may be considered for participation in the work of the center in the future by the commission. The center shall be composed of various units at locations designated by the participating institutions, with the approval of the commission.

C. 18A:64J-18 Appointment of director.

4. As soon as may be practicable, the governing institutions, in consultation with and under regulations adopted by the commission, shall appoint a director of the center.

C. 18A:64J-19 Duties of director.

5. The governing institutions through the director shall:

- a. Administer and operate the center;
- b. Appoint, remove and transfer personnel;
- c. Establish programs in the center to promote biotechnology research and biotechnology industries; and
- d. Take all action necessary and proper for the operation of the center.

C. 18A:64J-20 Annual budget request.

6. The center shall submit its annual budget request to the commission for approval.

C. 18A:64J-21 Functions of center.

7. The center, where appropriate, and in consultation with the commission, shall:

- a. Make recommendations to the commission concerning innovation partnership grants;
- b. Support and promote existing programs in biotechnology research and industries and ensure that all sectors of the private industry have ready access to the personnel and programs of the center;
- c. Make low-cost business incubation facilities available to new industry working in the field of biotechnology; and
- d. Promote technological extension services to businesses engaged in biotechnology related applications.

8. This act shall take effect on the 60th day following enactment.

Approved April 8, 1985.

CHAPTER 106

AN ACT establishing the Advanced Technology Center in Industrial Ceramics 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:64J-22 Industrial ceramics center establishment.

1. The Legislature finds and declares that high technology industrial ceramics is a field in which New Jersey has significant academic and industrial strengths. Progress in this area is expected to produce significant economic growth and increases in productivity in the United States. New Jersey has the ability to capture a part of these economic benefits. To this end, the Legislature finds that the establishment of an advanced technology center in industrial ceramics will generate additional research and technological innovations to promote economic growth.

C. 18A:64J-23 Definitions.

2. For the purposes of this act:

a. "Advanced technology center" means one or more outstanding programs or departments at New Jersey's public and private institutions of higher education, which are provided substantial and concentrated financial support to promote their development into national-level bases for innovative technology research.

b. "Business incubation facility" means low-cost, short-term occupancy, rental spaces wherein assistance is granted to a targeted network of new companies employing selected technologies congruent with the strengths of the State's public and private institutions of higher education.

c. "Commission" means the Governor's Commission on Science and Technology as created by Executive Order No. 12 of 1982 or its successor which is established by the Legislature.

d. "Innovation partnership grants" means matching grants to academic researchers performing applied research in emerging technologies at any of the State's public and private institutions of higher education, which are of strategic importance to the New Jersey economy, under regulations adopted by the commission pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

e. "Private institutions of higher education" means independent colleges or universities incorporated and located in New Jersey, which by virtue of law or character or license are nonprofit educational institutions authorized to grant academic degrees and which provide a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which are eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey, but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.

f. "Public institutions of higher education" means Rutgers, The State University, the State colleges, the New Jersey Institute of Technology, the University of Medicine and Dentistry of New Jersey, the county colleges and any other public university or college now or hereafter established or authorized by law.

g. "Technology extension services" means programs that not only accelerate the application and transfer of technological innovations by the State's public and private institutions of higher education to existing industry, but also adapt these innovations to the requirements of individual business operations.

C. 18A:64J-24 Center at Rutgers.

3. There is established the Advanced Technology Center in Industrial Ceramics at Rutgers, The State University, hereinafter known as the center. Various public and private institutions of higher education and their faculties may be considered for participation in the work of the center in the future by the commission or institution.

C. 18A:64J-25 Appointment of director.

4. As soon as may be practicable, the participating institution or institutions, in consultation with and under regulations adopted by the commission, shall appoint a director of the center.

C. 18A:64J-26 Duties of director.

5. The participating institution or institutions through the director shall:

- a. Administer and operate the center;

- b. Appoint, remove and transfer personnel;
- c. Establish programs in the center to promote industrial ceramics research and industrial ceramics industries; and
- d. Take all action necessary and proper for the operation of the center.

C. 18A:64J-27 Annual budget request.

6. The center shall submit its annual budget request to the commission for approval.

C. 18A:64J-28 Functions of center.

7. The center, where appropriate, and in consultation with the commission, shall:

- a. Make recommendations to the commission concerning the awarding of innovation partnership grants;
- b. Make low-cost business incubation facilities available to new industry working in industrial ceramics and related fields;
- c. Provide technological extension services to businesses engaged in the application of industrial ceramics and related fields; and
- d. Promote additional research and technological innovation to generate economic growth in industrial ceramics and related fields.

8. This act shall take effect on the 60th day following enactment.

Approved April 8, 1985.

CHAPTER 107

AN ACT concerning public contracts, amending R. S. 52:25-23 and P. L. 1954, c. 48.

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

1. R. S. 52:25-23 is amended to read as follows:

Agency purchasing authority.

52:25-23. The Director of the Division of Purchase and Property may, by written order, delegate purchasing authority to the using agencies for purchases or contracts not in excess of \$7,500.00; except that:

- a. Purchases or contracts shall not be divided to circumvent the dollar limit imposed by this section;

b. Prior to issuing purchase orders pursuant to this section, a using agency shall verify the existence of funds for the purchase or contract; and

c. All purchases made or contracts negotiated under this section shall be reported to the Director of the Division of Purchase and Property by the using agency, in a manner prescribed by the Director of the Division of Purchase and Property, which report shall include proper proof that the purchase or contract was made or negotiated competitively, where competition is practicable.

2. Section 2 of P. L. 1954, c. 48 (C. 52:34-7) is amended to read as follows:

C. 52:34-7 State bid advertising thresholds.

2. Any such purchase, contract or agreement may be made, negotiated, or awarded by the Director of the Division of Purchase and Property or the Director of the Division of Building and Construction, as the case may be, without advertising, in any manner which he may deem effective to promote full and free competition whenever competition is practicable, if: (1) the aggregate amount involved does not exceed \$7,500.00; or (2) (Deleted by amendment, P. L. 1985, c. 107) or (3) the aggregate amount involved does not exceed \$10,000.00 in the case of contracts or agreements for the erection, construction, alteration, or repair of any public building or facility.

When the aggregate amount involved does not exceed \$10,000.00 in the case of contracts or agreements for the erection, construction, alteration, or repair of any public building or facility, the Director of the Division of Building and Construction may, at his discretion, delegate to the appropriate State department or using agency his authority to make, negotiate, or award a contract or agreement without advertising.

The Director of the Division of Purchase and Property or the Director of the Division of Building and Construction, as the case may be, shall establish, in accordance with the "Administrative Procedure Act" (P. L. 1968, c. 410; C. 52:14B-1 et seq.), rules and regulations concerning procedural requirements for the making, negotiating or awarding of purchases, contracts or agreements pursuant to this section.

3. This act shall take effect immediately.

Approved April 9, 1985.

CHAPTER 108

AN ACT concerning the netting of fish and amending P. L. 1941, c. 211.

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

1. Section 2 of P. L. 1941, c. 211 (C. 23:5-24.2) is amended to read as follows:

C. 23:5-24.2 Fish-netting license fees.

2. A person intending to take fish with a net in the waters aforesaid shall, except as hereinafter provided, apply to the commissioner for a license therefor, and the commissioner upon receipt of the application and the fee hereinafter prescribed may in his discretion issue licenses for the taking of fish with nets.

a. The commissioner shall establish resident fees within the following ranges:

- (1) Haul seines, \$25.00 to \$50.00 per net;
- (2) Fykes, \$12.00 to \$30.00 per net;
- (3) Miniature fykes or pots, \$100.00 to \$200.00 regardless of the number, provided that not more than two miniature fykes or pots may be used for the taking of killifish (*Cyprinodontidae* ssp.) or eels for bait without a license. Killifish or eels taken without a license may not be sold or used for barter;
- (4) Bait seines greater than 50 feet long but less than 150 feet long, \$3.00 to \$10.00 per net;
- (5) Drifting gill nets, \$20.00 to \$50.00 per net;
- (6) Staked or anchored gill nets, \$3.00 to \$10.00 per net;
- (7) Pound nets, \$100.00 to \$200.00 per net;
- (8) Wire pound nets, \$25.00 to \$100.00 per net;
- (9) Parallel nets, \$10.00 to \$30.00 per net;
- (10) Lobster or fish pots, \$100.00 to \$200.00 regardless of the number of pots used;
- (11) Horseshoe crab dredges, \$15.00 to \$30.00 per vessel;
- (12) Shrimp trawls, \$12.00 to \$30.00 per net.

b. No license shall be required for the following:

- (1) Dip nets 24 inches in diameter or less used for the taking of herring for live bait;

- (2) Bait seines 50 feet long or less;
- (3) Cast nets 20 feet in diameter or less;
- (4) Lift or umbrella nets four feet square or less.

Fish taken under this subsection may not be sold or used for barter.

c. Nonresident license fees shall be the same as resident fees if a resident of this State may obtain a license to fish for similar species of fish with similar gear in the nonresident applicant's state for the same fee as a resident of that state. Otherwise, the license fee for a nonresident is 10 times the license fee charged to a resident.

The commissioner may, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt rules and regulations necessary to carry out the provisions of this section.

2. This act shall take effect January 1, 1985.

Approved April 9, 1985.

CHAPTER 109

AN ACT concerning the inspection of certain steam or hot water boilers and amending R. S. 34:7-14 and R. S. 34:7-15.

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

1. 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 Division of Workplace Standards, 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, except that in the case of a steam or hot water boiler or similar equipment, the operation of which is an integral part of or necessary to a continuous processing operation, internal inspections may, at the discretion of the commissioner, be performed at intervals in excess of 12 months as permitted by the shutting down of the processing operation. 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 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 Division of Workplace Standards, 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 approved 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

Division of Workplace Standards 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 six 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 Title 39 of the Revised Statutes.

2. R. S. 34:7-15 is amended to read as follows:

Fees.

34:7-15. a. For each internal and external inspection of vessels specified in subsection a. of R. S. 34:7-14, which shall include hydrostatic test if found necessary, the owner, lessee or operator of the vessel shall pay to the Department of Labor a fee of \$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 expenses of the inspector.

b. For each inspection of vessels specified in subsection b. of R. S. 34:7-14, the owner, lessee or operator of the vessel shall pay to the Department of Labor the actual travel expenses of the inspector and a fee of \$5.00 for vessels not over 30 square feet size, \$10.00 for vessels over 30 but not over 60 square feet size, \$15.00 for vessels over 60 but not over 100 square feet size, \$20.00 for vessels over 100 square feet size. In determining size rating, the extreme diameter multiplied by the vessel length, or equivalent dimensions, shall be used.

c. The Division of Workplace Standards shall maintain an inspection service for the purpose of providing shop inspection of those vessels regulated by chapter 7 of Title 34, 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.

3. This act shall take effect immediately.

Approved April 9, 1985.

CHAPTER 110

AN ACT concerning property forfeited as a result of certain criminal investigations and amending N. J. S. 2C:64-6 and N. J. S. 2C:64-7.

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

1. N. J. S. 2C:64-6 is amended to read as follows:

Disposal of forfeited property.

2C:64-6. Disposal of Forfeited Property. Property which has been forfeited shall be destroyed if it can serve no lawful purpose or it presents a danger to the public health, safety or welfare. All other forfeited property or any proceeds resulting from the forfeiture and all money seized pursuant to this chapter shall become the property of the entity funding the prosecuting agency involved.

The prosecutor or the Attorney General, whichever is prosecuting the case, shall divide the forfeited property, any proceeds

resulting from the forfeiture or any money seized pursuant to this chapter with any other entity where the other entity's law enforcement agency participated in the surveillance, investigation and arrest resulting in the forfeiture, in proportion to the other entity's contribution to the surveillance, investigation and arrest resulting in the forfeiture.

2. N. J. S. 2C:64-7 is amended to read as follows:

Vesting of title in forfeited property.

2C:64-7. Vesting of Title in Forfeited Property. Title to property forfeited under this chapter shall vest in the entity funding the prosecuting agency involved at the time the item was utilized illegally, or, in the case of proceeds, when received.

If another entity's law enforcement agency has participated in the surveillance, investigation and arrest resulting in the forfeiture, then the prosecutor or the Attorney General, whichever is prosecuting the case, shall vest title to forfeited property, including motor vehicles, by dividing the forfeited property with the other entity in proportion to the other entity's contribution to the surveillance, investigation and arrest resulting in the forfeiture. If the property, including motor vehicles, cannot be divided as required by this section, then the prosecutor or the Attorney General, whichever is prosecuting the case, shall sell the property, including motor vehicles, and the proceeds of the sale shall be divided with the other entity in proportion to the other entity's contribution to the surveillance, investigation and arrest resulting in the forfeiture.

3. This act shall take effect immediately.

Approved April 9, 1985.

CHAPTER 111

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. There is appropriated from the General Fund the following additional amount for the purposes specified:

DIRECT STATE SERVICES

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

44 Hazardous and Toxic Pollution Control

19-4815 Spill Prevention, Response and Site Cleanup \$8,000,000

Special Purpose:

To finance the first phase of the clean-up program of radioactive hazardous substances in the municipalities of Montclair, West Orange and Glen Ridge in Essex county, New Jersey. (\$8,000,000)

2. The moneys appropriated pursuant to section 1 of this act shall be repaid to the General Fund from the New Jersey Spill Compensation Fund established under section 10 of the "Spill Compensation and Control Act," P. L. 1976, c. 141 (C. 58:10-23.11i), the Hazardous Discharge Fund established under section 14 of the "Hazardous Discharge Bond Act," P. L. 1981, c. 275, the Hazardous Substance Response Trust Fund established pursuant to section 221 of the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," Pub. L. 96-510 (42 U. S. C. § 9631) or from any other federal source to the extent that the management and cleanup of the radioactive hazardous substances in the municipalities of Montclair, West Orange and Glen Ridge in Essex county, New Jersey are eligible for financial support from those sources.

3. This act shall take effect immediately.

Approved April 9, 1985.

CHAPTER 112

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 as required by the provisions of the "Absentee Voting Law (1953)," P. L. 1953, c. 211 (C. 19:57-1 et seq.), as amended and supplemented; provided that notices of such election were published and posted prior to the election as required by the provisions of 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 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 April 9, 1985.

CHAPTER 113

AN ACT concerning alcoholic beverages, amending R. S. 33:1-81 and P. L. 1983, c. 574 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. 33:1-81 is amended to read as follows:

Alcoholic beverage offenses by underaged.

33:1-81. It shall be unlawful for:

(a) A person under the legal age for purchasing alcoholic beverages to enter any premises licensed for the retail sale of alcoholic beverages for the purpose of purchasing, or having served or delivered to him or her, any alcoholic beverage; or

(b) A person under the legal age for purchasing alcoholic beverages to consume any alcoholic beverage on premises licensed for the retail sale of alcoholic beverages, or to purchase, attempt to

purchase or have another purchase for him any alcoholic beverage ;
or

(c) Any person to misrepresent or misstate his age, or the age of any other person for the purpose of inducing any licensee or any employee of any licensee, to sell, serve or deliver any alcoholic beverage to a person under the legal age for purchasing alcoholic beverages; or

(d) Any person to enter any premises licensed for the retail sale of alcoholic beverages for the purpose of purchasing, or to purchase alcoholic beverages, for another person who does not because of his age have the right to purchase and consume alcoholic beverages.

Any person who shall violate any of the provisions of this section 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. In addition, the court shall suspend the person's license to operate a motor vehicle for six months or prohibit the person from obtaining a license to operate a motor vehicle in this State for six months beginning on the date he becomes eligible to obtain a license or on the date of conviction, whichever is later. In addition to the general penalty prescribed for an offense, the court may require any person under the legal age to purchase alcoholic beverages who violates this act to participate in an alcohol education or treatment program authorized by the Department of Health for a period not to exceed the maximum period of confinement prescribed by law for the offense for which the individual has been convicted.

2. Section 2 of P. L. 1983, c. 574 is amended to read as follows:

2. This act shall take effect on July 1, 1985.

3. (New section) Any person who was convicted of a violation of R. S. 33:1-81 for an offense committed on or after January 17, 1984 through June 30, 1985 inclusive and who consequently had his motor vehicle license suspended or postponed for one year may move to have that penalty provision reviewed by the sentencing court. For good cause shown, the court is authorized to reduce that penalty and the person shall receive credit toward a new, lesser period of suspension or postponement for any time already under suspension or postponement.

4. This act shall take effect immediately and shall be retroactive to January 17, 1984.

Approved April 9, 1985.

CHAPTER 114

AN ACT providing scholarships for certain veterans of the Vietnam conflict, supplementing Title 18A of the New Jersey Statutes, and making an appropriation.

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

C. 18A:71-76.1 "Vietnam veteran" defined.

1. As used in this act:

"Vietnam veteran" means a resident of this State who:

a. Served in the Armed Forces of the United States in Southeast Asia in the Vietnam conflict and received a Vietnam Service Ribbon;

b. Was honorably discharged or generally discharged under honorable conditions; and

c. Has been domiciled in New Jersey at the time of the effective date of this act for a period of not less than two consecutive years, exclusive of any time spent on active duty.

C. 18A:71-76.2 Tuition assistance.

2. A Vietnam veteran, upon being accepted to pursue a course of study for an initial undergraduate degree in a public institution of higher education of this State as enumerated in N. J. S. 18A:62-1, shall be entitled to tuition assistance pursuant to this act, while enrolled as a student in good standing at that college, in an amount up to the full tuition cost as determined by the Student Assistance Board pursuant to section 6 of this act.

C. 18A:71-76.3 Students at independent colleges.

3. A Vietnam veteran upon being accepted to pursue a course of study for an initial undergraduate degree at an independent college or university located in the State shall be entitled to tuition assistance pursuant to this act, while enrolled as a student in good standing at that college or university, in an amount as determined by the Student Assistance Board pursuant to section 6 of this act, but in an amount not more than the tuition charged at Rutgers, The State University.

C. 18A:71-76.4 Other aid first.

4. No tuition award shall be granted pursuant to this act, unless

the Vietnam veteran has applied for all other available State or federal student financial aid.

C. 18A:71-76.5 5-year limit.

5. Eligibility for this program shall be limited to a period of five years from the effective date of this act. A Vietnam veteran shall be eligible for a tuition award for four academic years, unless he is enrolled in an undergraduate program regularly requiring five academic years for completion, in which case he shall be entitled to a tuition award for a fifth year.

C. 18A:71-76.6 Rules, regulations.

6. The Student Assistance Board shall, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt the rules and regulations necessary to effectuate the purposes of this act.

7. There is appropriated to the Department of Higher Education from the General Fund the sum of \$1,000,000.00 for purposes of tuition assistance pursuant to this act.

8. This act shall take effect immediately and shall be applicable to tuition awards granted in the 1985-86 academic year and thereafter.

Approved April 9, 1985.

CHAPTER 115

AN ACT to amend and supplement the "Spill Compensation and Control Act," approved January 6, 1977 (P. L. 1976, c. 141).

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

1. Section 7 of P. L. 1976, c. 141 (C. 58:10-23.11f) is amended to read as follows:

C. 58:10-23.11f Hazardous discharge cleanup.

7. a. Whenever any hazardous substance is discharged, the department may, in its discretion, act to remove or arrange for the removal of such discharge or may direct the discharger to remove, or arrange for the removal of, such discharge. If the discharge

occurs at any hazardous or solid waste disposal facility, the department may order the facility closed for the duration of the removal operations. The department may monitor the discharger's compliance with any such directive. Any discharger who fails to comply with such a directive shall be liable to the department in an amount equal to three times the cost of such removal, and shall be subject to the revocation or suspension of any license or permit he holds authorizing him to operate a hazardous or solid waste disposal facility.

Removal of hazardous substances and actions to minimize damage from discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan for removal of oil and hazardous substances established pursuant to section 311 (c) (2) of the federal Water Pollution Control Act Amendments of 1972 (P. L. 92-500, 33 U. S. C. § 1251 et seq.).

Whenever the department acts to remove a discharge or contracts to secure prospective removal services, it is authorized to draw upon the money available in the fund. Such 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, subject to the approval of the administrator with regard to the availability of funds therefor, may remove or arrange for the removal of any hazardous substance which:

(1) Has not been discharged from a grounded or disabled vessel, if the department determines that such removal is necessary to prevent an imminent discharge of such hazardous substance; or

(2) Has not been discharged, if the department determines that such substance is not satisfactorily stored or contained and said substance possesses any one or more of the following characteristics:

- (a) Explosiveness;
- (b) High flammability;
- (c) Radioactivity;

(d) Chemical properties which in combination with any discharged hazardous substance at the same storage facility would create a substantial risk of imminent damage to public health or safety or an imminent and severe damage to the environment;

(e) Is stored in a container from which its discharge is imminent as a result of contact with a hazardous substance which has already been discharged and such additional discharge would create a substantial risk of imminent damage to public health or safety or imminent and severe damage to the environment; or

(f) High toxicity and is stored or being transported in a container or motor vehicle, truck, railcar or other mechanized conveyance from which its discharge is imminent as a result of the significant deterioration or the precarious location of the container, motor vehicle, truck, railcar or other mechanized conveyance, and such discharge would create a substantial risk of imminent damage to public health or safety or imminent and severe damage to the environment; or

(3) Has been discharged prior to the effective date of P. L. 1976, c. 141.

c. If and to the extent that he determines that funds are available, the administrator shall approve and make payments for any cleanup and removal costs incurred by the department for the removal of a hazardous substance other than petroleum as authorized by subsection b. of this section; provided that in determining the availability of funds, the administrator shall not include as available funds revenues realized or to be realized from the tax on the transfer of petroleum, to the extent that such revenues result from a tax levied at a rate in excess of \$0.01 per barrel, pursuant to subsection 9b. of P. L. 1976, c. 141 (C. 58:10-23.11h), unless the administrator determines that the sum of claims paid by the fund on behalf of petroleum discharges or removals plus pending reasonable claims against the fund on behalf of petroleum discharges or removals is greater than 30% of the sum of all claims paid by the fund plus all pending reasonable claims against the fund.

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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 one year period pay more than \$18,000,000.00 in total or more than \$3,000,000.00 for any discharge or related set or series of discharges.

e. Notwithstanding any other provisions of P. L. 1976, c. 141, the administrator, after considering, among any other relevant factors, the department's priorities for spending funds pursuant to P. L. 1976, c. 141, and within the limits of available funds, shall make payments for the restoration or replacement of, or connection to an alternative water supply for, any private residential well destroyed, contaminated, or impaired as a result of a discharge prior to the effective date of P. L. 1976, c. 141; provided, however, total payments for said purpose shall not exceed \$500,000.00 for the period between the effective date of this subsection e. and January 1, 1983, and in any calendar year thereafter.

f. Any expenditures made by the administrator pursuant to this act shall constitute, in each instance, a debt of the discharger to the fund. The debt shall constitute a lien on all property owned by the discharger when a notice of lien, incorporating a description of the property of the discharger subject to the cleanup and removal and an identification of the amount of cleanup, removal and related costs expended from the fund, is duly filed with the clerk of the Superior Court. The clerk shall promptly enter upon the civil judgment or order docket the name and address of the discharger and the amount of the lien as set forth in the notice of lien. Upon entry by the clerk, the lien, to the amount committed by the administrator for cleanup and removal, shall attach to the revenues and all real and personal property of the discharger, whether or not the discharger is insolvent. The notice of lien filed pursuant to this subsection which affects the property of a discharger subject to the cleanup and removal of a discharge shall create a lien with priority over all other claims or liens which are or have been filed against the property, except if the property comprises six dwelling units or less and is used exclusively for residential purposes, this

notice of lien shall not affect any valid lien, right or interest in the property filed in accordance with established procedure prior to the filing of this notice of lien. The notice of lien filed pursuant to this subsection which affects any property of a discharger, other than the property subject to the cleanup and removal, shall have priority from the day of the filing of the notice of the lien over all other claims and liens filed against the property, but shall not affect any valid lien, right, or interest in the property filed in accordance with established procedure prior to the filing of a notice of lien pursuant to this subsection.

2. Section 9 of P. L. 1976, c. 141 (C. 58:10-23.11h) is amended to read as follows:

C. 58:10-23.11h Tax on facility operators.

9. a. There is hereby levied upon each owner or operator of one or more major facilities a tax to insure compensation for cleanup costs and damages associated with any discharge of hazardous substances to be paid by the transferee; provided, however, that in the case of a major facility which operates as a public storage terminal for hazardous substances owned by others, the owner of the hazardous substance transferred to such major facility or his authorized agent shall be considered to be the transferee or transferor, as the case may be, for the purposes of this section and shall be deemed to be a taxpayer for purposes of this act. Where such person has failed to file a return or pay the tax imposed by this act within 60 days after the due date thereof, the director shall forthwith take appropriate steps to collect same from the owner of the hazardous substance. In the event the director is not successful in collecting said tax, then on notice to the owner or operator of the public storage terminal of said fact said owner or operator shall not release any hazardous substance owned by the taxpayer. The director may forthwith proceed to satisfy any tax liability of the taxpayer by seizing, selling or otherwise disposing of said hazardous substance to satisfy the taxpayer's tax liability and to take any further steps permitted by law for its collection. For the purposes of this act, public storage terminal shall mean a public or privately owned major facility operated for public use which is used for the storage or transfer of hazardous substances. The tax shall be measured by the number of barrels or the fair market value, as the case may be, of hazardous substances transferred to the major facility; provided, however, that the same barrel, including any products derived therefrom, subject to multiple transfers from or be-

tween major facilities shall be taxed only once at the point of the first transfer.

When a hazardous substance other than petroleum which has not been previously taxed is transferred from a major in-State facility to a facility which is not a major facility, the transferor shall be liable for tax payment for said transfer.

b. The tax shall be \$0.01 per barrel transferred and in the case of the transfer of hazardous substances other than petroleum or petroleum products, the tax shall be the greater of \$0.01 per barrel or 0.4% of the fair market value of the product, until the balance in the fund equals or exceeds \$50,000,000.00; provided, however, that with respect to transfers of hazardous substances other than petroleum or petroleum products which are or contain any precious metals to be recycled, refined, or rerefined in this State, or which are transferred into this State subsequent to being recycled, refined or rerefined, the tax shall be \$0.01 per barrel of the hazardous substance. For the purposes of this section, "precious metals" means gold, silver, osmium, platinum, palladium, iridium, rhodium, ruthenium and copper. In each fiscal year following any year in which the balance of the fund equals or exceeds \$50,000,000.00, no tax shall be levied unless: (1) the current balance in the fund is less than \$40,000,000.00; or (2) pending claims against the fund exceed 50% of the existing balance of the fund. The provisions of the foregoing notwithstanding, should claims paid from or pending against the fund not exceed \$5,000,000.00 within three years after the tax is first levied, the tax shall be \$0.01 per barrel transferred or 0.4% of the fair market value of the product, as the case may be, until the balance in the fund equals or exceeds \$36,000,000.00, and thereafter shall not be levied unless: (1) the current balance in the fund is less than \$30,000,000.00; or (2) pending claims against the fund exceed 50% of the existing balance of the fund. In the event of either such occurrence and upon certification thereof by the State Treasurer, the director shall within 10 days of the date of such certification levy the excise tax, which shall take effect on the first day of the month following such levy. With respect to the tax imposed upon the transfer of hazardous substances which are other than petroleum or petroleum products, if the revenues from such tax exceed \$7,000,000.00 during any calendar year, such excess shall be refunded or credited to the taxpayers who paid such tax during the calendar year. The refund or credit shall be based upon the amount of taxes paid by each taxpayer on transfers of hazardous substances which are other than

petroleum or petroleum products for the calendar year in proportion to all taxes paid by all taxpayers on such transfers during said year; provided, however, that if at the end of the calendar year the increased tax rate as authorized by this subsection or subsection i. is in effect, no refund or credit shall be allowed for such calendar year; and provided further that no refund or credit shall be allowed for a calendar year if by reason of such refund or credit a condition would occur which would authorize the imposition of the tax at the higher rate authorized in this subsection or subsection i. However, a partial refund or credit shall be allowed to the extent that such a condition would not occur. In the event of a major discharge or series of discharges resulting in reasonable claims against the fund exceeding the existing balance of the fund, the tax shall be levied as follows:

(1) On petroleum or petroleum products, at the rate of \$0.04 per barrel transferred, until the revenue produced by such increased rate equals 150% of the total dollar amount of all pending reasonable claims resulting from the discharge of petroleum or petroleum products; provided, however, that such rate may be set at less than \$0.04 per barrel transferred if the administrator determines that the revenue produced by such lower rate will be sufficient to pay outstanding reasonable claims against the fund within one year of such levy; and

(2) On hazardous substances other than petroleum or petroleum products, at the rate of the greater of \$0.04 per barrel transferred or 0.8% of the fair market value of such hazardous substance, until the revenue produced by such increased rate equals 150% of the total dollar amount of all pending reasonable claims resulting from the discharge of hazardous substances other than petroleum or petroleum products; provided, however, that with respect to transfers of hazardous substances other than petroleum or petroleum products which are or contain any precious metals to be recycled, refined, or rerefined in this State, or which are transferred into this State subsequent to being recycled, refined, or rerefined, the tax shall be \$0.04 per barrel of the hazardous substances; and provided further, however, that any such increased tax rate on hazardous substances other than petroleum or petroleum products may be set at less than \$0.04 per barrel transferred, or 0.8% of the fair market value of the hazardous substance, as the case may be, if the administrator determines that the revenue produced by such lower rate shall be sufficient to pay outstanding reasonable claims against the fund within one year of such levy.

Interest received on moneys in the fund shall be credited to the fund. Should the fund exceed \$36,000,000.00 or \$50,000,000.00, as herein provided, as a result of such interest, the commissioner shall report to the Legislature and the Governor concerning the options for the use of such interest.

c. (1) Every taxpayer and owner or operator of a public storage terminal for hazardous substances shall on or before the 20th day of the month following the close of each tax period render a return under oath to the director on such forms as may be prescribed by the director indicating the number of barrels of hazardous substances transferred and where appropriate, the fair market value of the hazardous substances transferred to or from the major facility, and at said time the taxpayer shall pay the full amount of the tax due.

(2) Every taxpayer or owner or operator of a major facility or vessel which transfers a hazardous substance, as defined in this act, and who is subject to the tax under subsection a. shall within 20 days after the first such transfer in any fiscal year register with the director on such form as shall be prescribed by him.

d. If a return required by this act is not filed, or if a return when filed is incorrect or insufficient in the opinion of the director, the amount of tax due shall be determined by the director from such information as may be available. Notice of such determination shall be given to the taxpayer liable for the payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after receiving notice of such determination, shall apply to the director for a hearing, or unless the director on his own motion shall redetermine the same. After such hearing the director shall give notice of his determination to the person to whom the tax is assessed.

e. Any taxpayer who shall fail to file his return when due or to pay any tax when the same becomes due, as herein provided, shall be subject to such penalties and interest as provided in the "State Tax Uniform Procedure Law," subtitle 9 of Title 54 of the Revised Statutes. If the Division of Taxation determines that the failure to comply with any provision of this section was excusable under the circumstances, it may remit such part or all of the penalty as shall be appropriate under such circumstances.

f. (1) Any person failing to file a return, failing to pay the tax, or filing or causing to be filed, or making or causing to be made,

or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this act, or rules or regulations adopted hereunder which is willfully false, or failing to keep any records required by this act or rules and regulations adopted hereunder, shall, in addition to any other penalties herein or elsewhere prescribed, be guilty of a crime of the fourth degree.

(2) The certificate of the director to the effect that a tax has not been paid, that a return has not been filed, that information has not been supplied or that inaccurate information has been supplied pursuant to the provisions of this act or rules or regulations adopted hereunder shall be presumptive evidence thereof.

g. In addition to the other powers granted to the director in this section, he is hereby authorized and empowered:

(1) To delegate to any officer or employee of his division such of his powers and duties as he may deem necessary to carry out efficiently the provisions of this section, and the person or persons to whom such power has been delegated shall possess and may exercise all of said powers and perform all of the duties delegated by the director;

(2) To prescribe and distribute all necessary forms for the implementation of this section.

h. The tax imposed by this act shall be governed in all respects by the provisions of the "State Tax Uniform Procedure Law," subtitle 9 of Title 54 of the Revised Statutes, except only to the extent that a specific provision of this act may be in conflict therewith.

i. Notwithstanding any other provisions of this section, upon a request from the administrator, the Treasurer may order the director to levy the tax on all hazardous substances other than petroleum or petroleum products at a specified rate greater than \$0.01 per barrel or 0.4% of the fair market value of the product, as the case may be, but in no event to exceed \$0.04 per barrel with respect to transfers of hazardous substances other than petroleum or petroleum products which are or contain any precious metals to be recycled, refined or rerefined in this State, or which are transferred into this State subsequent to being recycled, refined or rerefined, or the greater of \$0.04 per barrel or 0.6% of the fair market value of the product with respect to transfers of any hazardous substances other than petroleum or petroleum products, if and as long as the administrator determines the following:

(1) That pending reasonable claims against the fund for hazardous substances other than petroleum or petroleum products exceed 70% of the existing balance of the fund, and

(2) That the sum of the claims paid by the fund on behalf of discharges or removals of hazardous substances other than petroleum or petroleum products plus pending reasonable claims against the fund on behalf of discharges of hazardous substances other than petroleum is equal to or greater than 70% of all claims paid by the fund plus all pending reasonable claims against the fund.

The provisions of this subsection shall not preclude the imposition of the tax at the higher rate authorized under subsection b. of this section.

3. Section 10 of P. L. 1976, c. 141 (C. 58:10-23.11i) is amended to read as follows:

C. 58:10-23.11i Spill Compensation Fund.

10. The New Jersey Spill Compensation Fund is hereby established as a nonlapsing, revolving fund in the department to carry out the purposes of this act. The fund shall be credited with all taxes and penalties related to this act. Interest received on moneys in the fund shall be credited to the fund.

4. Section 11 of P. L. 1976, c. 141 (C. 58:10-23.11j) is amended to read as follows:

C. 58:10-23.11j Administrator.

11. The commissioner shall appoint and supervise an administrator of the fund. The administrator shall be the chief executive of the fund and shall have the following powers and duties:

- a. To represent the State in meetings with the alleged discharger and claimants concerning liability for the discharge and the amount of the claims;
- b. To determine if boards of arbitration are needed to settle particular claims;
- c. To administer boards of arbitration;
- d. To certify the amount of claims and names of claimants to the commissioner.

5. Section 15 of P. L. 1976, c. 141 (C. 58:10-23.11n) is amended to read as follows:

C. 58:10-23.11n Boards of arbitration.

15. a. Boards of arbitration shall be convened by the administrator when persons alleged to have caused the discharge, the administrator or other persons contest the validity or amount of

damage claims or cleanup and removal costs presented to the fund for payment. If the source of discharge is not known, any person may contest such claims presented for payment to the fund.

b. In the discretion of the administrator, a board of arbitration may consist of three persons or a single neutral person. In the case of three-person boards, one person shall be chosen by the person alleged to have caused the discharge, one person shall be chosen by the claimant, and one person shall be chosen by the first two to serve as chairman. If the two arbitrators cannot agree upon, select, and name the neutral arbitrator after their appointment, the administrator shall request the American Arbitration Association to utilize its procedures to select the neutral arbitrator. If the source of the discharge is unknown or liability is not conceded, the administrator shall request the American Arbitration Association to utilize its procedures to select the neutral arbitrator and an arbitrator normally selected by the absent or unknown person. Representation by any party on the board shall not be considered as an admission of liability for such discharges. In the case of a one-person board, such neutral arbitrator may, in the discretion of the administrator, be selected by the administrator, by agreement of the affected parties or by utilization of the procedures of the American Arbitration Association; provided, however, that the administrator or any regular employee of the department shall not act as an arbitrator.

(1) Arbitrators shall be designated by their principals within 30 calendar days after the administrator notifies the principals of claims against the fund arising from a discharge.

(2) Should either party fail to name an arbitrator within the designated time, then the administrator shall request the American Arbitration Association to utilize its procedures to select that arbitrator. The two arbitrators thus chosen shall select the neutral arbitrator required by this section.

c. One board of arbitration may be convened to hear and determine all claims arising from or related to a common discharge.

d. The boards shall have the power to order testimony under oath and may subpoena attendance and testimony of witnesses and the production of such documentary materials pertinent to the issues presented to the board for determination. Each person appearing before the board shall have the right to counsel.

e. All costs and expenses approved by the administrator attributable to the employment of any arbitrator shall be payable from the fund.

f. All decisions of the boards of arbitration shall be in writing with notification to all appropriate parties, and shall be rendered within 60 calendar days of the final appointment of the board unless the parties otherwise agree in writing to an extension.

g. Determinations made by the board shall be final. Any action for judicial review shall be filed in the Appellate Division of the Superior Court within 30 days of the filing of the decision with the administrator.

h. No sooner than 30 days after the determination of the arbitrators, nor more than 60 days thereafter, the arbitrators shall certify all claims settled or arbitrated to the administrator who, in turn, shall certify the amount of the award and the name of the claimant to the commissioner, who shall direct the administrator to pay the award from the fund. In any case in which the person responsible for the discharge seeks judicial review, reasonable attorney's fees and costs shall be awarded to the claimant if the decision of the board is affirmed.

6. Section 17 of P. L. 1976, c. 141 (C. 58:10-23.11p) is amended to read as follows:

C. 58:10-23.11p Public Advocate action.

17. The Department of the Public Advocate may act to assert such claims as are alleged against the fund by persons who, in the opinion of the Public Advocate, may be better represented as a class in recovery of damages or cleanup costs provided by this act. All moneys recovered for this class from the fund shall be distributed by the department after certification by the administrator. Failure by the Department of the Public Advocate to act on behalf of such class shall in no way prejudice the claims to be asserted by such class or individuals under the provisions of this act.

7. Section 26 of P. L. 1976, c. 141 (C. 58:10-23.11y) is amended to read as follows:

C. 58:10-23.11y Annual report.

26. The commissioner shall make an annual report to the Legislature and Governor, which shall describe the quality and quantity of spills of hazardous substances, the costs and damages paid by and recovered for the fund, and the economic and environmental impacts on the State as a result of the administration of this act.

C. 58:10-23.11j1 Transfer to Environmental Protection.

8. (New section) a. Except as otherwise provided by this amendatory and supplementary act, all the functions, powers and duties of the administrator in the Department of the Treasury are continued in the administrator in the Department of Environmental Protection.

b. All files, books, papers, records, equipment and other property of the administrator in the Department of the Treasury are transferred to the administrator in the Department of Environmental Protection.

c. The rules, regulations and orders of the administrator in the Department of the Treasury shall continue with full force as the rules, regulations and orders of the administrator in the Department of Environmental Protection until amended or repealed.

C. 58:10-23.11j2 Moneys transferred.

9. (New section) After consultation between the commissioner and the State Treasurer, all relevant appropriations, grants and other moneys available to the administrator in the Department of the Treasury shall be transferred to the administrator in the Department of Environmental Protection and shall remain available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations or other requirements imposed by federal or State law.

C. 58:10-23.11j3 Transfer of employees.

10. (New section) After consultation between the commissioner and State Treasurer, the employees of the administrator, including the administrator, in the Department of the Treasury may be transferred to the Department of Environmental Protection. Nothing in this amendatory and supplementary act shall be construed to deprive these employees of any rights or protection provided them by the civil service, pension or retirement laws of this State.

C. 58:10-23.11j4 Substitution.

11. (New section) Whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the administrator in the Department of the Treasury, the same shall be considered to mean and refer to the administrator in the Department of Environmental Protection.

C. 58:10-23.11j5 Pending proceedings unaffected.

12. (New section) This amendatory and supplementary act shall not affect actions or proceedings, civil or criminal, brought by or

against the administrator in the Department of the Treasury and pending on the effective date of this amendatory and supplementary act, but these actions or proceedings may be further prosecuted or defended in the same manner and to the same effect by the administrator in the Department of Environmental Protection.

13. (New section) The administrator in the Department of the Treasury shall prepare and present to the State Treasurer and the commissioner a statement of the current financial condition of the fund, including a summary of all outstanding claims against the fund on the effective date of this amendatory and supplementary act.

C. 58:10-23.11j6 "Agency Transfer Act" applicable.

14. (New section) The transfers directed by this amendatory and supplementary act, except as otherwise provided herein, shall be made in accordance with the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq.).

C. 58:10-23.11j7 Services of other State agencies.

15. (New section) In order to effectuate the purposes of this act, the Department of Environmental Protection may call to its assistance and avail itself of the services of any State department, board, commission or agency as may be required.

16. This act shall take effect 45 days following enactment, except that section 13 shall take effect immediately.

Approved April 9, 1985.

CHAPTER 116

AN ACT concerning compensation for the surviving spouse of certain soldiers and amending R. S. 38:18-2, P. L. 1947, c. 263, P. L. 1954, c. 213 and P. L. 1956, c. 166.

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

1. R. S. 38:18-2 is amended to read as follows:

Compensation to blind veterans, spouses.

38:18-2. A soldier, who has sustained a total loss of sight as a result of his service during any of the wars mentioned in section 1

of this chapter, shall be paid for the term of his life, and upon his death his surviving spouse shall be paid, provided that the soldier or surviving spouse shall continue as a resident of this State, the sum of \$750.00 annually, in monthly payments. Such payments shall be due and payable from the date of discharge or release of the soldier if application therefor shall be made within one year from the date of such discharge or release. If the application shall be made one year from the date of discharge or release of the soldier such payments shall be due and payable from the date of such application. Accrued payments to the date of certification shall be paid in one lump sum.

2. Section 1 of P. L. 1956, c. 166 (C. 38:18-4) is amended to read as follows:

C. 38:18-4 Nonresidents.

1. Any soldier or surviving spouse receiving compensation pursuant to the provisions of R. S. 38:18-1 et seq. and who is required to, and who does, move without the State for reasons of health or employment shall notwithstanding such nonresidence be entitled to continue to receive such compensation. In the event such soldier or surviving spouse becomes entitled to compensation from the state to which he moves pursuant to an act of such state substantially similar to this act and the act to which this act is a supplement, such compensation shall immediately cease, unless such soldier or surviving spouse shall elect to receive such compensation to the exclusion of the compensation of the state to which he moves.

3. Section 2 of P. L. 1947, c. 263 (C. 38:18A-2) is amended to read as follows:

C. 38:18A:2 Compensation to disabled veterans, spouses.

2. A veteran who served in the active military or naval forces of the United States and who is suffering from paraplegia and has permanent paralysis of both legs and lower parts of the body, or who is suffering from osteochondritis and has permanent loss of the use of both legs, or who is suffering from hemiplegia and has permanent paralysis of one leg and one arm or either side of the body, resulting from injury to the spinal cord, skeletal structure, or brain or who has suffered amputation of both hands, both feet or one hand and one foot, or who has lost the use of both feet or both legs, due to multiple sclerosis, sustained through enemy action, or accident, or resulting from disease contracted while in

such active military or naval service, shall be paid for the term of his life, and upon his death his surviving spouse shall be paid, the sum of \$750.00 annually in monthly payments. Such payments shall be due and payable from the date of discharge or release of the soldier if application therefor shall be made within one year from the date of such discharge or release. If the application shall be made after one year from the date of discharge or release of the soldier, such payment shall be due and payable from the date of such application. Accrued payments to the date of certification shall be paid in one lump sum.

Nothing in this act shall be intended to include paraplegia or hemiplegia resulting from locomotor ataxia or other forms of syphilis of the central nervous system or from chronic alcoholism, or to include other forms of disease resulting from the veteran's own misconduct which may produce signs and symptoms similar to those resulting from paraplegia, osteochondritis, hemiplegia or multiple sclerosis.

4. Section 1 of P. L. 1954, c. 213 (C. 38:18A-4) is amended to read as follows:

C. 38:18A:4 Continuation of payments.

1. Any veteran or surviving spouse receiving payments pursuant to the provisions of P. L. 1947, c. 263 (C. 38:18A-1 et seq.) and who is required to, and who does, move without the State for reasons of health or employment, and any veteran who heretofore was receiving payments pursuant to the provisions of P. L. 1947, c. 263 (C. 38:18A-1 et seq.) and who was required to, and who did, move without the State for reasons of health or employment, shall notwithstanding such nonresidence be entitled to continue to receive such payments. In the event such veteran or surviving spouse becomes entitled to payments from the state to which he moves pursuant to an act of such state substantially similar to this act and P. L. 1947, c. 263 (C. 38:18A-1 et seq.), such payments shall immediately cease, unless such veteran or surviving spouse shall elect to receive such payments to the exclusion of the payments of the state to which he moves.

5. This act shall take effect immediately.

Approved April 9, 1985.

CHAPTER 117

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, 1985 and regulating the disbursement thereof,” approved June 29, 1984 (P. L. 1984, c. 58).

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. 1984, c. 58, there is appropriated from the General Fund the following additional amount for the purpose specified:

DIRECT STATE SERVICES

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

45 Recreational Resource Management

12-4875 Parks Management	\$250,000.00
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Special purpose:

Liberty State Park Development

Corporation (\$250,000.00)

2. This act shall take effect immediately.

Approved April 9, 1985.

CHAPTER 118

AN ACT concerning notice of revision of service charges by certain county and municipal authorities, and amending P. L. 1946, c. 138 and P. L. 1957, c. 183.

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

1. Section 8 of P. L. 1946, c. 138 (C. 40:14A-8) is amended to read as follows:

C. 40:14A-8 Service charges.

8. (a) Every sewerage authority is hereby authorized to charge

and collect rents, rates, fees or other charges (in this act sometimes referred to as "service charges") for direct or indirect connection with, or the use or services of, the sewerage system. Such service charges may be charged to and collected from any person contracting for such connection or use or services or from the owner or occupant, or both of them, of any real property which directly or indirectly is or has been connected with the system or from or on which originates or has originated sewage or other wastes which directly or indirectly have entered or may enter the sewerage system, and the owner of any such real property shall be liable for and shall pay such service charges to the sewerage authority at the time when the place where such service charges are due and payable.

(b) Rents, rates, fees and charges, which may be payable periodically, being in the nature of use or service charges, shall as nearly as the sewerage authority shall deem practicable and equitable be uniform throughout the district for the same type, class and amount of use or service of the sewerage system, and may be based or computed either on the consumption of water on or in connection with the real property, making due allowance for commercial use of water, or on the number and kind of water outlets on or in connection with the real property, or on the number and kind of plumbing or sewerage fixtures or facilities on or in connection with the real property, or on the number of persons residing or working on or otherwise connected or identified with the real property, or on the capacity of the improvements on or connected with the real property, or on any other factors determining the type, class and amount of use or service of the sewerage system, or on any combination of any such factors, and may give weight to the characteristics of the sewage and other wastes and any other special matter affecting the cost of treatment and disposal thereof, including chlorine demand, biochemical oxygen demand, concentration of solids and chemical composition. In addition to any such periodic service charges, a separate charge in the nature of a connection fee or tapping fee, in respect of each connection of any property with the sewerage system, may be imposed upon the person making such connection or upon the owner or occupant of the property so connected. Such connection charges shall be uniform within each class of users but the amount thereof shall otherwise be entirely within the discretion of the authority in order that the combination of such connection fee or tapping fee

and the aforesaid periodic service charges shall meet the requirements of subsection (c) hereof; provided, however, that in assessing any such connection charges, the sewerage authority shall give credit in every instance to the owner or occupant of any property wherein or whereon any action or improvement has been taken or effectuated, in accordance with such reasonable specifications as may be prescribed by the sewerage authority, which results in a reduction of the costs actually incurred by the sewerage authority in making such connection below such costs actually incurred in making such connections to property wherein or whereon no such action or improvement has been taken or effectuated. The amount of any such credit shall be equal to the percentage difference between the costs actually incurred by the sewerage authority in making such connection to a property wherein or whereon such an action or improvement has been taken or effectuated, and the average during the immediately preceding year of such costs actually incurred by the sewerage authority in making such connections to property wherein or whereon no such action or improvement has been taken or effectuated.

(c) The sewerage authority shall prescribe and from time to time when necessary revise a schedule of such service charges, which shall comply with the terms of any contract of the sewerage authority and in any event shall be such that the revenues of the sewerage authority will at all times be adequate to pay all expenses of operation and maintenance of the sewerage system, including reserves, insurance, extensions, and replacements, and to pay punctually the principal of and interest on any bonds and to maintain such reserves or sinking funds therefor as may be required by the terms of any contract of the sewerage authority or as may be deemed necessary or desirable by the sewerage authority. Said schedule shall thus be prescribed and from time to time revised by the sewerage authority after public hearing thereon which shall be held by the sewerage authority at least 20 days after notice of the proposed adjustment is mailed to the clerk of each municipality serviced by the authority and publication of notice of the proposed adjustment of the service charges and of the time and place of the public hearing in at least two newspapers of general circulation in the area serviced by the authority. The sewerage authority shall provide evidence at the hearing showing that the proposed adjustment of the service charges is necessary and reasonable, and shall provide the opportunity for cross-examination of persons offering

such evidence, and a transcript of the hearing shall be made and a copy thereof shall be available upon request to any interested party at a reasonable fee. The sewerage authority shall likewise fix and determine the time or times when and the place or places where such service charges shall be due and payable and may require that such service charges shall be paid in advance for periods of not more than one year. A copy of such schedule of service charges in effect shall at all times be kept on file at the principal office of the sewerage authority and shall at all reasonable times be open to public inspection.

(d) Any county sewerage authority may establish sewerage regions in portions of the district. Rents, rates, fees and charges which may be payable periodically, being in the nature of use or service charges, shall as nearly as the sewerage authority shall deem practicable and equitable, be uniform throughout the district for the same type, class and amount of use or service of the sewerage systems and shall meet all other requirements of subsection (b) hereof.

2. Section 23 of P. L. 1957, c. 183 (C. 40:14B-23) is amended to read as follows:

C. 40:14B-23 Municipal authorities.

23. Every municipal authority shall prescribe and from time to time when necessary revise a schedule of all its service charges, which may provide a single rent, rate, fee or charge for any of its utility charges and which shall comply with the terms of any contract of the municipal authority and may be such that the revenues of the municipal authority will at all times be adequate to pay the expenses of operation and maintenance of the utility system, including reserves, insurance, extensions, and replacements, and to pay the principal of and interest on any bonds and to maintain such reserves or sinking funds therefor as may be required by the terms of any contract of the municipal authority or as may be deemed necessary or desirable by the municipal authority. Said schedule shall thus be prescribed and from time to time revised by the municipal authority after public hearing thereon which shall be held by the municipal authority at least 20 days after notice of the proposed adjustment is mailed to the clerk of each municipality serviced by the authority and publication of notice of the proposed adjustment of the service charges and of the time and place of the public hearing in at least two newspapers of general circulation in the area serviced by the authority. The municipal

authority shall provide evidence at the hearing showing that the proposed adjustment of the service charges is necessary and reasonable, and shall provide the opportunity for cross-examination of persons offering such evidence, and a transcript of the hearing shall be made and a copy thereof shall be available upon request to any interested party at a reasonable fee. The municipal authority shall likewise fix and determine the time or times when and the place or places where such service charges shall be due and payable and may require that such service charges shall be paid in advance for periods of not more than one year. A copy of such schedule of service charges in effect shall at all times be kept on file at the principal office of the municipal authority and shall at all reasonable times be open to public inspection.

3. This act shall take effect immediately.

Approved April 9, 1985.

CHAPTER 119

AN ACT concerning the compensation of members of the State Commission of Investigation and amending P. L. 1968, c. 266.

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

1. Section 1 of P. L. 1968, c. 266 (C. 52:9M-1) is amended to read as follows:

C. 52:9M-1 State Commission of Investigation.

1. There is hereby created a temporary State Commission of Investigation. The commission shall consist of four members, to be known as commissioners.

Two members of the commission shall be appointed by the Governor. One each shall be appointed by the President of the Senate and by the Speaker of the General Assembly. Each member shall serve for a term of three years and until the appointment and qualification of his successor. No person shall serve, in succession, more than two three-year terms and any portion of an unexpired term as a member of the commission. The Governor shall designate one of the members to serve as chairman of the commission.

The members of the commission appointed by the President of the Senate and the Speaker of the General Assembly and at least one of the members appointed by the Governor shall be attorneys admitted to the bar of this State. No member or employee of the commission shall hold any other public office or public employment. Not more than two of the members shall belong to the same political party.

Each member of the commission shall receive an annual salary of \$25,000.00. Each member shall also be entitled to reimbursement for his expenses actually and necessarily incurred in the performance of his duties, including expenses of travel outside of the State.

Vacancies on the commission shall be filled for the unexpired terms in the same manner as original appointments. Vacancies on the commission shall be filled by the appropriate appointing authority within 90 days. If the appropriate appointing authority does not fill a vacancy within that time period, the vacancy shall be filled by the Chief Justice of the Supreme Court within 60 days. A vacancy on the commission shall not impair the right of the remaining members to exercise all the powers of the commission.

Any determination made by the commission shall be by majority vote. "Majority vote" means the affirmative vote of at least three members of the commission if there are no vacancies on the commission or the affirmative vote of at least two members of the commission if there is a vacancy.

2. This act shall take effect immediately.

Approved April 9, 1985.

CHAPTER 120

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 4 of P. L. 1959, c. 86 (C. 44:10-4) is amended to read as follows:

C. 44:10-4 Repayment of welfare assistance.

4. (a) Whenever any parent or relative with whom a child is living applies for or is receiving assistance for such child pursuant to this act, and it appears that there is pending entitlement to a payment to the child or to either or both his parents of funds arising from a claim or interest legally or equitably owned by such child or by either or both his parents, other than that portion of a personal injury award which a court specifically awards to a child to make him whole as a result of an injury, the county welfare agency may, as a condition of eligibility or continuation of eligibility for such assistance, require such parent or parents, or relative, to execute a written promise to repay, from the funds anticipated, the amount of assistance to be granted from the date of entitlement to such payment. Upon any refusal to make repayment, including refusal by any person acting for or on behalf of such parent or parents, or relative, in accordance with such promise, the county welfare agency may take all necessary and proper action under the laws of this State to enforce such promise, and the granting or continuing of assistance, as the case may be, shall be deemed due consideration therefor. Any payments from the settlement of such claim or interest legally or equitably owned by such child or by either or both of his parents made by any person acting for or on behalf of such parent or parents, or relative, subsequent to notice of claim of the county welfare agency and prior to express written approval by the county welfare agency shall cause such person to be liable to the county welfare agency in the amount of such payment.

(b) Whenever any child with respect to whom assistance has been paid pursuant to this act shall die prior to the attainment of his twenty-first birthday, and shall leave an estate, the total amount of assistance paid with respect to such child pursuant to this act and pursuant to any of the acts hereby repealed, shall be a valid and enforceable claim against such estate, with priority over all other unsecured claims except reasonable funeral expenses and terminal medical and hospital expenses, and the county welfare agency shall take all necessary and proper action under the laws of this State to enforce such claim.

(c) The county welfare agency may, with the consent and approval of the Division of Public Welfare, compromise and settle any claim for repayment of assistance granted under this act.

(d) The Division of Public Welfare shall determine and cause to be made such financial adjustments as are necessary to maintain a correct proportional participation in such repayments as among the counties, State and federal government, and shall pay to the Treasurer of the United States the determined federal portion.

2. This act shall take effect immediately.

Approved April 9, 1985.

CHAPTER 121

AN ACT to amend the "Public Employees' Retirement System Act," approved June 28, 1954 (P. L. 1954, c. 84), 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. Section 7 of P. L. 1954, c. 84 (C. 43:15A-7) is amended to read as follows:

C. 43:15A-7 Public Employees' Retirement System.

7. There is hereby established the Public Employees' Retirement System of New Jersey in the Division of Pensions of the Department of the Treasury. The membership of the retirement system shall include:

a. The members of the former "State Employees' Retirement System of New Jersey" enrolled as such as of December 30, 1954 who shall not have claimed for refund their accumulated deductions in said system as provided in this section;

b. Any person becoming an employee of the State or other employer after January 2, 1955 and every veteran, other than those whose appointments are seasonal, becoming an employee of the State or other employer after such date, including a temporary employee with at least one year's continuous service; and

c. Every employee veteran in the employ of the State or other employer on January 2, 1955 who is not a member of any retirement system supported wholly or partly by the State.

d. Membership in the retirement system shall be optional for elected officials other than veterans, and for school crossing guards,

who having become eligible for benefits under other pension systems are so employed on a part-time basis. Any such part-time school crossing guard who is eligible for benefits under any other pension system and who was hired as a part-time school crossing guard prior to March 4, 1976, may at any time terminate his membership in the retirement system by making an application in writing to the board of trustees of the retirement system. Upon receiving such application, the board of trustees shall terminate his enrollment in the system and direct the employer to cease accepting contributions from the member or deducting from the compensation paid to the member. State employees who become members of any other retirement system supported wholly or partly by the State as a condition of employment shall not be eligible to membership in this retirement system. Notwithstanding any other law to the contrary, all other persons accepting employment in the service of the State shall be required to enroll in the retirement system as a condition of their employment, regardless of age. No person in employment, office or position, for which the annual salary or remuneration is fixed at less than \$500.00, shall be eligible to become a member of the retirement system.

e. Membership of any person in the retirement system shall cease if he shall discontinue his service for more than two consecutive years.

f. The accumulated deductions of the members of the former "State Employees' Retirement System" which have been set aside in a trust fund designated as Fund A as provided in section 5 of this act and which have not been claimed for refund prior to February 1, 1955 shall be transferred from said Fund A to the Annuity Savings Fund of the Retirement System, provided for in section 25 of this act. Each member whose accumulated deductions are so transferred shall receive the same prior service credit, pension credit, and membership credit in the retirement system as he previously had in the former "State Employees' Retirement System" and shall have such accumulated deductions credited to his individual account in the Annuity Savings Fund. Any outstanding obligation of such member shall be continued.

g. Any school crossing guard electing to terminate his membership in the retirement system pursuant to subsection d. of this section shall, upon his request, receive a refund of his accumulated deductions as of the date of his appointment to the position of school crossing guard. Such refund of contributions shall serve as

a waiver of all benefits payable to the employee, to his dependent or dependents, or to any of his beneficiaries under the retirement system.

2. This act shall take effect immediately.

Approved April 9, 1985.

CHAPTER 122

AN ACT concerning certain airports and amending P. L. 1983, c. 260.

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

1. Section 3 of P. L. 1983, c. 260 (C. 6:1-82) is amended to read as follows:

C. 6:1-82 Definitions.

3. As used in this amendatory and supplementary act:

a. "Airport" means any area of land or water, or both, designed and set aside for the landing and taking-off of fixed wing aircraft, utilized or to be utilized by the public for such purposes, publicly or privately owned, and licensed by the commissioner as a public use airport or landing strip, or an area designated by the commissioner, which has been determined by him as likely to be so licensed within one year of such determination. "Airport" shall not mean any facility which is owned and operated by a federal or military authority, or which is owned and operated by the Port Authority of New York and New Jersey or which is located within the Port of New York District as defined in R. S. 32:1-3.

b. "Airport hazard" means (1) any use of land or water, or both, which creates a dangerous condition for persons or property in or about an airport or aircraft during landing or taking-off at an airport, or (2) any structure or tree which obstructs the air space required for the flight of aircraft in landing or taking-off at an airport.

c. "Airport hazard area" means any area of land or water, or both, upon which an airport hazard might be created or established, if not prevented as provided in this supplementary act.

d. "Commissioner" means the Commissioner of the Department of Transportation.

- e. "Department" means the Department of Transportation.
 - f. "Structure" means any object constructed or installed by man, including, but not limited to, buildings, towers, smokestacks, chimneys, and overhead transmission lines.
 - g. "Tree" means an object of natural growth.
2. This act shall take effect immediately.

Approved April 9, 1985.

CHAPTER 123

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID

DEPARTMENT OF COMMUNITY AFFAIRS

Community Development and Environmental Management

41 Community Development Management—State Aid

04-8030 Local Government Services	\$51,000
Interlocal Services—Jersey City, Hoboken joint disaster service program	(\$51,000)

2. This act shall take effect immediately.

Approved April 9, 1985.

CHAPTER 124

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, there is appropriated from the General Fund the following sum for the purpose specified:

STATE AID

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

42 Natural Resource Management

05-4840	Water Supply and Watershed Management	\$1,000,000
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State Aid:

Stormwater management, municipalities	(\$1,000,000)
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The Department of Environmental Protection shall distribute the sum appropriated pursuant to this supplementary act in the form of grants to municipalities for stormwater management planning. The department shall develop criteria for determining the need for stormwater management planning, and shall prepare a list ranking the municipalities in the order of their need for stormwater management planning. The amount of the grant awarded to each municipality for stormwater management planning shall reflect the municipality's position on the list. The department shall expend the entire sum appropriated pursuant to this supplementary act for grants to municipalities for stormwater management planning, but shall have the authority to determine that one or more municipalities do not need a grant for stormwater management planning made with funds made available pursuant to this supplementary act.

2. This act shall take effect immediately.

Approved April 10, 1985.

CHAPTER 125

AN ACT concerning waterfront development and amending
R. S. 12:5-6.

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

1. R. S. 12:5-6 is amended to read as follows:

Actions for violations.

12:5-6. a. Any development or improvement enumerated in R. S. 12:5-3 and in P. L. 1975, c. 232 (C. 13:1D-29 et seq.) or included within any rule or regulation adopted pursuant thereto, which is commenced or executed without first obtaining approval, or contrary to the conditions of approval, as provided in R. S. 12:5-3 and in P. L. 1975, c. 232 (C. 13:1D-29 et seq.) shall be deemed to be a purpresture, a public nuisance and a violation under this section and shall be abated in the name of the State by one or more of the following actions:

(1) The issuance of an administrative order by the Commissioner of the Department of Environmental Protection specifying that there has been a violation of the provisions of this section, or any applicable rule, regulation or permit; setting forth the facts forming the basis for the issuance of the order; and specifying the course of action necessary to correct the violation;

(2) The commencement of a civil action by the commissioner in Superior Court for injunctive or other appropriate relief;

(3) The levying of an administrative penalty by the commissioner in accordance with subsection b. of this section.

b. The commissioner is authorized to assess an administrative penalty of not more than \$1,000.00 for each violation of this section, and is authorized to assess additional penalties of not more than \$100.00 for each day during which this violation continues after receipt of an administrative order from the department pursuant to paragraph (1) of subsection a. of this section. Prior to the assessment of a penalty under this subsection, the property owner or person committing the violation shall be notified by certified mail or personal service that a penalty is being assessed. The notice shall include a reference to the section of the law, regulation, or permit condition violated; a concise state-

ment of the facts alleged to constitute the violation; a statement of the amount of the administrative penalty assessed and a statement of the party's right to an administrative hearing.

c. The party shall have 21 days from receipt of the notice within which to deliver to the commissioner a written request for a hearing. This request shall specify in detail the statements contested by the party. If no hearing is requested, then after the expiration of the 21-day period the commissioner shall issue a final order assessing the penalty specified in the notice. The penalty is due when the final order is issued.

d. If a hearing is requested, it shall be held within 30 days of the date on which the request is received by the commissioner. If a violation is found to have occurred, the commissioner may issue a final order assessing not more than the amount of the penalty specified in the notice. The penalty is due when the final order is issued.

e. Any penalty imposed pursuant to this section may be enforced as provided for in "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.).

2. This act shall take effect immediately.

Approved April 10, 1985.

CHAPTER 126

AN ACT concerning the closed circuit testimony of minors in certain circumstances and supplementing Title 2A of the New Jersey Statutes.

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

C. 2A:84A-32.4 Closed circuit testimony.

1. a. In prosecutions for aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact, or child abuse, or in any action alleging an abused or neglected child under P. L. 1974, c. 119 (C. 9:6-8.21 et seq.), the court may, on motion and after conducting a hearing in camera, order the taking of the testimony of a witness on closed circuit television at

the trial, out of the view of the jury, defendant, or spectators upon making findings as provided in subsection b. of this section.

b. An order under this section may be made only if the court finds that the witness is 16 years of age or younger and that there is a substantial likelihood that the witness would suffer severe emotional or mental distress if required to testify in open court. The order shall be specific as to whether the witness will testify outside the presence of spectators, the defendant, the jury, or all of them and shall be based on specific findings relating to the impact of the presence of each.

c. A motion seeking closed circuit testimony under subsection a. of this section may be filed by:

- (1) The victim or witness or the victim's or witness's attorney, parent or legal guardian;
- (2) The prosecutor;
- (3) The defendant or the defendant's counsel; or
- (4) The trial judge on the judge's own motion.

d. The defendant's counsel shall be present at the taking of testimony in camera. If the defendant is not present, he and his attorney shall be able to confer privately with each other during the testimony by a separate audio system.

e. If testimony is taken on closed circuit television pursuant to the provisions of this act, a stenographic recording of that testimony shall also be required. A typewritten transcript of that testimony shall be included in the record on appeal. The closed circuit testimony itself shall not constitute part of the record on appeal except on motion for good cause shown.

2. This act shall take effect immediately.

Approved April 11, 1985.

CHAPTER 127

AN ACT concerning county governing body expenditure procedures and amending N. J. S. 40A:5-17.

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

1. N. J. S. 40A:5-17 is amended to read as follows:

Approval and payment of claims and required general books of account.

40A:5-17. Approval and payment of claims and required general books of account.

a. Approval of claims. The governing body shall approve or disapprove all claims. In the case of a county, other than a county which has adopted a form of government pursuant to the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A-1 et seq.), the governing body may, by resolution, designate one person who may approve claims between meetings of the governing body. The specified designee shall be chosen from the following positions: the certified financial officer, chief fiscal officer, county administrator, director of finance, treasurer or comptroller. Any approval by the designated person shall be presented to the county governing body at its next meeting for ratification, except that, prior to being paid, such vouchers shall be brought to the attention of the freeholder who has responsibility for the designee. The county governing body may establish a maximum dollar amount for which payment may be approved without prior approval of the governing body. Claims shall be approved or disapproved in the manner prescribed by rules made and promulgated by the bureau unless the governing body adopts an ordinance or resolution, as may be appropriate, in the case of a county, or an ordinance, in the case of a municipality, including the following provisions:

(1) Designating an approval officer with the title of certifying and approval officer;

(2) Prescribing the duties of the approval officer, including the making of certifications required by 40A:5-16b., ascertaining the existence of proper and sufficient appropriations for the payments to be made and determining that there is legal authority for the payments, evidenced by action of a purchasing department or agent or officer in respect to the goods or services ordered and the incurring of the expense therefor;

(3) Prescribing the procedure for approving and certifying to the proper officer claims for payments and drawing checks therefor;

(4) Prescribing the procedure for certifying approved claims to the governing body and regulating its action of approval or disapproval thereon.

b. Payment of claims. A resolution or an ordinance adopted pursuant to this section may also provide a method of disbursing

moneys or payment of claims approved, but if it does not so provide the method shall be as follows:

(1) In the case of a county organized pursuant to the provisions of the "Optional County Charter Law" (P. L. 1972, c. 154; C. 40:41A-1 et seq.), by check issued upon the requisition of and signed by the chief executive officer and countersigned by the treasurer, and in all other counties by check issued upon requisition of the clerk of the board of chosen freeholders, signed by the county treasurer and countersigned by such other officer or officers as are designated by ordinance or resolution of the governing body;

(2) In the case of a municipality, by check drawn on the municipality, signed by the mayor or other chief executive officer and the municipal clerk and countersigned by such other officer or officers as are designated by ordinance.

c. Required general books of account. The bureau shall prescribe the kind and manner of keeping of general books of account for the financial officers of the local units and said officers shall be required to keep and maintain said books.

2. This act shall take effect immediately.

Approved April 12, 1985.

CHAPTER 128

AN ACT concerning the selection of stewards at 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 13 of P. L. 1940, c. 17 (C. 5:5-33) is amended to read as follows:

C. 5:5-33 Licensure of horse race personnel.

13. All parimutuel employees and all horse owners, riders, agents, trainers, starters, timers, judges, grooms, drivers, and others, acting in any capacity in connection with the training of the horses or the actual running of the races in any such race meeting may be licensed by the commission, pursuant to such rules and regulations as the commission may adopt. The commission

shall have full power to prescribe rules, regulations and conditions under which all such licenses are issued in the State of New Jersey and to revoke or refuse to issue a license if in the opinion of the commission the revocation or refusal to issue such license is in the public interest; provided, however, that such rules, regulations and conditions shall be uniform in their application; and further provided that no fee shall be in excess of \$50.00 for each license so granted.

2. Section 17 of P. L. 1940, c. 17 (C. 5:5-37) is amended to read as follows:

C. 5:5-37 Appointment of officials.

17. The commission shall appoint a State steward and two or more associate State stewards in the case of a running race meeting and a State steward, presiding judge, and two or more associate judges in the case of a harness race meeting, which stewards and judges shall meet qualifications and standards established by the commission in rules and regulations promulgated pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.); a State veterinarian and such associate State veterinarians as the commission deems necessary, who shall be licensed or approved to practice in this State by the State Board of Veterinary Medical Examiners; and a State supervisor of mutuels, who shall be a certified public accountant of this State, to serve at each horse race meeting held under a permit issued under this act. These officials shall devote full-time to their duties during each meeting at which they serve, except for the State supervisor of mutuels; shall serve at the pleasure of the commission; and shall, where practicable, be rotated among the running race and harness tracks as appropriate. The compensation of these officials shall be fixed by the commission and shall be paid weekly by the holder of a permit at whose horse race track the officials shall serve. These officials shall have full and free access to any portion of the space or enclosure where such horse race meeting is held and shall have such powers and duties as the commission may from time to time delegate to them under the provisions of this act.

3. This act shall take effect immediately.

Approved April 12, 1985.

CHAPTER 129

AN ACT concerning the disposition of the parimutuel pool at Garden State Racetrack and amending P. L. 1982, c. 201.

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

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

C. 5:5-98 Disposition of parimutuel pools.

5. The permitholder shall distribute the sums deposited in parimutuel pools to winners thereof in accordance with section 44 of P. L. 1940, c. 17 (C. 5:5-64) and shall dispose of the deposits remaining undistributed as follows:

a. In the case of harness races:

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

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

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

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

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

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

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

b. In the case of running races:

(1) Hold and set aside in an account designated as a special trust account 65% 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) 60% 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.

After the initial running race meeting conducted at the Garden State Racetrack, the commission may reduce, for a period of time to be determined by the commission, the amount specified above to be set aside for this special trust account upon a request by the permitholder and a determination by the commission that the payment of that amount would cause extreme financial hardship for the permitholder. In no event shall the commission reduce the amount to less than 15% of 1% of total contributions to all pari-mutuel pools at running race meetings at the racetrack. The permitholder may request an extension of the period of reduction or a further reduction or, subsequent to any restoration of the amount specified above, another reduction.

(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.

2. This act shall take effect immediately.

Approved April 12, 1985.

CHAPTER 130

AN ACT concerning farm winery licenses and amending R. S. 33:1-10.

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

1. R. S. 33:1-10 is amended to read as follows:

Alcoholic beverage licenses; fees.

33:1-10. Plenary brewery license. 1a. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages and to sell and distribute his products to wholesalers and retailers 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. The fee for this license shall be \$8,500.00.

Limited brewery license. 1b. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic

beverages in a quantity to be expressed in said license, dependent upon the following fees and not in excess of 300,000 barrels of 31 fluid gallons capacity per year and to sell and distribute his products to wholesalers and retailers 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. The fee for this license shall be graduated as follows: to so brew not more than 50,000 barrels of 31 fluid gallons capacity per annum, \$1,000.00; to so brew not more than 100,000 barrels of 31 fluid gallons capacity per annum, \$2,000.00; to so brew not more than 200,000 barrels of 31 fluid gallons capacity per annum, \$4,000.00; to so brew not more than 300,000 barrels of 31 fluid gallons capacity per annum, \$6,000.00.

Plenary winery license. 2a. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any fermented wines, and to blend, fortify and treat wines, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter and to churches for religious purposes, 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. The fee for this license shall be \$750.00. Upon payment of an additional fee of \$200.00 for each but not in excess of two premises, in addition to the licensed premises of the winery, the holder of this license shall have the right to sell such wine at retail for consumption on or off the premises as is manufactured, blended, fortified or treated by the licensee on his licensed premises and sold as the licensee's products under the label or labels of the licensee or in lieu of such additional fee of \$200.00 but upon payment of an additional fee of \$600.00 the holder of this license shall have the right to sell wines and other alcoholic beverages at retail on the licensed premises; provided, however, that such sales shall be made only for consumption off the licensed premises; and provided further, that such wines and other alcoholic beverages shall be manufactured or blended, fortified, distilled or treated by the licensee on his licensed premises or by the licensee's subsidiary corporation and sold only under the label or labels of the licensee. The combined total number of plenary winery licensees having retail privileges shall not exceed one per each million of population in the State as shown by the last preceding federal census. In the granting of such plenary winery licenses, the Director of the Division of Alcoholic Beverage Control may, in the exercise of his discretion and pursuant to such rules and regulations as he may

adopt, give prior consideration to applicants engaged in growing and cultivating grapes upon land owned by the applicant, having an area not less than three acres. The containers of all wine sold at retail by such licensee shall have attached thereto a label setting forth such information as shall be required by the rules and regulations of the Director of the Division of Alcoholic Beverage Control.

Farm winery license. 2b. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any fermented wines and fruit juices in a quantity to be expressed in said license, dependent upon the following fees and not in excess of 50,000 gallons per year and to sell and distribute his products to wholesalers and retailers 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 to sell at retail to consumers; provided, however, that such sale to consumers shall be made only for consumption off the licensed premises and then only when the winery at which such fermented wines and fruit juices are manufactured is located and constructed upon a tract of land owned exclusively by the holder of such farm winery license, which said tract of land shall have an area of not less than three acres and have growing and under cultivation upon said land at least 1,200 grape vines; and provided, further, that such fermented wines and fruit juices shall be manufactured only from grapes or fruit grown in this State. The containers of all wine sold to consumers by such licensee shall have attached thereto a label stating in substance that the wine has been produced from 100% New Jersey grown fruit and setting forth such information as shall be required by the rules and regulations of the Director of the Division of Alcoholic Beverage Control. The fee for this license shall be graduated as follows: to so manufacture between 2,500 and 50,000 gallons per annum, \$200.00; to so manufacture between 1,000 and 2,500 gallons per annum, \$100.00; to so manufacture less than 1,000 gallons per annum, \$50.00.

The holder of this license has the right to sell fermented wines and fruit juices manufactured on the licensed premises at retail for consumption off the premises at one location other than the licensed premises for an additional fee of \$100.00.

The license granted hereunder shall authorize, subject to such rules and regulations as may be deemed necessary or appropriate

by the Director of the Division of Alcoholic Beverage Control, the offering and tasting on the licensed premises of free samples of wine, to visitors and prospective retail customers.

For the purposes of this subsection, with respect to farm winery licenses, "manufacture" means the vinification, aging, storage, blending, clarification, stabilization and bottling of wine or juice from 100% New Jersey grown fruit.

Plenary distillery license. 3a. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any distilled alcoholic beverages and rectify, blend, treat and mix, and to sell and distribute his products to wholesalers and retailers 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. The fee for this license shall be \$10,000.00.

Limited distillery license. 3b. The holder of this license shall be entitled, subject to rules and regulations, to manufacture and bottle any alcoholic beverages distilled from fruit juices and rectify, blend, treat, mix, compound with wine and add necessary sweetening and flavor to make cordial or liqueur, and to sell and distribute to wholesalers and retailers 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 warehouse these products. The fee for this license shall be \$3,000.00.

Supplementary limited distillery license. 3c. The holder of this license shall be entitled, subject to rules and regulations, to bottle and rebottle, in a quantity to be expressed in said license, dependent upon the following fees, alcoholic beverages distilled from fruit juices by such holder pursuant to a prior plenary or limited distillery license, and to sell and distribute his products to wholesalers and retailers 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. The fee for this license shall be graduated as follows: to so bottle and rebottle not more than 5,000 wine gallons per annum, \$250.00; to so bottle and rebottle not more than 10,000 wine gallons per annum, \$500.00; to so bottle and rebottle without limit as to amount, \$1,000.00.

Rectifier and blender license. 4. The holder of this license shall be entitled, subject to rules and regulations, to rectify, blend, treat

and mix distilled alcoholic beverages, and to fortify, blend, and treat fermented alcoholic beverages, and prepare mixtures of alcoholic beverages, and to sell and distribute his products to wholesalers and retailers 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. The fee for this license shall be \$6,000.00.

Bonded warehouse bottling license. 5. The holder of this license shall be entitled, subject to rules and regulations, to bottle alcoholic beverages in bond on behalf of all persons authorized by federal and State law and regulations to withdraw alcoholic beverages from bond. The fee for this license shall be \$500.00. This license shall be issued only to persons holding permits to operate Internal Revenue bonded warehouses pursuant to the laws of the United States.

2. This act shall take effect immediately.

Approved April 12, 1985.

CHAPTER 131

AN ACT concerning farm winery licenses and amending R. S. 33:1-10.

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

1. R. S. 33:1-10 is amended to read as follows:

Brewery, winery, distillery licenses.

33:1-10. Plenary brewery license. 1a. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages and to sell and distribute his products to wholesalers and retailers 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. The fee for this license shall be \$8,500.00.

Limited brewery license. 1b. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages in a quantity to be expressed in said license, dependent upon the following fees and not in excess of 300,000 barrels of 31

fluid gallons capacity per year and to sell and distribute his products to wholesalers and retailers 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. The fee for this license shall be graduated as follows: to so brew not more than 50,000 barrels of 31 fluid gallons capacity per annum, \$1,000.00; to so brew not more than 100,000 barrels of 31 fluid gallons capacity per annum, \$2,000.00; to so brew not more than 200,000 barrels of 31 fluid gallons capacity per annum, \$4,000.00; to so brew not more than 300,000 barrels of 31 fluid gallons capacity per annum, \$6,000.00.

Plenary winery license. 2a. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any fermented wines, and to blend, fortify and treat wines, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter and to churches for religious purposes, 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. The fee for this license shall be \$750.00. Upon payment of an additional fee of \$200.00 for each but not in excess of two premises, in addition to the licensed premises of the winery, the holder of this license shall have the right to sell such wine at retail for consumption on or off the premises as is manufactured, blended, fortified or treated by the licensee on his licensed premises and sold as the licensee's products under the label or labels of the licensee or in lieu of such additional fee of \$200.00 but upon payment of an additional fee of \$600.00 the holder of this license shall have the right to sell wines and other alcoholic beverages at retail on the licensed premises; provided, however, that such sales shall be made only for consumption off the licensed premises; and provided further, that such wines and other alcoholic beverages shall be manufactured or blended, fortified, distilled or treated by the licensee on his licensed premises or by the licensee's subsidiary corporation and sold only under the label or labels of the licensee. The combined total number of plenary winery licensees having retail privileges shall not exceed one per each million of population in the State as shown by the last preceding federal census. In the granting of such plenary winery licenses, the Director of the Division of Alcoholic Beverage Control may, in the exercise of his discretion and pursuant to such rules and regulations as he may adopt, give prior consideration to applicants engaged in growing and cultivating grapes upon land owned by the applicant, having

an area not less than three acres. The containers of all wine sold at retail by such licensee shall have attached thereto a label setting forth such information as shall be required by the rules and regulations of the Director of the Division of Alcoholic Beverage Control.

Farm winery license. 2b. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any fermented wines and fruit juices in a quantity to be expressed in said license, dependent upon the following fees and not in excess of 50,000 gallons per year and to sell and distribute his products to wholesalers and retailers 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 to sell at retail to consumers; provided, however, that such sale to consumers shall be made only for consumption off the licensed premises and then only when the winery at which such fermented wines and fruit juices are manufactured is located and constructed upon a tract of land owned exclusively by the holder of such farm winery license, which said tract of land shall have an area of not less than three acres and have growing and under cultivation upon said land at least 1,200 grape vines; and provided, further, that for the first five years of the operation of the winery such fermented wines and fruit juices shall be manufactured from at least 51% grapes or fruit grown in the State and that thereafter they shall be manufactured only from grapes or fruit grown in this State. The containers of all wine sold to consumers by such licensee shall have attached thereto a label stating the percentage of New Jersey grown grapes or fruit used to produce the wine and setting forth such information as shall be required by the rules and regulations of the Director of the Division of Alcoholic Beverage Control. The fee for this license shall be graduated as follows: to so manufacture between 2,500 and 50,000 gallons per annum, \$200.00; to so manufacture between 1,000 and 2,500 gallons per annum, \$100.00; to so manufacture less than 1,000 gallons per annum, \$50.00.

The holder of this license has the right to sell fermented wines and fruit juices manufactured on the licensed premises at retail for consumption off the premises at one location other than the licensed premises for an additional fee of \$100.00.

The license granted hereunder shall authorize, subject to such rules and regulations as may be deemed necessary or appropriate

by the Director of the Division of Alcoholic Beverage Control, the offering and tasting on the licensed premises of free samples of wine, to visitors and prospective retail customers.

Unless otherwise indicated, for the purposes of this subsection, with respect to farm winery licenses, "manufacture" means the vinification, aging, storage, blending, clarification, stabilization and bottling of wine or juice from 100% New Jersey grown fruit.

Plenary distillery license. 3a. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any distilled alcoholic beverages and rectify, blend, treat and mix, and to sell and distribute his products to wholesalers and retailers 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. The fee for this license shall be \$10,000.00.

Limited distillery license. 3b. The holder of this license shall be entitled, subject to rules and regulations, to manufacture and bottle any alcoholic beverages distilled from fruit juices and rectify, blend, treat, mix, compound with wine and add necessary sweetening and flavor to make cordial or liqueur, and to sell and distribute to wholesalers and retailers 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 warehouse these products. The fee for this license shall be \$3,000.00.

Supplementary limited distillery license. 3c. The holder of this license shall be entitled, subject to rules and regulations, to bottle and rebottle, in a quantity to be expressed in said license, dependent upon the following fees, alcoholic beverages distilled from fruit juices by such holder pursuant to a prior plenary or limited distillery license, and to sell and distribute his products to wholesalers and retailers 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. The fee for this license shall be graduated as follows: to so bottle and rebottle not more than 5,000 wine gallons per annum, \$250.00; to so bottle and rebottle not more than 10,000 wine gallons per annum, \$500.00; to so bottle and rebottle without limit as to amount, \$1,000.00.

Rectifier and blender license. 4. The holder of this license shall be entitled, subject to rules and regulations, to rectify, blend, treat

and mix distilled alcoholic beverages, and to fortify, blend, and treat fermented alcoholic beverages, and prepare mixtures of alcoholic beverages, and to sell and distribute his products to wholesalers and retailers 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. The fee for this license shall be \$6,000.00.

Bonded warehouse bottling license. 5. The holder of this license shall be entitled, subject to rules and regulations, to bottle alcoholic beverages in bond on behalf of all persons authorized by federal and State law and regulations to withdraw alcoholic beverages from bond. The fee for this license shall be \$500.00. This license shall be issued only to persons holding permits to operate Internal Revenue bonded warehouses pursuant to the laws of the United States.

2. This act shall take effect immediately.

Approved April 12, 1985.

CHAPTER 132

AN ACT concerning certain exemptions to minimum wage requirements and amending P. L. 1966, c. 113.

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

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

C. 34:11-56a4 Minimum wage rate; exemptions.

5. Every employer shall pay to each of his employees wages at a rate of not less than \$3.35 per hour as of the effective date of this amendatory and supplementary act for 40 hours of working time in any week and 1½ times such employee's regular hourly wage for each hour of working time in excess of 40 hours in any week, except this overtime rate shall not include any individual employed in a bona fide executive, administrative, or professional capacity or, if an applicable wage order has been issued by the commissioner under section 17 (C. 34:11-56a16) of this act, not less than the wages prescribed in said order. The wage rates fixed in this section shall not be applicable to part-time employees primarily

engaged in the care and tending of children in the home of the employer, to persons under the age of 18 not possessing a special vocational school graduate permit issued pursuant to section 15 of P. L. 1940, c. 153 (C. 34:2-21.15), or to persons employed as salesmen of motor vehicles, or to persons employed as outside salesmen as such terms shall be defined and delimited in regulations adopted by the commissioner, or to persons employed in a volunteer capacity and receiving only incidental benefits at a county or other agricultural fair by a nonprofit or religious corporation or a nonprofit or religious association which conducts or participates in that fair.

The provisions of this section for the payment to an employee of not less than $1\frac{1}{2}$ times such employee's regular hourly rate for each hour of working time in excess of 40 hours in any week shall not apply to employees engaged to labor on a farm or employed in a hotel or to an employee of a common carrier of passengers by motor bus or employees engaged in labor relative to the raising or care of livestock.

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

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

2. This act shall take effect immediately.

Approved April 12, 1985.

CHAPTER 133

AN ACT concerning the appointment of guardians in certain cases, amending P. L. 1965, c. 59, amending the title of P. L. 1970, c. 289, amending and supplementing the body of said act, repealing sections 3 and 4 thereof, and making an appropriation therefor.

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

1. Section 87 of P. L. 1965, c. 59 (C. 30:4-165.4) is amended to read as follows:

C. 30:4-165.4 "Guardianship services" defined.

87. "Guardianship services" shall mean those services and programs provided by the Division of Mental Retardation for the purpose of implementing its responsibility toward the individuals for whom it is performing the services of guardian of the person.

2. Section 88 of P. L. 1965, c. 59 (C. 30:4-165.5) is amended to read as follows:

C. 30:4-165.5 Application for appointment of guardian.

88. Whenever a minor has been admitted to functional or other services provided by the Division of Mental Retardation on application as provided herein and has not been discharged therefrom, the commissioner shall, not less than six months nor more than 18 months prior to the 18th birthday of said person, cause him to be examined to ascertain whether it appears that such person will need a guardian on attainment of his majority.

If the commissioner anticipates that such person will need a guardian, the commissioner or his designated agent shall apply to the Superior Court in the same manner as provided in section 1 of P. L. 1970, c. 289 (C. 30:4-165.7) for appointment of a guardian unless another application is pending.

In the event that no guardian has been appointed for a person who commences receiving functional or other services after the effective date of this amendatory and supplementary act and who has attained age 18, and if the commissioner has ascertained that such person appears to need a guardian, then the commissioner shall apply to the Superior Court in the same manner as provided in section 1 of P. L. 1970, c. 289 (C. 30:4-165.7) for appointment of a guardian unless another application is pending.

The commissioner shall also promptly advise in plain language any parent, spouse, relative, or other interested person of his findings and of the parent's or person's right to participate in the process of an adjudication and to be considered for appointment as a guardian. The commissioner may offer to these persons assistance to facilitate their appointments as guardians unless he has reason to question their fitness to serve.

Title amended.

3. The title of P. L. 1970, c. 289 is amended to read as follows:

An act concerning mentally incompetent adults and supplementing chapter 4 of Title 30 of the Revised Statutes.

4. Section 1 of P. L. 1970, c. 289 (C. 30:4-165.7) is amended to read as follows:

C. 30:4-165.7 Filing of complaint.

1. The commissioner or any parent, spouse, relative, or interested party, on behalf of an alleged mental incompetent who is receiving functional or other services and is over 18 years of age, may file a complaint upon notice to the alleged mental incompetent with the Superior Court in the county furnishing the services or in which such parent, spouse, relative, or interested party resides, for a judgment designating a guardian. The county adjuster of the county of settlement shall be served with a copy of the moving papers and made a party to the action; except that the county adjuster may waive service of the moving papers if he has no reason to oppose the action. If the county adjuster elects to oppose the action he shall do so within 30 days after being served with a copy of the moving papers.

5. Section 2 of P. L. 1970, c. 289 (C. 30:4-165.8) is amended to read as follows:

C. 30:4-165.8 Necessary affidavits.

2. The moving papers shall include a verified complaint, an affidavit from a practicing physician or a psychologist licensed pursuant to P. L. 1966, c. 282 (C. 45:14B-1 et seq.), and an affidavit from the chief executive officer, medical director or other officer having administrative control over the program from which the individual is receiving functional or other services provided by the Division of Mental Retardation. The affidavits shall set forth with particularity why it is believed that the individual is in need of a guardian.

6. Section 5 of P. L. 1970, c. 289 (C. 30:4-165.11) is amended to read as follows:

C. 30:4-165.11 "Mental incompetent" definition.

5. As used in P. L. 1970, c. 289 (C. 30:4-165.7 et seq.) the term "mental incompetent" has the same meaning as defined in N. J. S. 3B:1-2.

C. 30:4-165.12 Appointment of guardian.

7. (New section) Upon the receipt of a complaint for the appointment of a guardian, the court shall determine the necessity of the appointment. Disposition of the matter shall be in accordance with Title 3B of the New Jersey Statutes and the Rules Governing the Courts of the State of New Jersey. In any case where a guardian

is to be appointed, the court shall follow the priorities for choosing a guardian set forth in N. J. S. 3B:12-25. The court shall give due consideration to the religious preference of the proposed ward. The Commissioner of the Department of Human Services in his official capacity may be appointed guardian in cases under this amendatory and supplementary act, except that the commissioner shall only serve as guardian of the person.

C. 30:4-165.13 Review of prior guardianships.

8. (New section) Within five years after the effective date of this amendatory and supplementary act, the commissioner shall review the case of every person who received guardianship services without prior judicial review before the effective date of this amendatory and supplementary act. If the need for a guardian appears to continue, the commissioner shall apply to the Superior Court upon notice to the alleged mental incompetent for the appointment of a guardian of the person in the same manner as provided in section 1 of P. L. 1970, c. 289 (C. 30:4-165.7), unless another application is pending.

Upon the receipt of a complaint for the appointment of a guardian, the court shall appoint an attorney where the alleged mental incompetent is not represented by an attorney. The attorney appointed shall receive a reasonable fee determined by the court. If the alleged incompetent cannot afford an attorney, the fee shall be paid by the State. The fee shall include the reasonable costs incurred by the attorney in obtaining independent expert advice. The attorney, after conducting an investigation into the matter, which shall include an interview with the alleged mental incompetent, an interview with the proposed guardian, and the report of an independent expert professionally qualified to render an opinion on issues pertaining to incompetency, shall advise the court by way of a report in affidavit form whether there is cause to dispute either the contention of the commissioner that the appointment of a guardian is necessary or the commissioner's recommendation as to who that guardian should be. If the alleged mental incompetent expresses an opinion on the subject, the attorney shall advise the court of that opinion. The facts contained in the report of the attorney shall be sworn to or verified in a manner as prescribed by the court.

If, after reviewing the report of the attorney, there appears to be no difference between the position of the commissioner and the findings of the attorney, the court may proceed in a summary

fashion to appoint a guardian. A plenary hearing shall be held if requested by the alleged mental incompetent, his attorney, or anyone acting on his behalf.

C. 30:4-165.14 Public Advocate as counsel.

9. (New section) The court shall appoint the Public Advocate to serve as counsel for persons who do not have an attorney and over whom guardianship is sought pursuant to this amendatory and supplementary act to the extent that funds are available for this purpose. If the Public Advocate is appointed to represent an alleged mental incompetent, no attorney's fee is payable.

C. 30:4-165.15 Modification, termination; review.

10. (New section) a. Whenever the commissioner believes that guardianship is no longer required or that another person should be appointed to serve as guardian, he shall apply to the Superior Court for an order modifying or terminating the letters of guardianship. Where someone other than the commissioner is serving as guardian, notice shall be provided to that person.

b. At least once every three years, the commissioner shall review the case of each person who receives functional or other services and who has a guardian.

c. The Public Advocate, the incompetent person, or someone acting in his behalf may institute a similar action for judicial review at any time.

d. In cases where the commissioner serves as guardian, the Public Advocate shall be given notice of any actions taken pursuant to subsection a. or b. of this section. The Public Advocate shall be given an opportunity to meet the person subject to review and inspect the commissioner's records.

C. 30:4-165.16 Rules.

11. (New section) The commissioner shall adopt pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) such rules as are necessary to effectuate the purposes of this amendatory and supplementary act.

Repealer.

12. The following are repealed: sections 3 and 4 of P. L. 1970, c. 289 (C. 30:4-165.9 and 30:4-165.10).

13. (New section) There is appropriated from the General Fund the sum of \$35,000.00 to the Department of Human Services and \$35,000.00 to the Department of the Public Advocate to effectuate the purposes of this act.

14. (New section) Three years after enactment of this amendatory and supplementary act, the Department of Human Services shall conduct a study of the number and type of cases brought to obtain guardianship pursuant to this amendatory and supplementary act. This study shall be completed within 90 days and forwarded to the Clerk of the General Assembly, the Secretary of the Senate, the General Assembly Corrections, Health and Human Services Committee and the Senate Institutions, Health and Welfare Committee.

15. This act shall take effect on March 1, 1985 except that the periodic review mandated in subsection b. of section 10 of this act shall not be required until five years after the effective date of this act.

Approved April 12, 1985.

CHAPTER 134

AN ACT to amend the "New Jersey Controlled Dangerous Substances Act," approved October 19, 1970 (P. L. 1970, c. 226).

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

1. Section 2 of P. L. 1970, c. 226 (C. 24:21-2) is amended to read as follows:

C. 24:21-2 Definitions.

2. Definitions. As used in this act:

"Administer" means the direct application of a controlled dangerous substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: (1) a practitioner (or, in his presence, by his lawfully authorized agent), or (2) the patient or research subject at the lawful direction and in the presence of the practitioner.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser but does not include a common or contract carrier, public warehouseman, or employee thereof.

“Bureau of Narcotics and Dangerous Drugs” means the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice.

“Commissioner” means the State Commissioner of Health.

“Controlled dangerous substance” means a drug, substance, or immediate precursor in Schedules I through V of article 2 of this act. The term shall not include distilled spirits, wine, malt beverages, as those terms are defined or used in R. S. 33:1-1 et seq., or tobacco and tobacco products.

“Counterfeit substance” means a controlled dangerous substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser.

“Deliver” or “delivery” means the actual, constructive, or attempted transfer from one person to another of a controlled dangerous substance, whether or not there is an agency relationship.

“Dispense” means to deliver a controlled dangerous substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. “Dispenser” means a practitioner who dispenses.

“Distribute” means to deliver other than by administering or dispensing a controlled dangerous substance. “Distributor” means a person who distributes.

“Drugs” means (a) substances recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (c) substances (other than food) intended to affect the structure or any function of the body of man or other animals; and (d) substances intended for use as a component of any article specified in subsections (a), (b) and (c) of this section; but does not include devices or their components, parts or accessories.

“Drug dependent person” means a person who is using a controlled dangerous substance and who is in a state of psychic or physical dependence, or both, arising from the use of that controlled dangerous substance on a continuous basis. Drug dependence is characterized by behavioral and other responses, including but not limited to a strong compulsion to take the substance on a recurring basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

“Hashish” means the resin extracted from any part of the plant Genus Cannabis L. and any compound, manufacture, salt, derivative, mixture, or preparation of such resin.

“Marihuana” means all parts of the plant Genus Cannabis L., whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds, except those containing resin extracted from such plant; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

“Manufacture” means the production, preparation, propagation, compounding, conversion or processing of a controlled dangerous substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled dangerous substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled dangerous substance: (1) by a practitioner as an incident to his administering or dispensing of a controlled dangerous substance in the course of his professional practice, or (2) by a practitioner (or under his supervision) for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

“Narcotic drug” means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- (a) Opium, coca leaves, and opiates;

(b) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;

(c) A substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in subsections (a) and (b), except that the words "narcotic drug" as used in this act shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine.

"Official written order" means an order written on a form provided for that purpose by the Attorney General of the United States or his delegate, under any laws of the United States making provisions therefor, if such order forms are authorized and required by the federal law, and if no such form is provided, then on an official form provided for that purpose by the State Department of Health.

"Opiate" means any dangerous substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section 3 of this act, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Person" means any corporation, association, partnership, trust, other institution or entity or one or more individuals.

"Pharmacist" means a registered pharmacist of this State.

"Pharmacy owner" means the owner of a store or other place of business where controlled dangerous substances are compounded or dispensed by a registered pharmacist; but nothing in this chapter contained shall be construed as conferring on a person who is not registered or licensed as a pharmacist any authority, right or privilege that is not granted to him by the pharmacy laws of this State.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, veterinarian, scientific investigator, laboratory, pharmacy, hospital or other person licensed, registered, or otherwise permitted to distribute, dispense,

conduct research with respect to, or administer a controlled dangerous substance in the course of professional practice or research in this State.

(a) "Physician" means a physician authorized by law to practice medicine in this or any other state and any other person authorized by law to treat sick and injured human beings in this or any other state and

(b) "Veterinarian" means a veterinarian authorized by law to practice veterinary medicine in this State.

(c) "Dentist" means a dentist authorized by law to practice dentistry in this State.

(d) "Hospital" means any federal institution, or any institution for the care and treatment of the sick and injured, operated or approved by the appropriate State department as proper to be entrusted with the custody and professional use of controlled dangerous substances.

(e) "Laboratory" means a laboratory to be entrusted with the custody of narcotic drugs and the use of controlled dangerous substances for scientific, experimental and medical purposes and for purposes of instruction approved by the State Department of Health.

"Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled dangerous substance.

"Immediate precursor" means a substance which the State Department of Health has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled dangerous substance, the control of which is necessary to prevent, curtail, or limit such manufacture.

"State" means the State of New Jersey.

"Ultimate user" means a person who lawfully possesses a controlled dangerous substance for his own use or for the use of a member of his household or for administration to an animal owned by him or by a member of his household.

2. This act shall take effect immediately.

Approved April 12, 1985.

CHAPTER 135

AN ACT concerning claims for wages and amending R. S. 34:11-58
and R. S. 34:11-62.

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

1. R. S. 34:11-58 is amended to read as follows:

Wage collection jurisdiction.

34:11-58. The commissioner is authorized and empowered to investigate any claim for wages due an employee and in such investigation may summon the defendant, subpoena witnesses, administer oaths, take testimony and shall upon such hearing make a decision or award where the sum in controversy, exclusive of costs, does not exceed \$2,000.00.

Such decision or award shall be a judgment when a certified copy thereof is filed with the Superior Court.

Such judgment shall be entered in the same manner and have the same effect and be subject to the same proceedings as are judgments rendered in suits duly heard and determined by courts of competent jurisdiction.

2. R. S. 34:11-62 is amended to read as follows:

Set-off; dismissal where balance due defendant exceeds \$1,000.00.

34:11-62. Set-off; dismissal where balance due defendant exceeds \$1,000.00. If the defendant files a setoff against the plaintiff for more than \$1,000.00 and at the trial it shall be proved that the balance exceeding \$1,000.00 is due the defendant then suit shall be dismissed unless the defendant consents to accept judgment for \$1,000.00 and costs in full settlement of this claim, but in no event shall a counterclaim for unliquidated damages be set up against plaintiff for wages in the wage collection section.

3. This act shall take effect immediately.

Approved April 12, 1985.

CHAPTER 136

AN ACT concerning county colleges and amending P. L. 1971, c. 12.

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

1. Section 1 of P. L. 1971, c. 12 (C. 18A:64A-22.1) is amended to read as follows:

C. 18A:64A-22.1 County college capital project aid.

1. Whenever the funds appropriated to the board of higher education are insufficient to satisfy the State's share of capital projects for county colleges pursuant to N. J. S. 18A:64A-22, additional State support for such projects shall be made available to counties in which county colleges are located for the payment of interest and principal on bonds entitled to the benefits of this act and interest on notes issued in anticipation thereof, provided that the total principal amount of such bonds shall not exceed \$80,000,000.00.

2. This act shall take effect immediately.

Approved April 12, 1985.

CHAPTER 137

AN ACT concerning the New Jersey Real Estate Commission and amending R. S. 45:15-6 and P. L. 1977, c. 285.

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

1. R. S. 45:15-6 is amended to read as follows:

Commission salaries.

45:15-6. The commission shall select from its members a president, and may do all things necessary and convenient for carrying into effect the provisions of this article, and may promulgate necessary rules and regulations pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.). The president shall receive a salary of \$15,000.00 per year and each

other member of the commission shall receive a salary of \$10,000.00 per year, except the department representative who serves without compensation pursuant to section 2 of P. L. 1971, c. 60 (C. 45:1-2.2). No commissioner shall receive any other compensation, either directly or indirectly, for his services.

2. Section 2 of P. L. 1977, c. 285 (C. 45:1-2.5) is amended to read as follows:

C. 45:1-2.5 Compensation schedule.

2. With respect to the boards or commissions designated in section 1 of P. L. 1971, c. 60 (C. 45:1-2.1), except as otherwise provided in subsection d. of this section, and notwithstanding the provisions of any other law:

a. The officers and members shall be compensated on a per diem basis in the amount of \$25.00 or an amount to be determined by the Attorney General, with the approval of the State Treasurer, but not to exceed \$100.00 per diem or \$2,500.00 annually, and shall be reimbursed for actual expenses reasonably incurred in the performance of their official duties. Such moneys shall be paid according to rules and regulations promulgated by the Attorney General.

b. The executive secretary shall receive such salary as shall be determined by the appointing authority within the limits of available appropriations and shall serve at its pleasure. Any such executive secretary who holds a certificate, license or registration issued by the board or commission by which he is employed shall not during such employment be permitted to engage in any profession or occupation regulated by the board or commission.

c. The head of the department to which such board or commission is assigned shall maintain within any public building, whether owned or leased by the State, suitable quarters for the board's or commission's office and meeting place, provided that no such office or meeting place shall be within premises owned or occupied by an officer or member of such board or commission.

d. The compensation schedule for members of boards and commissions provided in subsection a. of this section shall not apply to the members of the New Jersey Real Estate Commission, who shall be compensated pursuant to R. S. 45:15-6.

3. There is appropriated \$75,000.00 from the General Fund to the Department of Insurance to effectuate the purposes of this act.

4. This act shall take effect immediately.

Approved April 12, 1985.

CHAPTER 138

AN ACT concerning tax incentives for certain condominium construction, amending P. L. 1978, c. 93 and amending and supplementing P. L. 1961, c. 40.

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

1. Section 2 of P. L. 1978, c. 93 (C. 40:55C-46.1) is amended to read as follows:

C. 40:55C-46.1 "Redevelopment" defined.

2. As used in this act, "redevelopment" means, in the case of a residential condominium project to be undertaken pursuant to this amendatory and supplementary act, the process of repairing, renovating, restoring or reconstructing those elements of any buildings or structures which have fallen into decay and disuse so that such buildings or structures may be utilized for residential use, or the construction of new residential condominium units; provided that:

a. The portion of the total project cost attributable to redevelopment, as certified by a licensed architect, is 20% or more of the assessed valuation of the land and improvements to be redeveloped as established in the tax year immediately prior to the undertaking of the project; and

b. The land and improvements after redevelopment are all subject to a master deed pursuant to P. L. 1969, c. 257 (C. 46:8B-1 et seq.).

2. Section 1 of P. L. 1978, c. 93 (C. 40:55C-58.1) is amended to read as follows:

C. 40:55C-58.1 Tax exemptions of condominium units.

1. Notwithstanding anything to the contrary contained in P. L. 1961, c. 40 (C. 40:55C-40 et seq.), when an urban renewal corporation or an urban renewal association, being a party to a financial agreement prepared in compliance with sections 20 to 25, inclusive, of said act (C. 40:55C-59 to 40:55C-64), files a master deed pursuant to P. L. 1969, c. 257 (C. 46:8B-1 et seq.) creating a condominium, whether residential or commercial, as to all or a portion of a project which has been approved for tax exemption under section 19 of said act (C. 40:55C-58), each unit of the condominium whether owned by the urban renewal corporation, urban renewal

association or a successor unit purchaser of either, shall continue to be subject to the provisions of said act, as modified in this section, and the tax exemption previously approved under the provisions of said act with respect to the property converted to condominium ownership shall be unaffected by the recording of the master deed or any subsequent deed conveying the condominium unit and its appurtenant interest in the common elements. In an instance of housing, a tax exemption granted pursuant to this act to any single condominium unit shall continue in effect only during that time that an owner of such unit, not including an urban renewal corporation or association, personally resides therein. A tax exemption shall continue as to the condominium unit and its appurtenant undivided interest in the common elements subject to all of the following:

a. For the purpose of determining the annual service charge pursuant to section 26 of P. L. 1961, c. 40 (C. 40:55C-65) when used with respect to any condominium project, "annual gross revenue" shall mean the amount equal to the annual aggregate constant payments to principal and interest, assuming a purchase money mortgage encumbering the condominium unit to have been in an original amount equal to the initial value of the unit with its appurtenant interest in the common elements as stated in the master deed, if unsold by the urban renewal corporation or association, or, if the unit is held by a unit purchaser, from time to time, the most recent true consideration paid for a deed to the condominium unit in a bona fide arm's length sale transaction, but not less than the initial assessed valuation of the condominium unit assessed at 100% of true value, plus the total amount of common expenses charged to the unit pursuant to the bylaws of the condominium association. The constant payments to principal and interest shall be calculated by assuming a loan amount as aforesaid at the maximum lawful interest rate under R. S. 31:1-1 as of the date of recording of the unit deed, for a term equal to the full term of the exemption from taxation stipulated in the financial agreement.

b. There is expressly excluded from calculation of annual gross revenue as defined in section 12 of P. L. 1961, c. 40 (C. 40:55C-51) and from net profit as defined in section 11 of P. L. 1961, c. 40 (C. 40:55C-50) for the purpose of determining compliance with section 27 of P. L. 1961, c. 40 (C. 40:55C-66) any gain realized by the urban renewal corporation or urban renewal association

on the sale of any condominium unit, whether or not taxable under applicable federal or State laws.

c. The conveyance of a condominium unit which is subject to the provisions of a financial agreement to a bona fide unit purchaser grantee shall not require consent or approval of the municipality, and the grantee shall, by virtue hereof, acquire title to the unit subject to the requirement for payment of the annual service charge and other provisions thereof expressly applicable to condominium unit purchasers under the provisions of said act, and the exemption from taxation as to such condominium unit shall continue unaffected by such transfer, but, in an instance of housing, only during such time as a unit owner personally resides therein.

3. Section 26 of P. L. 1961, c. 40 (C. 40:55C-65) is amended to read as follows:

C. 40:55C-65 Annual service charge.

26. The rehabilitation or improvements made in the development or redevelopment of a blighted area or area adjacent thereto or State investment blighted area, pursuant to this act, shall be exempt from taxation for a period of not more than 20 years from the date of the execution of a financial agreement for the development or redevelopment of the property upon which the improvements are to be made pursuant to a financial agreement entered into with the municipality in which said area is situate, provided, in an instance of housing, the redevelopment or improvements shall be exempt from taxation for a period of 35 years. Any such exemption shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions and no such claim shall be allowed unless the municipality wherein said property is situated shall certify that a financial agreement with an urban renewal corporation or association for the development or the redevelopment of the property has been entered into and is in effect as required by the provisions of this act. In *the* event that an exemption status changes during a tax year, the procedure for the apportionment of the taxes for said year shall be the same as in the case of other changes in tax exemption status during the tax year.

With respect to any projects or portions of any projects which are not housing projects devoted to condominium ownership pursuant to P. L. 1969, c. 257 (C. 46:8B-1 et seq.), the urban renewal corporation or association shall make payment to the municipality

of an annual service charge for municipal services supplied to said project, in an annual amount equal to 15% of the annual gross revenue from each unit of the project, if the project is undertaken in units, or from the total project, if the project is not undertaken in units, for each of the years of operation commencing with the date of the completion of such unit or of the project, as the case may be.

Where all or part of a housing project is devoted to condominium ownership by the recording of a master deed pursuant to P. L. 1969, c. 257 (C. 46:8B-1 et seq.), the project or portions thereof so utilized shall be liable for, and the urban renewal corporation or association, or a condominium owner, as the case may be, shall pay to the municipality, an amount equal to 15% of the annual gross revenue from each condominium unit in the project, or the condominium unit owned, as the case may be, for each of the first 10 years of operation commencing upon the date of the completion of the project, or each condominium unit, if the project is undertaken in units, as the case may be. For the remainder of the period of the exemption, the annual service charge shall be determined in the same manner as provided in this paragraph, subject to the following modifications:

a. For the eleventh year and for each succeeding year thereafter through the fifteenth year, an amount equal to either 15% of the annual gross revenue, or 20% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater;

b. For the sixteenth year and for each succeeding year thereafter through the twentieth year, an amount equal to either 15% of the annual gross revenue, or 40% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater;

c. For the twenty-first year and for each succeeding year thereafter through the twenty-fifth year, an amount equal to either 15% of the annual gross revenue, or 60% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater; and

d. For the twenty-sixth year and for each succeeding year thereafter through the thirtieth year, an amount equal to either 15% of the annual gross revenue, or 80% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater.

At the option of the municipality, or where because of the nature of the development, ownership, use or occupancy of the project or any unit thereof, if the project is to be undertaken in units, the total annual gross rental cannot be reasonably ascertained under the provisions of section 12 of this act (C. 40:55C-51), or the annual gross revenue cannot be reasonably ascertained under the provisions of section 1 of P. L. 1978, c. 93 (C. 40:55C-58.1) the governing body shall provide in the financial agreement that the annual service charge shall be a sum equal to 2% of the total project cost or total project unit cost determined pursuant to section 8 of this act (C. 40:55C-47), calculated from the first day of the month following the substantial completion of the project or any unit thereof, if the project is undertaken in units; provided, however, that in no event shall such payment together with the taxes on the land, in any year after first occupancy of the project, be less than the total taxes assessed on all real property in the area covered by the project in the calendar year immediately preceding the acquisition of the said area by the municipality or its agency, or by the private or public owner from whom the urban renewal corporation acquired the land.

The aforesaid payment shall be made annually within 30 days after the close of each calendar year.

Against such annual charge the corporation or association, or, in the case of a condominium unit, the unit owner, shall be entitled to credit for the amount, without interest, of the real estate taxes on land paid by it in the last four preceding quarterly installments.

At the end of 20 years from the date of the execution of said financial agreement or earlier, at the end of 15 years of operation of any unit, if the project is undertaken in units, or the entire project, if it is not undertaken in units, whichever occurs first, the tax exemption upon said unit, if the project is undertaken in units, or upon the entire project, if the project is not undertaken in units, shall cease and the improvements and any other property of the corporation or association as well as the land shall be assessed and taxed, according to general law, like other property in the municipality. In an instance of housing, the exemptions shall cease as provided above at the end of 35 years from the date of execution of the financial agreement or earlier, at the end of 30 years of the operation of any unit, if the project is undertaken in units, or of the entire project, if it is not undertaken in units, whichever first

occurs, or if the project is devoted to condominium ownership at the end of 30 years after the recording of the master deed.

At the same date all restrictions and limitations upon the corporation or association shall terminate and be at an end upon the corporation's or association's rendering its final accounting with the municipality.

C. 40:55C-58.2 Commercial, industrial buildings.

4. (New section) In the instance of a multi-occupant commercial or industrial building operated as a condominium or sold by three dimensional conveyances, where the building is developed, sold, managed or operated by an urban renewal entity, the building and its occupants' space shall qualify as tax exempt under P. L. 1961, c. 40 (C. 40:55C-40 et seq.) when the governing body approves an application and a financial agreement which authorizes conveyances of units therein pursuant to P. L. 1978, c. 93 (C. 40:55C-58.1 et al.), assigning proportionate interests in the tax exempt property. The condominium or three dimensional purchasers of units shall not be required to be urban renewal entities.

5. This act shall take effect immediately.

Approved April 12, 1985.

CHAPTER 139

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, the following sum is appropriated out of the General Fund for the purpose specified:

STATE AID

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance — State Aid

03-5120	Miscellaneous Grants-in-Aid	\$500,000
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State Aid:

Special assistance to the Paterson
School District for the temporary
relocation of P. S. 9 (\$500,000)

2. Upon certification of the Commissioner of the Department of Education, the State Treasurer shall, beginning not later than 30 days following the effective date of this act, pay to the Paterson School District all or that portion of the amount appropriated pursuant to this act as is necessary to defray the costs of temporarily relocating P. S. 9, which costs are not defrayed through insurance payments, public or private contributions, or other State emergency assistance payments. Any portion of the amount appropriated herein which is not paid to the Paterson School District pursuant to this act shall revert to the General Fund.

3. This act shall take effect immediately.

Approved April 12, 1985.

CHAPTER 140

AN ACT concerning charitable fund-raising among public employees
and repealing P. L. 1955, c. 163.

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

C. 52:14-15.9c1 Short title.

1. This act shall be known and may be cited as the "Public Employee Charitable Fund-Raising Act."

C. 52:14-15.9c2 Findings.

2. The Legislature finds that:

a. It is the policy of the State to lessen the burden of government at both the State and local levels in meeting the needs of human health, welfare and human care services;

b. There is a need to provide a convenient channel through which public employees may support the efforts of charitable fund-raising organizations and charitable agencies while minimizing disruption to the workplace and cost to taxpayers that fund-raising may entail; and

c. It is necessary to establish a system for the planning and conduct of charitable fund-raising campaigns among public employees in order to ensure that the funds will be collected and distributed in a responsible manner.

C. 52:14-15.9c3 Definitions.

3. As used in this act:

a. "Affiliated charitable agency" means a charitable agency which is affiliated with a charitable fund-raising organization for the purpose of directly sharing in funds raised by the organization.

b. "Campaign manager" means a charitable fund-raising organization which manages a charitable fund-raising campaign.

c. "Charitable agency" means a volunteer, not-for-profit organization that provides health, welfare or human care services to individuals.

d. "Charitable fund-raising campaign" means an annual payroll deduction campaign organized pursuant to this act to receive and distribute the voluntary charitable contributions of public employees.

e. "Charitable fund-raising organization" means a voluntary not-for-profit organization which receives and distributes voluntary charitable contributions.

f. "Local unit of government" means any county, municipality, board of education or instrumentality thereof.

g. "State" means the State or any instrumentality thereof.

h. "Unaffiliated charitable agency" means a charitable agency which provides health, welfare or human care services within New Jersey and which is not affiliated with a charitable fund-raising organization.

i. "Undesignated contributions" means funds contributed to a charitable fund-raising campaign with no designation by the contributor as to the recipient charitable fund-raising organization or charitable agency.

C. 52:14-15.9c4 Steering committees.

4. a. There is established a State charitable fund-raising campaign steering committee to consist of one representative to be appointed by each charitable fund-raising organization which participates in the State campaign; one representative of a State public employee labor union to be selected jointly by the presidents of the various labor unions representing State employees; and one representative of the executive branch of State government to be

appointed and serve at the pleasure of the Governor. The committee shall convene annually at the call of the State Treasurer to elect a chairman from among its members, and shall thereafter convene at the call of the chairman. A chairman shall serve for a term of one year and until the election of a successor and shall be eligible for reelection. Each member of the committee shall have one vote. No motion to take any official action shall be deemed approved if objected to by at least five members.

b. There is established in every local unit of government a local charitable fund-raising campaign steering committee to consist of one representative to be appointed by each charitable fund-raising organization which participates in the local campaign, and one representative of the local unit of government to be appointed by the chief executive officer of the unit. The committee may also include two representatives of the employees or the management of the unit as may be designated by the governing body of the unit. Each committee shall convene annually at the call of the chief executive officer of the unit to elect a chairman from among its members, and shall thereafter convene at the call of the chairman. A chairman shall serve for a term of one year and until the election of a successor and shall be eligible for reelection. Each member of a committee shall have one vote and a vote of the majority of the total membership shall be necessary to take official action.

C. 52:14-15.9c5 Duties of committees.

5. It shall be the duty of each charitable campaign steering committee to:

a. advise the State Treasurer or local disbursing officer in establishing application and review procedures for the participation of charitable fund-raising organizations or charitable agencies in a campaign;

b. establish the policies and procedures for the operation of a charitable fund-raising campaign within the committee's unit of government;

c. designate one or more charitable fund-raising organizations as a campaign manager, taking into account the demonstrated capability of each organization to provide the level of administrative and other services necessary to conduct a campaign for the unit of government; and

d. assign functions to and enlist the cooperation of any charitable fund-raising organizations or charitable agencies as the committee deems necessary.

C. 52:14-15.9c6 Duties of campaign manager.

6. It shall be the duty of a campaign manager to :

- a. conduct and manage the charitable fund-raising campaign in a responsible and equitable manner in accordance with the policies and procedures established by the campaign steering committee;
- b. produce and distribute campaign materials;
- c. train and supervise campaign solicitors; and
- d. maintain an accounting of all funds raised and distributed and provide for the distribution of funds in the manner established by the campaign steering committee.

C. 52:14-15.9c7 Eligibility criteria.

7. A charitable fund-raising organization shall be eligible to participate in a charitable fund-raising campaign if it meets the following requirements :

- a. the organization is exempt from federal income tax under section 501 (c) (3) of the Internal Revenue Code;
- b. the organization qualifies for tax deductible contributions under section 170 (b) (1) (A) (vi) or (viii) of the Internal Revenue Code;
- c. the organization is not a foundation;
- d. the organization is incorporated under or subject to the provisions of Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes and the "Charitable Fund Raising Act of 1971," P. L. 1971, c. 469 (C. 45:17A-1 et seq.);
- e. the organization demonstrates to the satisfaction of the State Treasurer or the appropriate disbursing officer, as the case may be, that a significant portion of funds raised in each of its two fiscal years preceding its application to participate in a campaign consists of individual contributions from citizens of the State;
- f. the organization shall have raised at least \$60,000.00 and distributed that sum among at least 15 charitable agencies in each of its two fiscal years preceding its application to participate in a State campaign; and
- g. the organization shall have raised at least \$25,000.00 and distributed that sum among at least five charitable agencies in each of its two fiscal years preceding its application to participate in a local governmental unit campaign.

C. 52:14-15.9c8 Eligibility of charitable agency.

8. A charitable agency shall be eligible to participate in a charitable fund-raising campaign if a. it is an affiliated charitable agency

or b. it meets the requirements of subsections a. through e., inclusive, of section 7 of this act.

C. 52:14-15.9c9 Payroll deduction system.

9. The State Treasurer, in the case of the State, or the appropriate disbursing officer, in the case of a local unit of government, shall establish a payroll deduction system for the collection and distribution of voluntary charitable contributions by public employees of the State or unit pursuant to an annual charitable fund-raising campaign organized in accordance with this act.

C. 52:14-15.9c10 Authorization for deductions.

10. The State Treasurer or appropriate disbursing officer shall make payroll deductions from an employee's compensation in such amounts and on behalf of such participating charitable fund-raising organizations or charitable agencies as the employee shall authorize in writing to the State Treasurer or disbursing officer. An employee may withdraw an authorization at any time upon written notice to the State Treasurer or appropriate disbursing officer.

C. 52:14-15.9c11 Final distribution.

11. The State Treasurer and each disbursing officer shall promptly transmit the amounts deducted, and an accounting of the amounts designated to the various charitable fund-raising organizations or charitable agencies, to the respective campaign manager, who shall be responsible for final distribution of the amounts to the designated organizations or agencies.

C. 52:14-15.9c12 Administrative costs; undesignated contributions.

12. a. The campaign manager shall be entitled to deduct and expend prior to final distribution not more than 10% of the total amount of contributions for the administrative costs of the charitable fund-raising campaign as approved by the campaign steering committee. The campaign manager shall maintain all funds in an interest bearing account until their distribution. Interest earned on the funds shall be distributed in such manner as the campaign steering committee shall determine.

b. Undesignated contributions received in a State campaign shall be distributed by the campaign manager to the charitable fund-raising organizations participating in the campaign in the same proportion as designated contributions to participating fund-raising organizations, including contributions to affiliated charitable agencies, are distributed to the organizations.

c. Undesignated contributions received in a local governmental unit campaign shall be distributed by the campaign manager to participating or non-participating charitable fund-raising organizations or charitable agencies in such amounts as the campaign steering committee shall determine.

C. 52:14-15.9c13 Rules, regulations.

13. The State Treasurer shall, within 90 days after the effective date of this act and from time to time thereafter, adopt rules and regulations as shall be necessary to implement the provisions of this act, in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

Repealer.

14. P. L. 1955, c. 163 (C. 52:14-15.9c) is repealed.

15. This act shall take effect immediately.

Approved April 12, 1985.

CHAPTER 141

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*:

C. 43:16A-47.1 Retirement system for fire fighters.

1. Notwithstanding any provision of law to the contrary, the governing body of a township having a population of at least 65,000 and not greater than 70,000 according to the 1980 federal decennial census may by ordinance adopt, with respect to a fire district within the township, the provisions of P. L. 1944, c. 255 (C. 43:16A-1 et seq.). If the governing body adopts such an ordinance, P. L. 1944, c. 255 (C. 43:16A-1 et seq.) shall take effect with respect to the fire district on January 1 following the date of that adoption. Upon the adoption of the 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 that adoption.

The normal contribution under subsection (4) of section 15 of P. L. 1944, c. 255 (C. 43:16A-15(4)), the accrued liability contribution under subsection (9) of section 15 of P. L. 1944, c. 255 (C. 43:16A-15(9)), any liability for prior service of transferred members, and any other cost applicable to the employer of a fireman becoming a member of the retirement system pursuant to the adoption of an ordinance under this act shall be applicable to, and shall be included in the budget of, the fire district in which that fireman is employed.

2. This act shall take effect immediately.

Approved April 15, 1985.

CHAPTER 142

AN ACT concerning the designation of urban enterprise zones, amending and supplementing P. L. 1983, c. 303.

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

1. The Legislature finds, determines and declares:

a. The "New Jersey Urban Enterprise Zones Act," which became law on August 15, 1983 (P. L. 1983, c. 303, C. 52:27H-60 et al.), aimed at encouraging the revitalization of some of the State's most distressed urban areas, by providing a variety of development incentives in the "enterprise zones" to be designated by the authority established pursuant to that act.

b. Section 7 of the act (P. L. 1983, c. 303, C. 52:27H-66), designed to concentrate the benefits of zone designation and to provide for the gradual and geographically balanced introduction of such zones, provided (1) that no more than 10 enterprise zones be in existence at any one time, (2) that no more than two be designated in any one year, and (3) that designations be geographically balanced (including the specific requirement that at least two of the first four zones be located within the 10 southernmost counties, and at least one of the next two be located within the five counties next most northern to the 10 southernmost).

c. Experience since the enactment of the act indicates that some of the requirements imposed by section 2 are unduly restrictive. The Urban Enterprise Zone Authority recently (March 4, 1985) designated a zone in the city of Trenton after prolonged discussion, in which the members found it difficult and distressing to be forced to choose between that designation and one proposed in the city of Plainfield. Because of the provisions of section 7, the authority could designate only two zones in 1985, and only one zone outside the 10 southernmost counties. It was only after two tie votes and an adjourned session that the authority was able to make a determination on the matter.

d. The Urban Enterprise Zone Authority has unanimously resolved its support for legislation that would ease the restrictions of section 7, permitting the designation of another enterprise zone in the five-county Central Jersey area in 1985 and accelerating the designation process.

e. Accordingly, it is the intention of this act to recast the zone designation requirements so as to provide for a third designation within the current year (specifying that the zone so designated be in the five counties next most northern to the 10 southernmost), and permit the acceleration of future designations by removing the annual restriction.

2. Section 7 of P. L. 1983, c. 303 (C. 52:27H-66) is amended to read as follows:

C. 52:27H-66 Designation of enterprise zones.

7. The authority shall designate enterprise zones from among those areas of qualifying municipalities determined to be eligible pursuant to this act. No more than 10 enterprise zones shall be in effect at any one time. No more than one enterprise zone shall be designated in any one municipality. Any designation granted shall be for a period of 20 years and shall not be renewed at the end of that period. In designating enterprise zones the authority shall seek to avoid excessive geographic concentration of zones in any particular region of the State, and of the initial five enterprise zones designated by the authority, two shall be located in the 10 southernmost counties of the State and at least one shall be located in one of the five counties next most northern to those 10 counties, shall be located in a municipality of not less than 45,000 nor more than 46,000 population and shall be designated within 90 days of the effective date of this amendatory and supplementary act.

C. 52:27H-80.1 Extension of provisions.

3. (New section) In addition to those enterprise zones to which the provisions of section 21 of P. L. 1983, c. 303 (C. 52:27H-80) have been or may be extended by the authority, the provisions of that section shall be extended to that enterprise zone which is required by section 7 of P. L. 1983, c. 303 (C. 52:27H-66) to be designated among the first five and to be located in a municipality of not less than 45,000 nor more than 46,000 population located within the five counties next most northern to the 10 southernmost counties.

4. This act shall take effect immediately.

Approved April 17, 1985.

CHAPTER 143

AN ACT concerning the corporation business tax and amending
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 reason-

ably 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.

In the case of banking corporations which have international banking facilities as defined in subsection (n), the foregoing aggregate of values shall also be reduced by retained earnings of the international banking facility. Retained earnings mean the earnings accumulated over the life of such facility and shall not include the pro rata share of dividends paid and federal income taxes paid or payable during the tax year.

If in the opinion of the commissioner, the corporation's books do not disclose fair valuations the commissioner may make a reasonable determination of the net worth which, in his opinion, would reflect the fair value of the assets, exclusive of subsidiary investments as defined aforesaid, carried on the books of the corporation, in accordance with sound accounting principles, and such determination shall be used as net worth for the purpose of this act.

(e) "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 for the periods set forth in paragraph (2) (F) (i) of this subsection, any amount, except with respect to qualified mass commuting vehicles as described in section 168 (f) (8) (D) (v) of the Internal Revenue Code as in effect immediately prior to January 1, 1984, which is included in a taxpayer's federal taxable income solely as a result of an election made pursuant to the provisions of paragraph (8) of that section.

(2) Entire net income shall be determined without the exclusion, deduction or credit of:

(A) The amount of any specific exemption or credit allowed in any law of the United States imposing any tax on or measured by the income of corporations;

(B) Any part of any income from dividends or interest on any kind of stock, securities or indebtedness, except as provided in paragraph (5) of subsection (k) of this section;

(C) Taxes paid or accrued to the United States 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 paragraph (5) of subsection (k) of this section;

(D) (Deleted by amendment, P. L. 1985, c. 143.)

(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; provided 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 qualified mass commuting vehicles as described in section 168 (f) (8) (D) (v) of the Internal Revenue Code as in effect immediately prior to January 1, 1984, which the taxpayer claimed as a deduction in computing federal income tax pursuant to a qualified lease agreement under paragraph (8) of that section.

The director shall promulgate rules and regulations necessary to carry out the provisions of this section, which rules shall provide, among others, the manner in which the remaining life of property shall be reported.

(3) The commissioner may, whenever necessary to properly reflect the entire net income of any taxpayer, determine the year or period in which any item of income or deduction shall be included, without being limited to the method of accounting employed by the taxpayer.

(4) There shall be allowed as a deduction from entire net income of a banking corporation, to the extent not deductible in deter-

mining federal taxable income, the eligible net income of an international banking facility determined as follows:

(A) The eligible net income of an international banking facility shall be the amount remaining after subtracting from the eligible gross income the applicable expenses;

(B) Eligible gross income shall be the gross income derived by an international banking facility, which shall include, but not be limited to, gross income derived from:

(i) Making, arranging for, placing or carrying loans to foreign persons, provided, however, that in the case of a foreign person which is an individual, or which is a foreign branch of a domestic corporation (other than a bank), or which is a foreign corporation or foreign partnership which is controlled by one or more domestic corporations (other than banks), domestic partnerships or resident individuals, all the proceeds of the loan are for use outside of the United States;

(ii) Making or placing deposits with foreign persons which are banks or foreign branches of banks (including foreign subsidiaries) or foreign branches of the taxpayers or with other international banking facilities; or

(iii) Entering into foreign exchange trading or hedging transactions related to any of the transactions described in this paragraph;

(iv) Such other activities as an international banking facility may, from time to time, be authorized to engage in;

(C) Applicable expenses shall be any expense or other deductions attributable, directly or indirectly, to the eligible gross income described in subparagraph (B) of this paragraph.

(5) Entire net income shall exclude 100% of dividends which were included in computing such taxable income for federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of the 80% or more ownership of investment described in subsection (d) of this section. With respect to other dividends, entire net income shall not include 50% of the total included in computing such taxable income for federal income tax purposes.

(6) (A) Net operating loss deduction. There shall be allowed as a deduction for the taxable year the net operating loss carryover to that year.

(B) Net operating loss carryover. A net operating loss for any taxable year ending after June 30, 1984 shall be a net operating loss carryover to each of the seven years following the year of the loss. The entire amount of the net operating loss for any taxable year (the "loss year") shall be carried to the earliest of the taxable years to which the loss may be carried. The portion of the loss which shall be carried to each of the other taxable years shall be the excess, if any, of the amount of the loss over the sum of the entire net income, computed without the exclusions permitted in paragraphs (4) and (5) of this subsection or the net operating loss deduction provided by subparagraph (A) of this paragraph, for each of the prior taxable years to which the loss may be carried.

(C) Net operating loss. For purposes of this paragraph the term "net operating loss" means the excess of the deductions over the gross income used in computing entire net income without the net operating loss deduction provided for in subparagraph (A) of this paragraph and the exclusions in paragraphs (4) and (5) of this subsection.

(D) Change in ownership. Where there is a change in 50% or more of the ownership of a corporation because of redemption or sale of stock and the corporation changes the trade or business giving rise to the loss, no net operating loss sustained before the changes may be carried over to be deducted from income earned after such changes. In addition where the facts support the premise that the corporation was acquired under any circumstances for the primary purpose of the use of its net operating loss carryover, the director may disallow the carryover.

(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 or the Farm Credit Act of 1971, Pub. L. 92-181 (12 U. S. C. § 2091 et seq.), stock and mutual insurance companies duly authorized to transact business in this State, security brokers or dealers or investment companies or bankers not employing moneyed capital coming into competition with the business of national banks, real estate investment trusts, or any of the following entities organized under the laws of this State: credit unions, savings banks, savings and loan and building and loan associations, pawnbrokers, and State banks and trust companies.

(n) "International banking facility" shall mean a set of asset and liability accounts segregated on the books and records of a depository institution, United States branch or agency of a foreign bank, or an Edge or Agreement Corporation that includes only international banking facility time deposits and international banking facility extensions of credit as such terms are defined in section 204.8(a)(2) and section 204.8(a)(3) of Regulation D of the board of governors of the Federal Reserve System, 12 CFR Part 204, effective December 3, 1981. In the event that the United States enacts a law, or the board of governors of the Federal Reserve System adopts a regulation which amends the present definition of international banking facility or of such facilities' time deposits or extensions of credit, the Commissioner of Banking shall forthwith adopt regulations defining such terms in the same manner as such

terms are set forth in the laws of the United States or the regulations of the board of governors of the Federal Reserve System. The regulations of the Commissioner of Banking shall thereafter provide the applicable definitions.

2. This act shall take effect immediately.

Approved April 22, 1985.

CHAPTER 144

AN ACT to amend the "Cancer Research Act," approved January 17, 1983 (P. L. 1983, c. 6).

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

1. Section 4 of P. L. 1983, c. 6 (C. 52:9U-4) is amended to read as follows:

C. 52:9U-4 Commission on Cancer Research.

4. a. There is established in the Executive Branch of the State government, the New Jersey State Commission on Cancer Research. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the commission is allocated within the Department of Health, but notwithstanding that allocation, the commission shall be independent of any supervision or control by the department or by any board or officer thereof.

b. The commission shall consist of 11 members, including the Commissioners of the Department of Health and the Department of Environmental Protection or their appointed designees, and nine citizens of New Jersey or persons otherwise associated with the State, who are known for their knowledge, competence, experience or interest in medical research, appointed by the Governor with the advice and consent of the Senate.

c. The term of office of each appointed member shall be three years, but of the members first appointed, three shall be appointed for terms of one year, three for terms of two years, and one for a term of three years. The terms of office of the two additional members appointed pursuant to this amendatory act shall expire upon

the expiration of the term of office of the member first appointed for a term of three years. All vacancies shall be filled for the balances of the unexpired terms in the same manner as the original appointments. The members of the commission shall not receive any compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties as members of the commission.

2. This act shall take effect immediately.

Approved April 24, 1985.

CHAPTER 145

AN ACT establishing a Division of Developmental Disabilities in the State Department of Human Services, prescribing its powers and duties, providing for the transfer of the powers and duties of the Division of Mental Retardation to the Division of Developmental Disabilities, amending R. S. 30:4-23 and P. L. 1977, c. 82 and supplementing Title 30 of the Revised Statutes.

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

C. 30:6D-23 Short title.

1. (New section) This act shall be known and may be cited as the "Division of Developmental Disabilities Act."

C. 30:6D-24 Division of Developmental Disabilities established.

2. (New section) There is established in the State Department of Human Services a Division of Developmental Disabilities.

C. 30:6D-25 "Developmental Disabilities Act" definitions.

3. (New section) For the purposes of this act:

a. "Commissioner" means the Commissioner of the State Department of Human Services.

b. "Developmental disability" means a severe, chronic disability of a person which: (1) is attributable to a mental or physical impairment or combination of mental or physical impairments; (2) is manifest before age 22; (3) is likely to continue indefinitely; (4) results in substantial functional limitations in three or more of the

following areas of major life activity, that is, self-care, receptive and expressive language, learning, mobility, self-direction and capacity for independent living or economic self-sufficiency; and (5) reflects the need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated. Developmental disability includes but is not limited to severe disabilities attributable to mental retardation, autism, cerebral palsy, epilepsy, spina bifida and other neurological impairments where the above criteria are met.

c. "Director" means the Director of the Division of Developmental Disabilities.

d. "Division" means the Division of Developmental Disabilities.

e. "Eligible developmentally disabled person" means a person who is developmentally disabled pursuant to subsection b. of this section and who has been declared eligible for services provided by the division.

f. "Services for developmentally disabled persons" means specialized services or specialized adaptations of generic services provided by a public or private agency, organization or institution and directed toward the alleviation of a developmental disability or toward the social, personal, physical or economic habilitation or rehabilitation of a person with a developmental disability and includes care management, diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, vocational training, recreation, counseling of the person with the disability and his family, information and referral services and transportation services.

C. 30:6D-26 Director; employees.

4. (New section) The administrator and head of the division shall be a director who shall be known as the Director of the Division of Developmental Disabilities. The director shall be a person qualified by training and experience to perform the duties of the office and shall devote his entire time to the performance of those duties. The director shall be appointed by the commissioner.

The commissioner shall appoint and remove officers and employees of the division subject to the provisions of Title 11 of the Revised Statutes and other applicable statutes as are necessary to enable the division to perform its duties pursuant to this act and he shall fix their compensation within the limits of available appropriations and as is provided by law.

C. 30:6D-27 Duties of director.

5. (New section) In addition to other functions, powers and duties vested in him by this act or any other law, the director shall:

a. Provide services for eligible developmentally disabled persons by identifying appropriate programs to meet their needs and by facilitating the establishment of community-based services for these persons; except that if the most appropriate services are not immediately available, the director may provide an eligible developmentally disabled person with alternate services;

b. Establish procedures for the determination of eligibility for services pursuant to this act and ensure that statements of eligibility advise the applicant about the particular functional services deemed most appropriate for the training, habilitation, care and protection of that developmentally disabled individual as of the time of the determination;

c. Establish liaison and cooperative agreements with other governmental departments and agencies which provide programs and services to the developmentally disabled to prevent duplication of services and encourage a continuum of care that is required by persons with developmental disabilities;

d. Establish standards for services that are provided for persons with developmental disabilities, which include the scope and quality of these services and which give full recognition to the unique problems and special needs associated with developmental disabilities;

e. Advise, consult and provide professional assistance to organized efforts by organizations, groups, associations and committees which work toward improving services and opportunities for persons with developmental disabilities; and

f. Select and retain the services of consultants whose advice is considered necessary to assist the division in obtaining information or developing plans and programs required for the performance of its duties and responsibilities pursuant to this act.

C. 30:6D-28 Transfers.

6. (New section) a. All of the functions, powers and duties of the Division of Mental Retardation in the Department of Human Services and of the director of that division are transferred to the Division of Developmental Disabilities.

b. Unless specifically otherwise provided in this act or by any other law, whenever pursuant to law, reports, certifications, applica-

tions or requests are required or permitted to be made to the Division of Mental Retardation whose powers and duties are herein assigned or transferred, the reports and certifications are hereafter required to be filed with, and the applications or requests are hereafter required to be made to the Division of Developmental Disabilities.

c. The transfers directed by this act shall be effected pursuant to the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq.).

C. 30:6D-29 References to Division of Mental Retardation.

7. (New section) With respect to the functions, powers and duties hereby transferred to the Division of Developmental Disabilities, whenever reference is made in any law, contract or document to the Division of Mental Retardation or to the director thereof, the same shall mean and refer to the Division of Developmental Disabilities and the Director of the Division of Developmental Disabilities, respectively.

C. 30:6D-30 Eligibility continued.

8. (New section) Notwithstanding any provisions of this act to the contrary, the eligibility of mentally retarded persons for services of the division shall continue as provided in chapter 4 of Title 30 of the Revised Statutes.

C. 30:6D-31 Disability after age 22.

9. (New section) Within the limits of available funding and services, the director may declare as eligible for services under this act individuals who meet the criteria for developmental disability pursuant to subsection b. of section 3 of this act except that their disability was manifested after the age of 22 but before the age of 55.

C. 30:6D-32 Rules, regulations.

10. (New section) The commissioner shall, pursuant to the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt rules and regulations necessary to effectuate the purposes of this act.

11. R. S. 30:4-23 is amended to read as follows:

Definitions.

30:4-23. Definitions. As used in this article:

"Chief executive officer" means the chief executive and administrative officer of any institution as designated for that purpose by the board of managers.

“County counsel” includes the chief legal officer or adviser of the board of chosen freeholders of any county in this State or his duly authorized representative.

“Institution” includes, except as herein otherwise provided, any State or county institution for the care and treatment of the mentally ill, the tuberculous, or the mentally retarded in this State, as the case may be.

“Court” means the County Court of any county in this State or the Juvenile and Domestic Relations Court of any county.

“Medical director” means the physician charged with the overall professional responsibility for the operation of a mental or tubercular hospital.

“Patient” includes any person or persons alleged to be mentally ill, tuberculous, or mentally retarded whose admission to any institution for care and treatment of such class of persons in this State has been applied for.

“Discharge” shall mean relinquishment by all agents of the department of all legal rights and responsibilities acquired by reason of the admission, with or without court order, of that person to any residential or functional service whose operation is in any way authorized by the department, except that the right and responsibility to pursue and recover unpaid charges shall be maintained.

“Police official” shall mean any permanent and full-time active policeman of any police department of a municipality or a member of the State Police or a county sheriff or his deputy.

“Evaluation services” shall mean those services and procedures in the department by which eligibility for functional services for the mentally retarded is determined and those services provided by the department for the purpose of advising the courts concerning the need for guardianship of individuals over the age of 18 who appear to be mentally deficient.

“State school” shall mean any residential institution of the State of New Jersey which is so designated by the State Board of Institutional Trustees and whose primary purpose is to provide functional services for the mentally retarded.

“Mental hospital” shall mean any inpatient medical facility, public or private, so designated by the Board of Institutional Trustees. Such a hospital may be an institution exclusively for the care of the mentally ill, or it may be a general hospital providing facili-

ties for the diagnosis, care and treatment of individuals with mental illnesses on an inpatient basis.

“Practicing physician” shall mean a physician licensed to practice medicine in any one of the United States; provided, however, that “practicing physician,” with reference to admission to mental hospitals, shall not include any physician who is a relative, either by blood or marriage, of the patient, nor the director, chief executive officer, or proprietor of any institution for the care and treatment of the mentally ill to which application for admission is being prepared.

“State residential services” shall mean observation, examination, care, training, treatment, rehabilitation and related services, including family care, provided by the department to patients who have been admitted or transferred to, but not discharged from, any State hospital for the mentally ill or tuberculous or any residential functional service for the mentally retarded; “county residential services” shall mean comparable services provided to patients who have been admitted or transferred to, but not discharged from, any county hospital.

“Admitting physician” shall mean that physician designated by the medical director to act as his agent in authorizing the admission of patients to a mental hospital.

“Attending physician” shall mean a practicing physician in the community attending the patient in his home or in a mental hospital, or the physician on the staff of a mental hospital who is immediately responsible for the care and treatment of the patient.

“Chief of service” shall mean the physician charged with overall responsibility for the professional program of care and treatment in the particular administrative unit of the mental hospital to which the patient has been admitted, or such other member of the medical staff as may be designated by the medical director. He shall have the custody and control of every person admitted to his service until properly transferred or discharged.

“Custody” shall mean the right and responsibility to provide immediate physical attendance and supervision.

“Family care” shall mean a program conducted under the regulations of the State Board of Institutional Trustees for the placement with suitable private families or in boarding homes holding a certificate of approval in accordance with State law of indi-

viduals who are eligible for care in mental hospitals or for functional services for the retarded, who have no need for professional nursing services, who have no suitable homes of their own, and who have no relatives able to provide minimum sheltered care.

“Eligible mentally retarded person” shall mean a person who has been declared eligible for admission to functional services of the department.

“Functional services” shall mean those services and programs in the department available to provide the mentally retarded with education, training, rehabilitation, adjustment, treatment, care and protection.

“Mental deficiency” shall mean that state of mental retardation in which the reduction of social competence is so marked that persistent social dependency requiring guardianship of the person shall have been demonstrated or be anticipated.

“Mental retardation” shall mean a state of significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

“Mental illness” shall mean mental disease to such an extent that a person so afflicted requires care and treatment for his own welfare, or the welfare of others, or of the community.

12. Section 3 of P. L. 1977, c. 82 (C. 30:6D-3) is amended to read as follows:

C. 30:6D-3 Additional definitions.

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

a. “Developmental disability” means a severe, chronic disability of a person which:

- (1) is attributable to a mental or physical impairment or combination of mental or physical impairments;
- (2) is manifest before age 22;
- (3) is likely to continue indefinitely;
- (4) results in substantial functional limitations in three or more of the following areas of major life activity, that is, self-care, receptive and expressive language, learning, mobility, self-direction and capacity for independent living or economic self-sufficiency; and

(5) reflects the need for a combination and sequence of special inter-disciplinary generic care, treatment or other services which are of life long or extended duration and are individually planned and coordinated. Developmental disability includes but is not limited to severe disabilities attributable to mental retardation, autism, cerebral palsy, epilepsy, spina bifida and other neurological impairments where the above criteria are met;

b. "Services" or "services for persons with developmental disabilities" means specialized services or special adaptations of generic services provided by any public or private agency, organization or institution and directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with such a disability; and such term includes diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual with such disability and of his family, protective and other social and socio-legal services, information and referral services, follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities; and

c. "Facility" or "facility for persons with developmental disabilities" means a facility operated by any public or private agency, organization or institution for the provision of services for persons with developmental disabilities.

13. This act shall take effect 30 days following enactment except that the division shall have three years from the date of enactment to develop necessary plans and expand programs to ensure services to all eligible developmentally disabled persons pursuant to this act.

Approved April 24, 1985.

CHAPTER 146

AN ACT concerning professional engineers and land surveyors and amending P. L. 1938, c. 342.

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

1. Section 3 of P. L. 1938, c. 342 (C. 45:8-29) is amended to read as follows:

C. 45:8-29 Examining board.

3. To carry out the provisions of this chapter, there is hereby created an examining board for the licensing of professional engineers and land surveyors, and the certification of engineers-in-training, which board shall consist of 10 members, two of whom shall be public members and one of whom shall be a State executive department member appointed pursuant to the provisions of P. L. 1971, c. 60 (C. 45:1-2.1 et seq.). Each of the remaining seven members shall be appointed by the Governor of the State of New Jersey, with the advice and consent of the Senate, within 60 days after the passage of this chapter, or as soon as practicable thereafter. The members of said board shall be appointed to serve for a term of five years, one of which shall expire each calendar year. The two members added by this 1985 amendatory act shall be appointed as soon as practicable by the Governor, with the advice and consent of the Senate, one for a term to end April 30 of the third year after appointment and one for a term to end April 30 of the fourth year after appointment. Thereafter, each member shall hold office after the expiration of his term until his successor shall be duly appointed and qualified. A member of the board shall not be eligible to succeed himself more than once, except that the present members of the board shall be eligible to succeed themselves once hereafter. The terms of office of the members of said board shall commence on the first day of May. Vacancies in the membership of the board, however created, shall be filled by appointment of the Governor, with the advice and consent of the Senate, for any unexpired term, and for each five-year term. Notwithstanding anything herein contained, the present members of the State board shall continue in office as members of said board until their present respective terms expire, except as provided elsewhere herein for removal.

To supervise all necessary administrative work of the board, there is hereby created the position of secretary-director to the board. The board shall appoint such a secretary-director, to serve for a term of five years, at a salary determined by the board. Duties of the secretary-director of the board shall be those defined by the board. The secretary-director of the board shall not be a member of the board.

The board may provide for the creation of additional positions, as deemed necessary to make effective the provisions of this act.

The board shall arrange through lease or otherwise to maintain suitable offices within the State of New Jersey for the conduct of the business of the board.

2. Section 4 of P. L. 1938, c. 342 (C. 45:8-30) is amended to read as follows:

C. 45:8-30 Board of Professional Engineers, Land Surveyors.

4. Said board, when so appointed, shall be designated and known as the "State Board of Professional Engineers and Land Surveyors."

All persons appointed to the said board shall be citizens of the United States and residents of the State of New Jersey. Appointees, other than the two public members and the State executive department member appointed pursuant to the provisions of P. L. 1971, c. 60 (C. 45:1-2.1 et seq.) and the two appointees added pursuant to this 1985 amendatory act, shall have been licensed as professional engineers in New Jersey for a period of at least five years, at least one member of whom shall also be a licensed land surveyor and the two appointees added pursuant to this 1985 amendatory act and their successors shall have been licensed as professional land surveyors in this State for a period of at least five years.

The Governor may remove any member of the board after hearing, for misconduct, incompetency, neglect of duty or for any other sufficient cause.

Each member of the board shall receive \$50.00 for each day of actual service in attending meetings of the board at which business is transacted, and not to exceed \$1,000.00 a year for each member and, in addition, shall be reimbursed for all necessary expenses, incidental to their duties as members of said board, incurred in carrying out the provisions of this chapter.

3. Section 6 of P. L. 1938, c. 342 (C. 45:8-32) is amended to read as follows:

C. 45:8-32 Meetings; officers.

6. Said examining board shall at its annual meeting to be held in May organize by electing a president and vice-president, who shall be members of the board.

The secretary-director shall furnish bond for the faithful performance of his duties in such sum as required by law. Premium for said bond shall be regarded as a proper and necessary expense of the board.

Said board shall meet at least every two months and special meetings may be held at such times as called by the president.

A majority of the voting members of the board shall constitute a quorum and no action of the board shall be taken except upon the affirmative vote of a majority of the members of the entire board.

4. This act shall take effect immediately.

Approved April 24, 1985.

CHAPTER 147

AN ACT concerning pooled trust funds composed of prepaid funeral expense monies, amending P. L. 1957, c. 182 and supplementing chapter 11 of Title 3B of the New Jersey Statutes.

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

C. 3B-11-16 Pooled trust accounts.

1. Prepaid funeral expense monies may be deposited into a pooled trust account in a federally insured State or federally chartered bank, savings bank or savings and loan association pursuant to a written trust agreement the beneficiaries of which shall be the consumers advancing said monies. Any such trust agreement shall assure that the following terms and conditions are clearly and conspicuously disclosed in writing to those consumer beneficiaries prior to the acceptance of any monies by the trustees:

- a. The right to immediately withdraw on demand any monies plus accrued interest paid into the trust.
- b. The right to receive periodic statements not less than once per year reflecting the amount of principal and accrued interest, if any, in the trust.
- c. The amount or rate of commissions to be taken.
- d. The identity and location of the trustees.
- e. The location of the trust agreement and the conditions under which it may be examined.

C. 3B:11-17 Commission of trustees.

2. The trustees of a pooled trust fund established pursuant to section 1 of this act for the benefit of not less than 200 individual consumers shall be entitled to a commission of not more than 1% per annum of the corpus of the trust fund. The trustees of a pooled trust fund for the benefit of less than 200 individual consumers shall not be entitled to any commission. All expenses incurred in the administration of such a trust or the services rendered thereby shall be deducted from income received by the trustees and in no event shall the trustees invade the corpus of the trust funds.

C. 3B:11-18 Report; rules, regulations.

3. The Commissioner of Banking shall determine whether, among pooled trust funds established pursuant to this act, adequate competition exists with respect to interest rate yield and commissions or fees charged during the one year period following the effective date of this act. No later than one year after the effective date of this act the commissioner shall report to the Legislature his findings and any recommendations he may have to provide for greater competition among pooled trust funds.

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

4. Section 1 of P. L. 1957, c. 182 (C. 2A:102-13) is amended to read as follows:

C. 2A:102-13 Trust funds.

1. Any and all moneys paid to a funeral director, undertaker, cemetery, or any other person, firm or corporation, under or in connection with an agreement for the sale of personal property to

be used in connection with a funeral or burial, or for the furnishing of personal services of a funeral director or undertaker, wherein the personal property is not to be delivered or the personal services are not to be rendered until the occurrence of the death of the person for whose funeral or burial such property or services are to be furnished, shall be trust funds in the possession of such funeral director, undertaker, cemetery, or other person, firm or corporation, and shall be deposited by him or it within 30 days after receipt thereof in a special account maintained exclusively for the deposit of such moneys in a federally insured State or federally chartered bank, savings bank or savings and loan association; or, if the person paying the moneys requests, in a pooled trust account established pursuant to P. L. 1985, c. 147 (C. 3B:11-16 et seq.) and chosen by the person paying the moneys, and shall be so held on deposit, together with any interest thereon, until said personal property has been delivered and said personal services have been rendered, unless sooner repaid, in whole or in part. No depository institution shall be liable for the misuse, misapplication or improper withdrawal by any such funeral director, undertaker, cemetery or other person, firm or corporation, of any moneys deposited in such depository institution pursuant to this act.

5. This act shall take effect immediately.

Approved April 24, 1985.

CHAPTER 148

AN ACT concerning the Unsatisfied Claim and Judgment Fund and making certain interdepartmental transfers and revising parts of the statutory law.

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

C. 39:6-64a Interdepartmental transfer.

1. (New section) The Unsatisfied Claim and Judgment Fund Board in the Division of Motor Vehicles of the Department of Law and Public Safety, established pursuant to P. L. 1952, c. 174 (C. 39:6-61 et seq.), together with all its functions, powers and

duties, and the Unsatisfied Claim and Judgment Fund are transferred from the Department of Law and Public Safety to the Department of Insurance.

C. 39:6-64b Rights unaffected.

2. (New section) Except as otherwise provided by law, the transfer of the Unsatisfied Claim and Judgment Fund Board and the Unsatisfied Claim and Judgment Fund to the Department of Insurance shall not affect any rights or protection afforded persons under any employment contracts or under any pension or retirement plan, or any outstanding obligations of, or claims against the board or fund.

3. Section 2 of P. L. 1952, c. 174 (C. 39:6-62) is amended to read as follows:

C. 39:6-62 Definitions.

2. Definitions. As used in this act:

“Executive director” means the official designated by and serving at the pleasure of the commissioner to administer to and be in charge of the Unsatisfied Claim and Judgment Fund and who shall be responsible to the Unsatisfied Claim and Judgment Fund Board.

“Treasurer” means the State Treasurer of New Jersey acting as the custodian of the Unsatisfied Claim and Judgment Fund.

“Commissioner” means the Commissioner of Insurance.

“Unsatisfied Claim and Judgment Fund” or “Fund” means the fund derived from the sources specified in this act.

“Unsatisfied Claim and Judgment Fund Board” or “Board” means the board created in section 4 of this act.

“Qualified person” means a resident of this State or the owner of a motor vehicle registered in this State or a resident of another state, territory, or federal district of the United States or province of Canada or of a foreign country, in which recourse is afforded, to residents of this State, of substantially similar character to that provided for by this act; provided, however, that no person shall be a qualified person where such person is an insured under a policy provision providing coverage for damages sustained by the insured as a result of the operation of an uninsured motor vehicle in a form authorized to be included in automobile liability policies of insurance delivered or issued for delivery in this State, pursuant to the provisions of, or any supplement to, chapter 28 of Title 17 of the Revised Statutes or in a form substantially similar thereto.

“Uninsured motor vehicle” means a motor vehicle as to which there is not in force a liability policy meeting the requirements of section 3 or 26 of the “Motor Vehicle Security-Responsibility Law,” P. L. 1952, c. 173 (C. 39:6-25 or C. 39:6-48), and which is not owned by a holder of a certificate of self-insurance under said law.

“Person” includes natural persons, firms, copartnerships, associations and corporations.

“Insurer” means any insurer authorized in this State to write the kinds of insurance specified in paragraphs d. and e. of R. S. 17:17-1.

“Net direct written premiums” means direct gross premiums written on policies, insuring against legal liability for bodily injury or death and for damage to property arising out of the ownership, operation or maintenance of motor vehicles, which are principally garaged in this State, less return premiums thereon and dividends paid to policyholders on such direct business.

“Registration license year” means the period beginning June 1, 1956, and ending May 31, 1957, and each subsequent 12 month period, beginning June 1 and ending the following May 31.

4. Section 3 of P. L. 1952, c. 174 (C. 39:6-63) is amended to read as follows:

C. 39:6-63 Assessment of insurers.

3. For the purpose of creating and maintaining the fund:
 - (a) (Deleted by amendment, P. L. 1968, c. 323, § 3.)
 - (b) (Deleted by amendment, P. L. 1968, c. 323, § 3.)
 - (c) (Deleted by amendment, P. L. 1968, c. 323, § 3.)
 - (d) On December 30 in each year, the commissioner shall calculate the probable amount which will be needed to carry out the provisions of this act during the ensuing registration license year. In such calculation, he shall take into consideration the amount presently reserved for pending claims, anticipated payments from the fund during said year, anticipated payments from the fund for medical expenses to be made pursuant to section 2 of this act during the two years after said year, anticipated amounts to be reserved for claims pending during said year, amounts transferred to the Division of Motor Vehicles pursuant to section 28 of P. L. 1952, c. 174 (C. 39:6-88), as amended by this 1983 amendatory act, and the desirability of maintaining a surplus over and above such anticipated payments and present and anticipated reserves, such surplus

not to exceed the amount actually paid from the fund during the 12 full calendar months immediately preceding the date of calculation. Such probable amount which will be needed to carry out the provisions of this act shall be assessed against insurers for such year's contributions to the fund. Such probable amount needed shall be apportioned among such insurers in the proportion that the net direct written premiums of each bear to the aggregate net direct written premiums of all insurers during the preceding calendar year as shown by the records of the commissioner. Each insurer shall pay the sum so assessed to the treasurer on or before March 31, next following.

(e) Whenever any of the provisions of this act concerning the method and sources of assessments, the maximum amounts payable from the fund, eligibility or qualifications of claimants, or amounts to be deducted from payments made from the fund are amended by law, between January 1 and April 30 in any year, the commissioner may, if he deems it necessary, rescind any assessment made on December 30 of the preceding year. He shall then, within 15 days of the adoption of such amendment, recalculate the probable amount which will be needed to carry out the provisions of this act during the ensuing registration license year, in accordance with the provisions of subsection (d) of this section. If, in his judgment, the estimated balance of the fund at the beginning of the next registration license year will be insufficient to meet such needs, he shall determine the contributions of insurers, if any, in accordance with the provisions of subsection (d) of this section. In the event of a rescission and reassessment subsequent to March 1 in any year, insurers shall pay the sum so assessed, if any, to the treasurer within 90 days of the date of such assessment.

5. Section 4 of P. L. 1952, c. 174 (C. 39:6-64) is amended to read as follows:

C. 39:6-64 Unsatisfied Claim and Judgment Fund Board.

4. Unsatisfied Claim and Judgment Fund Board. There is hereby established in, but not as a part of, the Department of Insurance an Unsatisfied Claim and Judgment Fund Board consisting of the commissioner and four representatives of insurers. Such representatives of insurers shall be designated annually by the commissioner. He shall designate one representative of each of the following classes of companies:

(a) The American Insurance Association, or its successor organization;

(b) The Alliance of American Insurers, or its successor organization;

(c) The National Association of Independent Insurers, or its successor organization;

(d) Any insurers which are licensed in this State and are not members or subscribers of any of the above mentioned organizations.

A person designated as a representative shall be an employee or officer of an insurer of the class which he represents. None of the members of the board shall receive any compensation or remuneration from the fund. Such board shall maintain an office in this State, administer the fund subject to the provisions of this act, determine its cash requirements, and the amounts, if any, available for investment, and shall have the power to employ such clerical and other help as may be necessary to the proper discharge of the duties of the board. The Director of the Division of Motor Vehicles in the administration of the Motor Vehicle Security-Responsibility Law and the board in the administration of this act shall cooperate in order to avoid duplication and to achieve efficiency and economy. The board shall reimburse the Department of Insurance semiannually for the reasonable and appropriate costs and expenses incurred in performing any service for the board under this act. Expenses so incurred by the board or by any department, division or agency of the State on behalf of the board shall be assessed annually by it, against insurers pro rata in proportion to premium writings as provided in section 3 (d).

6. Section 18 of P. L. 1955, c. 1 (C. 39:6-64.1) is amended to read as follows:

C. 39:6-64.1 Attorneys for collection actions.

18. The board may from time to time, adopt, amend and enforce all reasonable rules and regulations necessary or desirable in its opinion in connection with its functions, duties and responsibilities in administering this act.

Notwithstanding the provisions of P. L. 1944, c. 20 (C. 52:17A-1 et seq.), the board, with the approval of the Attorney General, shall have the power to engage the services of such attorneys and other persons as may be deemed necessary or desirable for the purpose of suing for, enforcing, collecting and taking any other action for the collection of moneys due to the commissioner or treasurer on any right, claim, agreement, judgment, assignment and other obligation arising out of the application of this act.

After repayment to the commissioner or treasurer of all sums paid from the fund and all moneys due to the commissioner and treasurer on any one claim, agreement, judgment, assignment or other obligation, the commissioner or treasurer may assign to the original claimant, judgment creditor or other person entitled thereto all of the right, title and interest that the commissioner or treasurer has in and to the balance due upon such obligation. Any attorney so engaged shall not be deemed an employee of the board or the State of New Jersey, shall not be subject to the Civil Service laws as contained in Title 11 of the Revised Statutes of New Jersey and shall not have any right to continued employment in such capacity. The compensation of an attorney so engaged for services so rendered shall be deemed an expense of the board under section 4 of the act and shall be paid out of the moneys recovered on the obligation in connection with which the services were rendered, upon such terms as may be authorized by the board with the approval of the Attorney General.

7. Section 5 of P. L. 1952, c. 174 (C. 39:6-65) is amended to read as follows:

C. 39:6-65 Notice of intention to make claim.

5. Any qualified person, or the personal representative of such person, who suffers damages resulting from bodily injury or death or damage to property arising out of the ownership, maintenance or use of a motor vehicle in this State on or after April 1, 1955, and whose damages may be satisfied in whole or in part from the fund, shall, except in cases in which the claim is asserted by actions brought under section 18 of this act pursuant to section 19 of this act, within 90 days after the accident, as a condition precedent to the right thereafter to apply for payment from the fund, give notice to the board, the form and contents of which shall be prescribed by the board, of his intention to make a claim thereon for such damages if otherwise uncollectible; provided, any such qualified person may, in lieu of giving said notice within said time, make proof to the court on the hearing of the application for the payment of a judgment (a) that he was physically incapable of giving said notice within said period and that he gave said notice within 90 days after he became physically capable to do so or in the event he did not become so capable, that a notice was given on his behalf within a reasonable period, or (b) that he gave notice to the board within 15 days of receiving notice that an insurer had disclaimed on a policy of insurance so as to remove or withdraw liability insurance

coverage for his claim against a person or persons who allegedly caused him to suffer damages. A copy of the complaint shall be furnished to the board if an action has theretofore been brought for the enforcement of such claim. Such person shall also notify the board of any action thereafter instituted for the enforcement of such claim within 15 days after the institution thereof and such notice shall be accompanied by a copy of the complaint.

The Director of the Division of Motor Vehicles is hereby authorized and empowered, the provisions of any other law relating to the confidential nature of any reports or information furnished to or filed with the division notwithstanding, to furnish to the board upon its request, for such use, utilization and purposes as the board may deem reasonably appropriate to administer this act and discharge its functions hereunder, any reports or information filed by any person or persons claiming benefits under the provisions of this act, that the director has with regard to any accident, and any operator or owner of a motor vehicle involved in any accident, and as to any automobile or motor vehicle liability insurance or bond carried by an operator or owner of any motor vehicle.

8. Section 12 of P. L. 1952, c. 174 (C. 39:6-72) is amended to read as follows:

C. 39:6-72 Contents of petition; settlement of claim.

12. (a) In any action against an operator or owner of a motor vehicle for injury to or death of any person or for damage to property arising out of the ownership, maintenance or use of said vehicle in this State on or after April 1, 1955, pending in any court of competent jurisdiction in this State, the plaintiff may upon notice to the board file a verified petition with the court alleging:

(1) the matters set forth in subparagraphs (a), (b), (c), (d), (e) and (f) of section 10;

(2) that the petition is not presented on behalf of an insurer under circumstances set forth in subparagraph (1) of section 10;

(3) that he has entered into an agreement with the defendant to settle all claims set forth in the complaint in said action and the amount proposed to be paid to him pursuant thereto;

(4) that the said proposed settlement has been entered into with and by the consent of the Superior Court and approved by the executive director of the fund;

(5) that the defendant has executed and delivered to the board a verified statement of his financial condition;

(6) that a judgment against the defendant would be uncollectible;

(7) that the defendant has undertaken in writing to repay to the treasurer the sum that he would be required to pay under such settlement, and has executed a confession of judgment in connection therewith.

If the court be satisfied of the truth of the allegations in said petition and of the fairness of such proposed settlement, it may enter an order approving the same and directing the treasurer, upon receipt of the undertaking and confession of judgment mentioned in subparagraph (7) of this section, to make payment to the plaintiff of the amount agreed to be accepted.

(b) An insurer to whom a claim has been assigned may settle any claim involving the payment of less than \$5,000.00 with the approval of the executive director of the fund or any claim involving payment of \$5,000.00 or more with the approval of the board, without court approval, if satisfied:

(1) that the claimant is not a person of the character described in subparagraphs (a), (b), (c), (d), (e) and (f) of section 10;

(2) that the settlement is not made on behalf of an insurer under circumstances set forth in subparagraph (e) of section 10; and

(3) that a judgment against the owner or operator of the motor vehicle involved in the accident would be uncollectible, and that such owner or operator has consented to such settlement, executed and delivered to the board a verified statement of his financial condition and undertaken in writing to repay to the treasurer the sum to be paid under the settlement, and executed a confession of judgment in connection therewith. Any settlement so made shall be certified by the board to the treasurer, who shall, upon receipt of said undertaking to repay and confession of judgment, make the required payment to claimant out of the fund.

9. Section 2 of P. L. 1977, c. 310 (C. 39:6-73.1) is amended to read as follows:

C. 39:6-73.1 Medical expense benefits over \$75,000.

2. In the event medical expense benefits paid by an insurer, in accordance with section 4a. of P. L. 1972, c. 70 (C. 39:6A-4), are in excess of \$75,000.00 on account of personal injury to any one person in any one accident, the Unsatisfied Claim and Judgment Fund shall assume such excess and reimburse the insurer therefor in accordance with rules and regulations promulgated by the commissioner; provided, however, that this provision is not intended

to broaden the coverage available to accidents involving uninsured or hit-and-run automobiles, to provide extraterritorial coverage, or to pay excess medical expenses.

10. Section 17 of P. L. 1952, c. 174 (C. 39:6-77) is amended to read as follows:

C. 39:6-77 Assignment of judgments to commissioner.

17. Assignment of judgments to commissioner. The treasurer shall not pay any sum from the fund, in compliance with an order made for that purpose, in any case in which the claim is founded upon a judgment, except a judgment obtained against the commissioner under this act, until the applicant assigns the judgment to the commissioner and, thereupon, the commissioner shall be deemed to have all the rights of the judgment creditor under the judgment and shall enforce and collect the same for the full amount thereof with interest and costs and if more money is collected upon any such judgment than the amount paid out of the fund, the commissioner shall pay the balance, after reimbursing the fund, to the judgment creditor. Upon assignment of a judgment to the commissioner the board may, on behalf of the commissioner enter into agreement with the defendant for reimbursement of the fund by lump sum or installment payments, including waiver of interest and subordination of the lien of the judgment where the same is determined to be advantageous in obtaining reimbursement of payments made by the fund. Any such agreement may be annexed to an application for a court order made pursuant to section 27 (b).

11. Section 18 of P. L. 1952, c. 174 (C. 39:6-78) is amended to read as follows:

C. 39:6-78 Identity of vehicle, operator, owner unascertainable.

18. When the death of, or personal injury to, any person arises out of ownership, maintenance or use of a motor vehicle in this State on or after April 1, 1955, but the identity of the motor vehicle and of the operator and owner thereof cannot be ascertained or it is established that the motor vehicle was, at the time said accident occurred, in the possession of some person other than the owner without the owner's consent and that the identity of such person cannot be ascertained, any qualified person who would have a cause of action against the operator or owner or both in respect to such death or personal injury may bring an action therefor against the commissioner in any court of competent jurisdiction, but no judgment against the commissioner shall be entered in such an

action unless the court is satisfied, upon the hearing of the action, that—

- (a) The claimant has complied with the requirements of section 5,
- (b) The claimant is not a person covered with respect to such injury or death by any workers' compensation law, or the personal representative of such a person,
- (c) The claimant was not at the time of the accident the owner or registrant of an uninsured motor vehicle, or was not operating a motor vehicle in violation of an order of suspension or revocation,
- (d) The claimant has a cause of action against the operator or owner of such motor vehicle or against the operator who was operating the motor vehicle without the consent of the owner of the motor vehicle,
- (e) All reasonable efforts have been made to ascertain the identity of the motor vehicle and of the owner and operator thereof and either that the identity of the motor vehicle and the owner and operator thereof cannot be established, or that the identity of the operator, who was operating the motor vehicle without the owner's consent, cannot be established,
- (f) The action is not brought by or on behalf of an insurer under circumstances set forth in paragraph (1) of section 10.

12. Section 19 of P. L. 1952, c. 174 (C. 39:6-79) is amended to read as follows:

C. 39:6-79 Action within 3 months of entry of judgment.

19. When in an action in respect to the death of, or personal injury to, any person, arising out of the ownership, maintenance or use of a motor vehicle in this State on or after April 1, 1955, judgment is rendered for the defendant on the sole ground that such death or personal injury was occasioned by a motor vehicle—

- (a) The identity of which, and of the owner and operator of which, has not been established, or
- (b) Which was in the possession of some person other than the owner or his agent without the consent of the owner and the identity of the operator has not been established, such cause shall be stated in the judgment and the plaintiff in such action may within three months from the date of the entry of such judgment bring an action upon said cause of action against the commissioner in the manner provided in section 18.

13. Section 20 of P. L. 1952, c. 174 (C. 39:6-80) is amended to read as follows:

C. 39:6-80 Impleading commissioner in "hit-and-run" cases.

20. Impleading commissioner in "hit-and-run" cases. When an action has been commenced in respect of the death or injury of any person arising out of the ownership, maintenance or use of a motor vehicle in this State on or after April 1, 1955, the plaintiff shall be entitled to make the commissioner a party thereto if the provisions of section 18 or 19 shall apply in any such case, and the plaintiff has made the application and the court has entered the order provided for in section 18.

14. Section 21 of P. L. 1952, c. 174 (C. 39:6-81) is amended to read as follows:

C. 39:6-81 Defense of such actions by commissioner.

21. Defense of such actions by commissioner. In any action brought under sections 18 and 19 of this act, the commissioner may appear by counsel for the insurer to whom such action has been assigned. He shall for all purposes of the action be deemed to be the defendant. He shall have available to him any and all defenses which would have been available to said operator or owner or both if the action had been brought against them or either of them and process upon them or either of them had been duly served within this State, but he shall be entitled to defend in all cases without asserting any specific facts.

15. Section 22 of P. L. 1952, c. 174 (C. 39:6-82) is amended to read as follows:

C. 39:6-82 Settlement of actions against the commissioner.

22. Settlement of actions against the commissioner. In any action brought against the commissioner pursuant to an order by the court entered in accordance with the provisions of section 18, the plaintiff may file a verified petition alleging that he has entered into an agreement with the board to settle all claims set forth in the complaint in said action and the amount proposed to be paid to him pursuant thereto. If the court be satisfied of the fairness of such proposed settlement, it may enter an order approving such settlement and enter a judgment against the commissioner for the amount so agreed to be paid thereunder.

16. Section 23 of P. L. 1952, c. 174 (C. 39:6-83) is amended to read as follows:

C. 39:6-83 Credits against judgment.

23. Credits against judgment. A judgment against the commissioner shall be reduced by any amounts which such plaintiff

has received from any person mentioned in subparagraph (m) of section 10.

17. Section 24 of P. L. 1952, c. 174 (C. 39:6-84) is amended to read as follows:

C. 39:6-84 \$15,000/30,000 limits.

24. When a judgment is obtained against the commissioner, in an action brought under this act, upon the determination of all proceedings including appeals and reviews, the court shall make an order directed to the treasurer directing him to pay out of the fund to the plaintiff in the action the amount thereof which does not exceed \$15,000.00, exclusive of interest and costs, on account of injury to, or death of, one person and, subject to such limits for the death of, or injury to, any one person, does not exceed \$30,000.00, exclusive of interest and costs, on account of the injury to, or death of, more than one person, in any one accident, provided that such maximum amount shall be reduced by any amount received or recovered by the plaintiff as specified in subparagraph (m) of section 10.

18. Section 25 of P. L. 1952, c. 174 (C. 39:6-85) is amended to read as follows:

C. 39:6-85 Subrogation.

25. Subrogation. When judgment has been obtained against the commissioner in an action brought under this act, the commissioner shall, upon payment from the fund of the amount of the judgment to the extent provided in this act, be subrogated to the cause of action of the judgment creditor against the operator and owner of the motor vehicle by which the accident was occasioned and shall bring an action against either or both of such persons for the amount of the damage sustained by the judgment creditor when and in the event that the identity of either or both of such persons shall be established, and shall recover the same out of any funds which would be payable in respect to the death or injury under any policy of insurance, which was in force at the time of the accident and in event that more is recovered and collected in any such action than the amount paid out of the fund by reason of the judgment, the treasurer shall pay the balance, after reimbursing the fund, to the judgment creditor.

19. Section 12 of P. L. 1972, c. 198 (C. 39:6-86.6) is amended to read as follows:

C. 39:6-86.6 Recovery from uninsured motorist.

12. The commissioner shall be entitled to recover on behalf of the Unsatisfied Claim and Judgment Fund for all payments made by it pursuant to sections 7 and 10 of this act, regardless of fault, from any person who owned or operated the automobile involved in the accident and whose failure to have the required insurance coverage in effect at the time of the accident resulted in the payment of personal injury protection benefits. If the identity of the owner and operator is not ascertained until after personal injury protection benefits have been paid then the commissioner shall be entitled to recover for such payments, regardless of fault, from the operator if he was driving without the owner's permission or from the operator and the owner if he was driving with the owner's permission or, in either case, from the insurer if there is an insurance policy providing personal injury protection benefits that was in effect at the time of the accident with respect to such automobile.

The commissioner is authorized to bring an action, which shall be a summary proceeding, in the Superior Court to reduce the right provided by this section to judgment.

20. Section 27 of P. L. 1952, c. 174 (C. 39:6-87) is amended to read as follows:

C. 39:6-87 Registration, etc. not restored until fund is reimbursed.

27. Registration, etc. not restored until fund is reimbursed. Where the license or privileges of any person, or the registration of a motor vehicle registered in his name, has been suspended or cancelled under the Motor Vehicle Security-Responsibility Law of this State, and the treasurer has paid from the fund any amount in settlement of a claim or towards satisfaction of a judgment against that person, or for the payment of personal injury protection benefits as provided in section 7 and section 10 of this act, the cancellation or suspension shall not be removed, nor the license, privileges, or registration restored, nor shall any new license or privilege be issued or granted to, or registration be permitted to be made by, that person until he has

(a) Repaid in full to the treasurer the amount so paid by him together with interest thereon at 8% per annum from the date of such payment; and

(b) Satisfied all requirements of said Motor Vehicle Security-Responsibility Law in respect of giving proof of ability to respond in damages for future accidents, provided, that the court in which

such judgment was rendered may, upon 10 days' notice to the board, make an order permitting payment of the amount of such person's indebtedness to the fund, to be made in installments, or in the event the fund makes personal injury protection benefit payments, such person and the fund by agreement may provide for repayment to the fund to be made in installments, and in such case, such person's driver's license, or his driving privileges, or registration certificate, if the same have been suspended or revoked, or have expired, may be restored or renewed and shall remain in effect unless and until such person defaults in making any installment payment specified in such order. In the event of any such default, the Director of the Division of Motor Vehicles shall upon notice of such default suspend such person's driver's license, or driving privileges or registration certificate until the amount of his indebtedness to the fund has been paid in full.

21. Section 28 of P. L. 1952, c. 174 (C. 39:6-88) is amended to read as follows:

C. 39:6-88 Fund to be held in trust.

28. Fund to be held in trust. All sums received by the treasurer pursuant to any of the provisions of this act shall become part of the fund, and shall be held by the treasurer in trust for the carrying out of the purposes of this act and for the payment of the cost of administering this act, and for the payment of the costs of the Division of Motor Vehicles of implementing the New Jersey Merit Rating Plan pursuant to section 6 of P. L. 1983, c. 65 (C. 17:29A-35). The Director of the Division of Motor Vehicles shall certify to the treasurer the amount necessary to implement the New Jersey Merit Rating Plan pursuant to that section, and the treasurer shall thereupon disburse that amount from the fund. Moneys transferred to the Division of Motor Vehicles pursuant to this section shall be repaid, with interest at the prevailing rate as determined by the board, out of sums appropriated to the Division of Motor Vehicles from surcharges assessed in accordance with the New Jersey Merit Rating Plan established pursuant to section 6 of P. L. 1983, c. 65 (C. 17:29A-35). Said fund may be invested and reinvested in the same manner as other State funds and shall be disbursed according to the order of the treasurer, as custodian of the fund.

22. Section 1 of P. L. 1983, c. 360 (C. 39:13-1) is amended to read as follows:

C. 39:13-1 Definitions.

1. For the purposes of this act:

a. "Auto body repair facility" means a business or person who for compensation engages in the business of repairing, removing, or installing integral component parts of an engine, power train, chassis, or body of an automobile damaged as a result of a collision.

b. "Automobile" means a private passenger automobile of a private passenger, station wagon, or van type that is owned or hired and is neither used as public or livery conveyance for passengers nor rented to others with a driver; and a motor vehicle with a pickup body, a delivery sedan or a panel truck or a camper type vehicle used for recreational purposes owned by an individual or by husband and wife who are residents of the same household, not customarily used in the occupation, profession or business of the insured other than farming or ranching. An automobile owned by a farm family copartnership or corporation which is principally garaged on a farm or ranch shall be considered a private passenger automobile owned by two or more relatives resident in the same household.

c. "Director" means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

23. Section 2 of P. L. 1983, c. 360 (C. 39:13-2) is amended to read as follows:

C. 39:13-2 Licensure of auto body repair facilities.

2. The director shall establish a system for the licensure of auto body repair facilities. No person may engage in the business of an auto body repair facility unless it is licensed by the director. An auto body repair facility shall be licensed by the director upon submission of an application and payment of a reasonable application fee sufficient to cover the cost of implementing the provisions of this act and to be prescribed by the director. The director may require biennial renewal of applications for licensure and may stagger the renewal dates and adjust the application fees accordingly.

24. Section 3 of P. L. 1983, c. 360 (C. 39:13-3) is amended to read as follows:

C. 39:13-3 Investigation of violations.

3. The director shall, on his own initiative or in response to complaints, investigate on a continuing basis and gather evidence of violations of this act and of any regulation adopted pursuant to this act by auto body repair facilities.

25. Section 4 of P. L. 1983, c. 360 (C. 39:13-4) is amended to read as follows:

C. 39:13-4 Fines; refusal, suspension, revocation of licenses.

4. The director may fine or refuse to grant or may suspend or revoke a license of an auto body repair facility for any of the following acts or omissions related to the conduct of the business of auto body repair done by the auto body repair facility:

a. Making or authorizing any material written or oral statement which is known to be untrue or misleading;

b. Causing or allowing a customer to sign any estimate for repairs which does not state the repairs requested by the customer or the automobile's odometer reading at the time of repair;

c. Failing to provide a customer with a copy of any estimate or document requiring his signature, as soon as a customer signs the estimate or document;

d. Making false promises or representations intended to influence, persuade, or induce a customer to authorize a repair of an automobile which has been damaged as a result of a collision;

e. Giving an adjuster or appraiser directly or indirectly any gratuity or other consideration in connection with his appraisal service;

f. Making appraisals of the cost of repairing an automobile which has been damaged as a result of a collision through the use of photographs, telephone calls, or any manner other than personal inspection;

g. Making an estimate for repairs or charging for repairs in such amount as to compensate the insured for the cost of the deductible applicable under the automobile insurance policy;

h. A pattern of conduct which includes any of the acts or omissions prohibited in this section or any other unconscionable or fraudulent commercial practice prohibited by the director pursuant to regulations promulgated under the provisions of this act.

26. Section 5 of P. L. 1983, c. 360 (C. 39:13-5) is amended to read as follows:

C. 39:13-5 Hearing on request.

5. Upon refusal to grant a license or suspension or revocation of a license of an auto body repair facility, the director shall notify the auto body repair facility in writing by registered mail. The auto body repair facility shall be given a hearing by the director if, within 60 days thereafter, it files with the director

a written request for a hearing concerning the refusal to grant a license or suspension or revocation of the license.

27. Section 6 of P. L. 1983, c. 360 (C. 39:13-6) is amended to read as follows:

C. 39:13-6 Civil penalty.

6. The director may impose upon an auto body repair facility violating this act a civil penalty of not more than \$2,000.00 for the first offense and not more than \$5,000.00 for the second and each subsequent offense. The civil penalty shall be issued for and recovered by and in the name of the director and shall be collected and enforced by summary proceedings pursuant to "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.).

28. Section 7 of P. L. 1983, c. 360 (C. 39:13-7) is amended to read as follows:

C. 39:13-7 Rules, regulations.

7. The director shall promulgate rules and regulations necessary to effectuate the purposes of this act.

29. This act shall take effect immediately.

Approved April 24, 1985.

CHAPTER 149

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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 moneys to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS

DEPARTMENT OF HUMAN SERVICES

80 Special Government Services

83 Services to Veterans

7520 Division of Veterans' Services

19-7520 Management and Field Services \$1,454,089

Special Purpose:

Construction of a New Jersey

Veterans' Cemetery (\$1,454,089)

2. This act shall take effect immediately.

Approved April 24, 1985.

CHAPTER 150

AN ACT concerning firemen who serve as arson investigators and amending N. J. S. 2C:39-6 and P. L. 1981, c. 409.

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. N. J. S. 2C:39-5 does not apply to:

(1) Members of the Armed Forces of the United States or of the National Guard while actually on duty, or while traveling between places of duty and carrying authorized weapons in the manner prescribed by the appropriate military authorities;

(2) Federal law enforcement officers, and any other federal officers and employees required to carry firearms in the performance of their official duties;

(3) Members of the State Police;

(4) A sheriff, undersheriff, sheriff's officer, county prosecutor, assistant prosecutor, prosecutor's detective or investigator, deputy attorney general or State investigator employed by the Division of Criminal Justice of the Department of Law and Public Safety, investigator employed by the State Commission of Investigation,

inspector of the Alcoholic Beverage Control Enforcement Bureau of the Division of State Police in the Department of Law and Public Safety authorized to carry such weapons by the Superintendent of State Police, State park ranger, or State conservation officer;

(5) A prison or jail warden of any penal institution in this State or his deputies, or an employee of the Department of Corrections engaged in the interstate transportation of convicted offenders, while in the performance of his duties, and when required to possess the weapon by his superior officer, or a correction officer or keeper of a penal institution in this State at all times while in the State of New Jersey, provided he annually passes an examination approved by the superintendent testing his proficiency in the handling of firearms;

(6) A civilian employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located in this State who is required, in the performance of his official duties, to carry firearms, and who is authorized to carry such firearms by said commanding officer, while in the actual performance of his official duties;

(7) A 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 full-time, paid member of a paid or part-paid fire department or force of any municipality who is assigned full-time or part-time to an arson investigation unit created pursuant to section 1 of P. L. 1981, c. 409 (C. 40A:14-7.1) or to the county arson investigation unit in the county prosecutor's office, while either engaged in the actual performance of arson investigation duties or while actually on call to perform arson investigation duties and when specifically authorized by the governing body or the county

prosecutor, as the case may be, to carry weapons. Prior to being permitted to carry a firearm, such a member shall take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P. L. 1961, c. 56 (C. 52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm.

b. Subsections a., b. and c. of N. J. S. 2C:39-5 do not apply to:

(1) A law enforcement officer employed by a governmental agency outside of the State of New Jersey while actually engaged in his official duties, provided, however, that he has first notified the superintendent or the chief law enforcement officer of the municipality or the prosecutor of the county in which he is engaged; or

(2) A licensed dealer in firearms and his registered employees during the course of their normal business while traveling to and from their place of business and other places for the purpose of demonstration, exhibition or delivery in connection with a sale, provided, however, that the weapon is carried in the manner specified in subsection g. of this section.

c. Subsections b. and c. of N. J. S. 2C:39-5 do not apply to:

(1) A special agent of the Division of Taxation who has passed an examination in an approved police training program testing proficiency in the handling of any firearm which he may be required to carry, while in the actual performance of his official duties and while going to or from his place of duty, 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 the 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;

(8) An employee of a public utilities corporation actually engaged in the transportation of explosives; or

(9) A railway policeman, at all times while in the State of New Jersey, provided that he has passed an approved police academy training program consisting of at least 280 hours. The training program shall include, but need not be limited to, the handling of firearms, community relations, and juvenile relations.

d. (1) Subsections c. and d. of N. J. S. 2C:39-5 do not apply to antique firearms, provided that such antique firearms are unloaded or are being fired for the purposes of exhibition or demonstration at an authorized target range or in such other manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent.

(2) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S. 2C:39-5 do not apply to an antique cannon that is capable of being fired but that is unloaded and immobile, provided that the antique cannon is possessed by (a) a scholastic institution, a museum, a municipality, a county or the State, or (b) a person who obtained a firearms purchaser identification card as specified in N. J. S. 2C:58-3.

(3) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S. 2C:39-5 do not apply to an unloaded antique cannon that is being transported by one eligible to possess it, in compliance with regulations the superintendent may promulgate, between its permanent location and place of purchase or repair.

(4) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S. 2C:39-5 do not apply to antique cannons that are being loaded or fired by one eligible to possess an antique cannon, for purposes of exhibition or demonstration at an authorized target range or in the

manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent, provided that performer has given at least 30 days' notice to the superintendent.

(5) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S. 2C:39-5 do not apply to the transportation of unloaded antique cannons directly to or from exhibitions or demonstrations authorized under paragraph (4) of subsection d. of this section, provided that the transportation is in compliance with safety regulations the superintendent may promulgate. Nor do those subsections apply to transportation directly to or from exhibitions or demonstrations authorized under the law of another jurisdiction, provided that the superintendent has been given 30 days' notice and that the transportation is in compliance with safety regulations the superintendent may promulgate.

e. Nothing in subsections b., c. and d. of N. J. S. 2C:3-5 shall be construed to prevent a person keeping or carrying about his place of business, residence, premises or other land owned or possessed by him, any firearm, or from carrying the same, in the manner specified in subsection g. of this section, from any place of purchase to his residence or place of business, between his dwelling and his place of business, between one place of business or residence and another when moving, or between his dwelling or place of business and place where such firearms are repaired, for the purpose of repair. For the purposes of this section, a place of business shall be deemed to be a fixed location.

f. Nothing in subsections b., c. and d. of N. J. S. 2C:39-5 shall be construed to prevent:

(1) A member of any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from a place of target practice, carrying such firearms as are necessary for said target practice, provided that the club has filed a copy of its charter with the superintendent and annually submits a list of its members to the superintendent and provided further that the firearms are carried in the manner specified in subsection g. of this section;

(2) A person carrying a firearm or knife in the woods or fields or upon the waters of this State for the purpose of hunting, target practice or fishing, provided that the firearm or knife is legal and

appropriate for hunting or fishing purposes in this State and he has in his possession a valid hunting license, or, with respect to freshwater fishing, a valid fishing license;

(3) A person transporting any firearm or knife while traveling:

(a) Directly to or from any place for the purpose of hunting or fishing, provided the person has in his possession a valid hunting or fishing license; or

(b) Directly to or from any target range, or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of the travel all firearms are carried in the manner specified in subsection g. of this section and the person has complied with all the provisions and requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgated thereunder; or

(c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle or pistol club, or any firearms collectors club, for the purpose of displaying the firearms to the public or to the members of the organization or club, provided, however, that not less than 30 days prior to the exhibition or display, notice of the exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with such reasonable safety regulations as the superintendent may promulgate. Any firearms transported pursuant to this section shall be transported in the manner specified in subsection g. of this section;

(4) A person from keeping or carrying about a private or commercial aircraft or any boat, or from transporting to or from such vessel for the purpose of installation or repair a visual distress signalling device approved by the United States Coast Guard.

g. All weapons being transported under paragraph (2) of subsection b., subsection e., or paragraph (1) or (3) of subsection f. of this section shall be carried unloaded and contained in a closed and fastened case, 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 N. J. S. 2C:39-5 shall be construed to prevent any employee of a public utility, as defined in R. S.

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48:2-13, doing business in this State or any United States Postal Service employee, while in the actual performance of duties which specifically require regular and frequent visits to private premises, from possessing, carrying or using any device which projects, releases or emits any substance specified as being noninjurious to canines or other animals by the Commissioner of Health and which immobilizes only on a temporary basis and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the sole purpose of repelling canine or other animal attacks.

The device shall be used solely to repel only those canine or other animal attacks when the canines or other animals are not restrained in a fashion sufficient to allow the employee to properly perform his duties.

Any device used pursuant to this act shall be selected from a list of products, which consist of active and inert ingredients, permitted by the Commissioner of Health.

i. Nothing in subsection d. of N. J. S. 2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a felony, from possession for the purpose of personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than \$100.00.

2. Section 1 of P. L. 1981, c. 409 (C. 40A:14-7.1) is amended to read as follows:

C. 40A:14-7.1 Arson investigation unit.

1. a. The governing body of any municipality which has established a paid or part-paid fire department or force may, by ordinance, create an arson investigation unit within the fire department or force and provide for the maintenance, regulation and control thereof. The arson investigation unit shall be responsible for conducting investigations of arson, suspicious fires or explosions within the municipality.

b. Only full-time, paid members of a paid or part-paid fire department or force may be assigned to an arson investigation

unit created pursuant to this section. Before any member shall be assigned to an arson investigation unit, he shall have successfully completed an appropriate course of training approved by the Police Training Commission and an arson investigation training course approved by the Department of Law and Public Safety.

c. Any member of a fire department or force who is assigned to an arson investigation unit pursuant to this section shall attend and successfully complete in-service training programs as required by the Division of Criminal Justice.

d. Any full-time, paid member of a fire department or force who is assigned full-time or part-time to an arson investigation unit pursuant to this section shall have the same powers and authority of police officers within the municipality while engaged in the actual performance of arson investigation duties.

e. No more than one member of a fire department of a municipality having a population of 50,000 or less according to the latest federal decennial census may be assigned to an arson investigation unit on a part-time basis.

3. This act shall take effect immediately.

Approved April 25, 1985.

CHAPTER 151

AN ACT concerning the sale of alcoholic beverages in certain cases and supplementing Title 33 of the Revised Statutes.

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

C. 33:1-19.7 Plenary retail consumption license.

1. It shall be lawful for the governing board or body of any municipality, upon the approval of the Director of the Division of Alcoholic Beverage Control, to issue a plenary retail consumption license to a nonprofit corporation which conducts musical or theatrical performances or concerts on premises with a seating capacity of 1,000 persons or more, to authorize the sale of alcoholic beverages for consumption on the licensed premises only during performances and the hour immediately preceding and the hour immediately following performances.

A license issued under the provisions of this act shall not be counted in determining the number of licenses under P. L. 1947, c. 94 (C. 33:1-12.13 et seq.) or under P. L. 1968, c. 277 (C. 40:48-2.40 et seq.).

2. This act shall take effect immediately.

Approved April 25, 1985.

CHAPTER 152

AN ACT temporarily making permissive the implementation of a revaluation of real property in certain municipalities.

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, according to the 1980 federal decennial census, shall be required to implement a revaluation of real property for the tax year 1985. The determination of a city not to implement a revaluation pursuant to this act shall not prevent the city from conducting and implementing any partial or complete reassessment of real property in the city during the period covered by this act.

2. This act shall take effect immediately.

Approved April 25, 1985.

CHAPTER 153

AN ACT concerning the financing of the closure of sanitary landfills, providing for the issuance of certain bonds under the "Local Bond Law," P. L. 1960, c. 169, amending N. J. S. 40A:2-22, supplementing P. L. 1976, c. 68 and P. L. 1981, c. 306, and making an appropriation.

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

1. (New section) The Legislature finds that the ever-increasing costs of environmentally sound solid waste disposal necessarily impose economic burdens on local governments and residential taxpayers and put a strain on municipalities to meet their budgetary requirements without periodic increases in local property taxes; that the proper disposal of solid waste and the implementation of an environmentally sound solid waste management strategy are governmental functions which directly impact on the public interest; that the considerable escrow and closing costs required to insure the environmentally sound closure of sanitary landfill facilities have contributed to these escalating disposal costs or tipping fees; and that it is in the public interest that the local governments shall be authorized to meet these increasing costs for landfill closure through utilization of long-term debt, the payment of which will apportion these costs more equitably over a longer period of time and will therefore avoid the need for imposing economic burdens on residential taxpayers through substantial increases in local property taxes to pay these costs immediately.

2. N. J. S. 40A:2-22 is amended to read as follows:

Maximum bond terms.

40A:2-22. The governing body of the local unit shall determine the period of usefulness of any purpose according to its reasonable life computed from the date of the bonds, which period shall not be greater than the following:

a. Buildings and structures.

1. Bridges, including retaining walls and approaches, or permanent structures of brick, stone, concrete or metal, or similar durable construction, 30 years.

2. Buildings, including the original furnishings and equipment therefor:

Class A: A building, of which all walls, floors, partitions, stairs and roof are wholly of incombustible material, except the window frames, doors, top flooring and wooden handrails on the stairs, 40 years;

Class B: A building, the outer walls of which are wholly of incombustible material, except the window frames and doors, 30 years;

Class C: A building which does not meet the requirements of Class A or Class B, 20 years.

3. Buildings or structures acquired substantially reconstructed or additions thereto, one-half the period fixed in this subsection for such buildings or structures.

4. Additional furnishings, five years.

b. Marine improvements.

1. Harbor improvements, docks or marine terminals, 40 years.

2. Dikes, bulkheads, jetties or similar devices of stone, concrete or metal, 15 years; of wood or partly of wood, 10 years.

c. Additional equipment and machinery.

1. Additional or replacement equipment and machinery, 15 years.

2. Voting machines, 15 years.

d. Real property.

1. Acquisition for any public purpose of lands or riparian rights, or both, and the original dredging, grading, draining or planting thereof, 40 years.

2. Improvement of airport, cemetery, golf course, park, playground, 15 years.

3. Stadia of concrete or other incombustible materials, 20 years.

e. Streets or thoroughfares.

1. Elimination of grade crossings, 35 years.

2. Streets or roads:

Class A: Rigid pavement. A pavement of not less than eight inches of cement concrete or a six-inch cement concrete base with not less than three-inch bituminous concrete surface course, or equivalent wearing surface, 20 years.

Flexible pavement. A pavement not less than 10 inches in depth consisting of five-inch macadam base, three-inch modified penetration macadam and three-inch bituminous concrete surface course or other pavements of equivalent strength, in accordance with the findings of the American Association of State Highway Officials (AASHO) Road Test, 20 years.

Class B: Mixed surface-treated road. An eight-inch surface of gravel, stone or other selected material under

partial control mixed with cement or lime and fly ash, six inches in compacted thickness with bituminous surface treatment and cover, 10 years.

Bituminous penetration road. A five-inch gravel or stone base course and a three-inch course bound with a bituminous or equivalent binder, 10 years.

Class C: Mixed bituminous road. An eight-inch surface of gravel, stone, or other selected material under partial control mixed with bituminous material one inch or more in compacted thickness, five years.

Penetration macadam road. A road of sand, gravel or water-bound macadam, or surfacing with penetration macadam, five years.

3. Sidewalks, curbs and gutters of stone, concrete or brick, 10 years.

The period of usefulness in this subsection shall apply to construction and reconstruction of streets and thoroughfares.

f. Utilities and municipal systems.

1. Sewerage system, whether sanitary or storm water, water supply or distribution system, 40 years.

2. Electric light, power or gas systems, garbage, refuse or ashes incinerator or disposal plant, 25 years.

3. Communication and signal systems, 10 years.

4. House connections to publicly-owned gas, water or sewerage systems from the service main in the street to the curb or property lines where not part of original installation, five years.

g. Vehicles and apparatus.

1. Fire engines, apparatus and equipment, when purchased new, but not fire equipment purchased separately, 10 years.

2. Automotive vehicles, including original apparatus and equipment (other than passenger cars and stationwagons), when purchased new, five years.

3. Major repairs, reconditioning or overhaul of fire engines and apparatus, which may reasonably be expected to extend for at least five years the period of usefulness thereof, five years.

h. The closure of a sanitary landfill facility utilized, owned or operated by a county or municipality, 15 years; provided that the closure has been approved by the Board of Public Utilities and the

Department of Environmental Protection. For the purposes of this subsection "closure" means all activities associated with the design, purchase or construction of all measures required by the Department of Environmental Protection, pursuant to law, in order to prevent, minimize or monitor pollution or health hazards resulting from sanitary landfill facilities subsequent to the termination of operations at any portion thereof, including, but not necessarily limited to, the costs of the placement of earthen or vegetative cover, and the installation of methane gas vents or monitors and leachate monitoring wells or collection systems at the site of any sanitary landfill facility.

i. Any purpose, except vehicles, not included in the foregoing, for which obligations may be issued, 15 years.

C. 40A:4-45.10a Expenditure mandated by State law.

3. (New section) Any additional expenditures made by a county or municipality to meet an increase in the rates or charges for solid waste disposal at a sanitary landfill facility resulting from an order issued by the Board of Public Utilities to finance the closure of the facility, whenever the closure is approved by the Department of Environmental Protection, shall, for the purposes of P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.), be considered an expenditure mandated by State law.

4. This act shall take effect immediately.

Approved April 25, 1985.

CHAPTER 154

AN ACT concerning the destruction of agricultural property and supplementing P. L. 1982, c. 43 (C. 39:5-30.5 et seq) and Chapter 4 of Title 39 of the Revised Statutes.

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

C. 39:4-97a Agricultural, recreational property protected.

1. No person shall operate a motor vehicle, except a motor vehicle operated for emergency purposes by a fire department or ambulance or rescue squad, in a manner which causes the destruction of agricultural crops, fences, fields or other agricultural or

recreational property. "Recreational property" means any public or private property used as a golf course, park, or other similar purpose.

C. 39:5-30.5a Assessment of points.

2. a. The director shall, in establishing a motor vehicle point system, pursuant to section 1 of P. L. 1982, c. 43 (C. 39:5-30.5), include in that system a schedule of points to be assessed against a person operating a motor vehicle, except a motor vehicle operated for emergency purposes by a fire department or ambulance or rescue squad, in a manner which causes the destruction of agricultural crops, fences, fields or other agricultural or recreational property. "Recreational property" means any public or private property used as a golf course, park, or other similar purpose.

b. A person who operates a motor vehicle in the manner described in subsection a. of this section, who is not a licensed driver of this State at the time of the violation, shall have the points established pursuant to this section assessed against his record upon being issued a license to operate a motor vehicle in this State.

3. This act shall take effect immediately.

Approved April 25, 1985.

CHAPTER 155

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 any provision to the contrary of section 4 of P. L. 1973, c. 156 (C. 43:16A-63), or of any other law, any officer who was on June 1, 1973, a member of the Public Employees' Retirement System, and who was on that date eligible to transfer such membership to the Police and Firemen's Retirement System and did not elect to so transfer in the manner

provided by section 4 of P. L. 1973, c. 156, and who has continued since that date as a member of the Public Employees' Retirement System, shall be permitted to transfer his membership to the Police and Firemen's Retirement System by waiving all rights and benefits which would otherwise be provided by the Public Employees' Retirement System and by making a lump sum payment into the Police and Firemen's Retirement System Annuity Savings Fund of the amount of the difference between the contribution which was paid as a member of the Public Employees' Retirement System and the contribution that would have been required if he had been a member of the Police and Firemen's Retirement System since the date of last enrolling in the Public Employees' Retirement System. The officer shall also be liable for any additional 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 officer may elect, and pursuant to rules and regulations as may be promulgated by the Division of Pensions. Any such officer shall likewise be permitted to continue his membership in the Public Employees' Retirement System by waiving all rights and benefits which would otherwise be provided by the Police and Firemen's Retirement System. These waivers shall be accomplished by filing forms satisfactory to the Division of Pensions within 90 days of the effective date of this act. In the absence of the filing of a timely waiver by the eligible officer as provided herein his pension status shall remain unchanged and his membership shall not be transferred to the Police and Firemen's Retirement System.

2. Within 120 days following the effective date of this act the Public Employees' Retirement System shall remit to the Police and Firemen's Retirement System all accumulated deductions standing to the credit of each transferred employee as a member of the system, and within 180 days following the effective date of this act remit the pro rata part of the reserve fund constituting the employer's account. The Police and Firemen's Retirement System shall enter the respective sums so remitted to it to the credit of the employee in the Annuity Savings Fund and to the credit of the employer in the Pension Accumulation Fund of the Police and Firemen's Retirement System.

3. The transferred employees thereby affected shall be members of the Police and Firemen's Retirement System and deductions

from their salaries and contributions on their behalf shall thereafter be made as required by the act creating the system for members thereof. Transferred employees shall have the same contribution obligations and enjoy the same rights and benefits as all other members of the system except as provided by this act. Any credit for public service which had been established in the Public Employees' Retirement System by the transferred employee shall be established in the Police and Firemen's Retirement System.

Upon the transfer of membership to the Police and Firemen's Retirement System under the provisions of this act, the rate of contribution of the member shall be determined by the rates payable by other members, except that the number of years of credited service in the former pension fund shall be deducted from the member's current age in order to fix the age upon which the rate of contribution is based.

All outstanding obligations such as loans, purchases, and other arrearages shall be met by the transferred employees as previously scheduled for payment to the Public Employees' Retirement System.

4. Any employee transferring membership to the Police and Firemen's Retirement System pursuant to the provisions of this act who was at the time of the transfer covered by the group life insurance benefit provisions of the Public Employees' Retirement System shall be eligible to receive any of the group life insurance benefits provided by the Police and Firemen's Retirement System. A transferring employee who was not so covered and who, on the date he files an application for transfer, was 55 or more years of age shall not be allowed these benefits unless he furnishes satisfactory evidence of insurability and on the effective date of membership is actively at work and performing all his regular duties at his customary place of employment. The effective date of coverage for these benefits shall be the first day of the month which immediately follows the date when that evidence is determined to be satisfactory.

5. The actuary of the Police and Firemen's Retirement System shall calculate the liability of the employer of employees becoming members of the system under this act in the same manner as is specified in the case of other employers where the Police and Firemen's Retirement System is adopted, taking into account the value of moneys remitted by the pension fund. If the value of the money so remitted is less than the total which is required by the Police and Firemen's Retirement System to provide the transferred

member with credit for his public service, the liability of the employer shall include an amount equal to the difference between these two values. Upon certification by the actuary of the Police and Firemen's Retirement System the employee shall make such contributions as are required in order to meet the financial obligations in the manner and within the period of time as is specified in rules and regulations adopted by the Division of Pensions.

6. The chief fiscal officer of the employer shall transmit to the retirement system such information as the system shall require in order for the Division of Pensions to comply with the provisions of this act.

7. This act shall take effect immediately, and shall expire on the one hundred and eighty-first day following its enactment.

Approved April 26, 1985.

CHAPTER 156

AN ACT concerning public contracts and supplementing chapter 32 of Title 52 of the Revised Statutes.

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

C. 52:32-1.3 "Public contract" defined.

1. As used in this act, "public contract" means any contract or agreement entered into by a state or any instrumentality of that state to purchase goods, services or both.

C. 52:32-1.4 Retaliatory discrimination.

2. Any bidder with its principal place of business located in another state which has provisions of state law, rules or regulations causing disadvantage to any bidder for a public contract to provide like goods, services or both to that state because the bidder's principal place of business is located outside of that state shall have like conditions applied to it in a manner pursuant to regulations issued by the State Treasurer when bidding for a public contract in this State. The provisions of this act may be waived with respect to a bidder, if the State Treasurer, on the basis of economic or other circumstances, determines it to be in the best interest of the State.

C. 52:32-1.5 Rules, regulations.

3. The State Treasurer shall adopt rules and regulations to implement the provisions of this act pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

4. This act shall take effect immediately, but shall remain inoperative until the 120th day after enactment.

Approved April 26, 1985.

CHAPTER 157

AN ACT concerning the selling of alcoholic beverages on limousines under certain circumstances, amending R. S. 33:1-1 and R. S. 33:1-12 and making an appropriation.

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

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

Definitions.

33:1-1. For the purpose of this chapter, the following words and terms shall be deemed to have the meanings herein given to them:

a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral spirits from whatever source or by whatever process produced.

b. "Alcoholic beverage." Any fluid or solid capable of being converted into a fluid, suitable for human consumption, and having an alcohol content of more than one-half of one per centum ($\frac{1}{2}$ of 1%) by volume, including alcohol, beer, lager beer, ale, porter, naturally fermented wine, treated wine, blended wine, fortified wine, sparkling wine, distilled liquors, blended distilled liquors and any brewed, fermented or distilled liquors fit for use for beverage purposes or any mixture of the same, and fruit juices.

c. "Building." A structure of which licensed premises are or may be a part, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards, attics, and every part of the structure of which the licensed premises are a part, and of any other structure to which there is a common means of access, and any other appurtenances.

d. "Commissioner." The Director of the Division of Alcoholic Beverage Control.

e. "Container." Any glass, can, bottle, vessel or receptacle of any material whatsoever used for holding alcoholic beverages, which container is covered, corked or sealed in any manner whatsoever.

f. "Eligible." The status of a person who is a citizen of the United States, a resident of this State, of good moral character and repute, and of legal age.

g. "Governing board or body." The board or body which governs a municipality, including a board of aldermen in municipalities so governed; but in every municipality having a board of public works which exercises general licensing powers such board shall be considered as the governing board or body.

h. "Importing." The act of bringing or causing to be brought any alcoholic beverage into this State.

i. "Illicit beverage." Any alcoholic beverage manufactured, distributed, bought, sold, bottled, rectified, blended, treated, fortified, mixed, processed, warehoused, possessed or transported in violation of this chapter, or on which any federal tax or tax imposed by the laws of this State has not been paid; and any alcoholic beverage possessed, kept, stored, owned or imported with intent to manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse or transport in violation of the provisions of this chapter.

j. "Licensed building." Any building containing licensed premises.

k. "Licensed premises." Any premises for which a license under this chapter is in force and effect.

l. "Magistrate." Any county court, criminal judicial district court, municipal court or county district court.

m. "Manufacturer." Any person who, directly or indirectly, personally or through any agency whatsoever, engages in the making or other processing whatsoever of alcoholic beverages.

n. "Municipality." Any city, town, township, village, or borough, including a municipality governed by a board of commissioners or improvement commission, but excluding a county.

o. "Municipal board." The municipal board of alcoholic beverage control as established by this chapter.

p. "Officer." Any sheriff, deputy sheriff, constable, police officer, member of the Division of State Police, or any other person having the power to execute a warrant for arrest, or any inspector or investigator of the Division of Alcoholic Beverage Control.

q. "Original container." Any container in which an alcoholic beverage has been delivered to a retail licensee.

r. "Person." Any natural person or association of natural persons, association, trust company, partnership, corporation, organization, or the manager, agent, servant, officer, or employee of any of them.

s. "Premises." The physical place at which a licensee is or may be licensed to conduct and carry on the manufacture, distribution or sale of alcoholic beverages, but not including vehicular transportation.

t. "Restaurant." An establishment regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of food for its customers and in which no other business, except such as is incidental to such establishment, is conducted.

u. "Retailer." Any person who sells alcoholic beverages to consumers.

v. "Rules and regulations." The rules and regulations established from time to time by the director.

w. "Sale." Every delivery of an alcoholic beverage otherwise than by purely gratuitous title, including deliveries from without this State and deliveries by any person without this State intended for shipment by carrier or otherwise into this State and brought within this State, or the solicitation or acceptance of an order for an alcoholic beverage, and including exchange, barter, traffic in, keeping and exposing for sale, serving with meals, delivering for value, peddling, possessing with intent to sell, and the gratuitous delivery or gift of any alcoholic beverage by any licensee.

x. "Unlawful alcoholic beverage activity." The manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of any alcoholic beverage in violation of this chapter, or the importing, owning, possessing, keeping or storing in this State of alcoholic beverages with intent to manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse or transport alcoholic beverages in violation of this chapter, or the owning, possessing, keeping or storing in this State of any implement or paraphernalia for the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transpor-

tation of alcoholic beverages with intent to use the same in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages in violation of this chapter, or to aid or abet another in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages in violation of this chapter, or the aiding or abetting of another in any of the foregoing activities.

y. “Unlawful property.” All illicit beverages and all implements, vehicles, vessels, airplanes, and paraphernalia for the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of illicit beverages used in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of illicit beverages or owned, possessed, kept or stored with intent to use the same in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of illicit beverages, whether such use be by the person owning, possessing, keeping, or storing the same, or by another with the consent of such person; and all alcoholic beverages, fixtures and personal property located in or upon any premises, building, yard or inclosure connected with a building, in which an illicit beverage is found, possessed, stored or kept.

z. “Wholesaler.” Any person who sells an alcoholic beverage for the purpose of resale either to a licensed wholesaler or to a licensed retailer, or both.

aa. “Limousine.” A vehicle with a carrying capacity of not more than nine passengers, not including the driver, used in the business of carrying passengers for hire which is hired by charter or for a particular contract, or by the day or hour or other fixed period, or to transport passengers to a specified place, or which charges a fare or price agreed upon in advance between the operator and the passenger or which is furnished as an accommodation for a patron in connection with other business purposes. This shall not include taxicabs, hotel or airport shuttles and buses, or buses employed solely in transporting schoolchildren or teachers to and from school, or vehicles owned and operated without charge or remuneration by a business entity for its own purposes.

Any definition herein contained shall apply to the same word in any form. Thus "sell" means to make a "sale" as above defined.

2. R. S. 33:1-12 is amended to read as follows:

Class C licenses.

33:1-12. Class C licenses shall be subdivided and classified as follows:

Plenary retail consumption license. 1. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages for consumption on the licensed premises by the glass or other open receptacle, and also to sell any alcoholic beverages in original containers for consumption off the licensed premises; but this license shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which a grocery, delicatessen, drug store or other mercantile business is carried on, except as hereinafter provided. Subject to such rules and regulations established from time to time by the director, the holder of this license shall be permitted to sell alcoholic beverages in or upon the premises in which any of the following is carried on: the keeping of a hotel or restaurant including the sale of mercantile items incidental thereto as an accommodation to patrons; the sale of distillers' and vintners' packaged holiday merchandise prepacked as a unit with suitable glassware as gift items to be sold only as a unit; the sale of novelty wearing apparel identified with the name of the establishment licensed under the provisions of this section; the sale of cigars, cigarettes, packaged crackers, chips, nuts and similar snacks and ice at retail as an accommodation to patrons, or the retail sale of nonalcoholic beverages as accessory beverages to alcoholic beverages; or, in commercial bowling establishments, the retail sale or rental of bowling accessories and the retail sale from vending machines of candy, ice cream and nonalcoholic beverages. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by ordinance, at not less than \$200.00 and not more than \$2,000.00. No ordinance shall be enacted which shall raise or lower the fee to be charged for this license by more than 20% from that charged in the preceding license year or \$500.00, whichever is the lesser. The governing board or body of each municipality may, by ordinance, enact that no plenary retail consumption license shall be granted within its respective municipality.

Seasonal retail consumption license. 2. The holder of this license shall be entitled, subject to rules and regulations, to sell any

alcoholic beverages for consumption on the licensed premises by the glass or other open receptacle, and also to sell any alcoholic beverages in original containers for consumption off the licensed premises, during the summer season from May 1 until November 14, inclusive, or during the winter season from November 15 until April 30, inclusive; but this license shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which a grocery, delicatessen, drug store or other mercantile business is carried on, except as hereinafter provided. Subject to such rules and regulations established from time to time by the director, the holder of this license shall be permitted to sell alcoholic beverages in or upon the premises in which any of the following is carried on: the keeping of a hotel or restaurant including the sale of mercantile items incidental thereto as an accommodation to patrons; the sale of distillers' and vintners' packaged holiday merchandise prepacked as a unit with suitable glassware as gift items to be sold only as a unit; the sale of novelty wearing apparel identified with the name of the establishment licensed under the provisions of this section; the sale of cigars, cigarettes, packaged crackers, chips, nuts and similar snacks and ice at retail as an accommodation to patrons; or the retail sale of nonalcoholic beverages as accessory beverages to alcoholic beverages. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by ordinance, at 75% of the fee fixed by said board or body for plenary retail consumption licenses. The governing board or body of each municipality may, by ordinance, enact that no seasonal retail consumption license shall be granted within its respective municipality.

Plenary retail distribution license. 3. a. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages for consumption off the licensed premises, but only in original containers. The governing board or body of each municipality may, by ordinance, enact that this license shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which any other mercantile business is carried on, except that any such ordinance, heretofore or hereafter adopted, shall not prohibit the retail sale of distillers' and vintners' packaged holiday merchandise prepacked as a unit with suitable glassware as gift items to be sold only as a unit; the sale of novelty wearing apparel identified with the name of the establishment licensed under the provisions of this act; cigars, cigarettes, packaged crackers, chips, nuts and similar snacks, ice, and nonalcoholic beverages

as accessory beverages to alcoholic beverages. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by ordinance, at not less than \$100.00 and not more than \$2,000.00. No ordinance shall be enacted which shall raise or lower the fee to be charged for this license by more than 20% from that charged in the preceding license year or \$500.00, whichever is the lesser. The governing board or body of each municipality may, by ordinance, enact that no plenary retail distribution license shall be granted within its respective municipality.

Limited retail distribution license. 3. b. The holder of this license shall be entitled, subject to rules and regulations, to sell any unchilled, brewed, malt alcoholic beverages in quantities of not less than 72 fluid ounces for consumption off the licensed premises, but only in original containers; provided, however, that this license shall be issued only for premises operated and conducted by the licensee as a bona fide grocery store, meat market, meat and grocery store, delicatessen, or other type of bona fide food store at which groceries or other foodstuffs are sold at retail; and provided further that this license shall not be issued except for premises at which the sale of groceries or other foodstuffs is the primary and principal business and at which the sale of alcoholic beverages is merely incidental and subordinate thereto. The fee for this license shall be fixed by the governing body or board of the municipality in which the licensed premises are situated, by ordinance, at not less than \$25.00 and not more than \$50.00. The governing board or body of each municipality may, by ordinance, enact that no limited retail distribution license shall be granted within its respective municipality.

Plenary retail transit license. 4. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages, for consumption only, on railroad trains, airplanes, limousines and boats, while in transit. The fee for this license for use by a railroad or air transport company shall be \$300.00, for use by the owners of limousines shall be \$25.00 per vehicle, and for use on a boat shall be \$50.00 on a boat 65 feet or less in length, \$100.00 on a boat more than 65 feet in length but not more than 110 feet in length, and \$300.00 on a boat more than 110 feet in length; such boat lengths shall be determined in the manner prescribed by the Bureau of Customs of the United States Government or any federal agency successor thereto for boat mea-

surement in connection with issuance of marine documents. A license issued under this provision to a railroad or air transport company shall cover all railroad cars and planes operated by any such company within the State of New Jersey. A license for a boat or limousine issued under this provision shall apply only to the particular boat or limousine for which issued, and shall permit the purchase of alcoholic beverages for sale or service in a boat or limousine to be made from any Class A and B licensee or from any Class C licensee whose license privilege permits the sale of alcoholic beverages in original containers for off-premises consumption. An interest in a plenary retail transit license issued in accordance with this section shall be excluded in determining the maximum number of retail licenses permitted under P. L. 1962, c. 152 (C. 33:1-12.31 et seq.).

Club license. 5. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages but only for immediate consumption on the licensed premises and only to bona fide club members and their guests. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by ordinance, at not less than \$50.00 and not more than \$150.00. The governing board or body of each municipality may, by ordinance, enact that no club licenses shall be granted within its respective municipality. Club licenses may be issued only to such corporations, associations and organizations as are operated for benevolent, charitable, fraternal, social, religious, recreational, athletic, or similar purposes, and not for private gain, and which comply with all conditions which may be imposed by the Commissioner of Alcoholic Beverage Control by rules and regulations.

3. There is appropriated to the Division of Alcoholic Beverage Control in the Department of Law and Public Safety the sum of \$25,000.00 from the General Fund for the purpose of implementing the purpose and regulating the provisions of this act.

4. This act shall take effect immediately.

Approved April 26, 1985.

CHAPTER 158

A SUPPLEMENT to the "New Jersey Youth Corps Act," approved November 27, 1984 (P. L. 1984, c. 198, C. 9:25-1 et seq.).

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

C. 9:25-4.1 Youth Corps supervisor, assistant.

1. The Commissioner of Community Affairs is authorized to appoint a supervisor and an assistant supervisor of the New Jersey Youth Corps created pursuant to P. L. 1984, c. 198, and, within the limit of funds appropriated or otherwise made available for the purpose, to fix their compensation and other terms and conditions of employment. The supervisor and assistant supervisor of the New Jersey Youth Corps shall serve at the pleasure of the commissioner, and their positions shall not be in the classified service of the Civil Service, notwithstanding any provision of Title 11 of the Revised Statutes or of any other law to the contrary.

2. This act shall take effect immediately.

Approved April 26, 1985.

CHAPTER 159

AN ACT concerning appointees of the mayor and municipal council in certain municipalities governed by the "Optional Municipal Charter Law," and amending P. L. 1963, c. 69 and P. L. 1973, c. 89.

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

1. Section 1 of P. L. 1963, c. 69 (C. 40:69A-60.1) is amended to read as follows:

C. 40:69A-60.1 Mayoral appointees.

1. The mayor of any municipality having a population of more than 300,000, which, prior to January 9, 1982, had adopted the form of government designated as "Mayor-Council Plan C" provided for in article 5 of the act of which this act is a supplement,

may appoint one or two deputy mayors, a personal secretary, an executive secretary, and aides, not exceeding 10 in number, who shall serve and be removable at the pleasure of the mayor, and who shall serve in the unclassified service of the civil service of the city and shall receive such salary as shall be fixed by ordinance.

No municipality shall adopt the provisions of this section on or after the date occurring six months after the effective date of this amendatory act.

The mayor of any municipality having a population of more than 80,000, but less than 300,000, which, prior to January 9, 1982, had adopted the form of government designated as "Mayor-Council Plan C" provided for in article 5 of P. L. 1950, c. 210 (C. 40:69A-55 et seq.), may appoint one or two deputy mayors, a personal secretary, an executive secretary, and aides not exceeding five in number, who shall serve and be removable at the pleasure of the mayor, and who shall serve in the unclassified service of the civil service of the municipality and shall receive such salary as shall be fixed by ordinance.

2. Section 1 of P. L. 1973, c. 89 (C. 40:69A-60.5) is amended to read as follows:

C. 40:69A-60.5 Councilmanic appointees.

1. The municipal council of any municipality having a population of more than 300,000, which, prior to January 9, 1982, had adopted the form of government designated as "Mayor-Council Plan C" provided for in article 5 of the act of which this act is a supplement, may appoint an executive secretary and not more than four aides for each councilman, who shall serve and be removable at the pleasure of the councilman, and who shall serve in the unclassified service of the civil service of the city and shall receive such salary as shall be fixed by ordinance, but said salary shall not exceed the salaries of persons presently holding the positions of executive secretary or aide on the effective date of this amendatory act. Persons appointed pursuant to this section may have their salaries increased on a periodic basis, but not in excess of the average percentage increase granted to other municipal employees in the same period.

The municipal council of any municipality having a population of more than 200,000, but less than 300,000, which, prior to January 9, 1982, had adopted the form of government designated

as "Mayor-Council Plan C" provided for in article 5 of P. L. 1959, c. 210 (C. 40:69A-55 et seq.), may appoint not more than one aide for each councilman, who shall serve and be removable at the pleasure of the councilman, and who shall serve in the unclassified service of the civil service of the city and shall receive a salary as shall be fixed by ordinance, except that the salary so fixed shall not exceed \$10,000.00.

No municipality shall adopt the provisions of this section on or after the date occurring six months after the effective date of this amendatory act.

3. This act shall take effect immediately.

Approved April 26, 1985.

CHAPTER 160

AN ACT concerning international trade, augmenting the functions of the Division of International Trade in the Department of Commerce and Economic Development, establishing the Governor's Commission on International Trade, and supplementing Title 52 of the Revised Statutes.

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

C. 52:27H-22.1 Findings, determinations.

1. The Legislature finds and determines that:

a. The expansion of international trade is vital to the maintenance and continued growth of a healthy New Jersey economy;

b. An increase in exports from New Jersey would benefit the State and ultimately the nation by improving the United States balance of trade;

c. The State of New Jersey boasts a comprehensive and efficient transportation system, including a major international airport, an inter- and intrastate railway and extensive port facilities in both the northern and southern New Jersey regions;

d. As a major northeastern industrial state, New Jersey has a skilled labor force whose members produce manufactured and agricultural goods, high technology and services, all of which are marketable to foreign consumers;

e. The Legislature established the Division of International Trade in the Department of Commerce and Economic Development for the express purpose of promoting New Jersey in international commerce and encouraging firms with foreign trade potential to locate in New Jersey;

f. In order to realize New Jersey's export potential and effectively promote the State in international trade, it is necessary to augment certain functions of the Division of International Trade, thus confirming it as the leading State agency in the field of international commerce, and to establish a bipartisan commission of trade experts.

C. 52:27H-22.2 Duties of Division of International Trade.

2. In addition to duties otherwise prescribed by law, the Division of International Trade shall:

a. Conduct research and analysis of international markets, international business practices, specific business skills necessary to engage in international commerce and methods of stimulating reinvestment in New Jersey;

b. Establish a data center which provides information on commercial opportunities in international trade, resources for technical and financial trade assistance, and employment opportunities in international business, in cooperation with the Department of Education through the State Library and various agencies involved in international trade;

c. Regularly represent or assist in representing the interests of New Jersey-based firms in foreign market transactions through regularly scheduled trade delegations, missions and seminars;

d. Provide New Jersey-based firms with customized technical and other needed assistance in international trade;

e. Utilize sufficient funds for international travel by appropriate members of the division staff in order to promote New Jersey exports and publicize the advantages of the State of New Jersey as a location from which to engage in export trade; and

f. Recruit foreign capital investment in New Jersey to be applied toward economic development and job creation.

C. 52:27H-22.3 Commission on International Trade.

3. a. There is established the Governor's Commission on International Trade which shall consist of 16 citizens of the State, eight of whom shall be appointed by the Governor, four of whom

shall be appointed by the Governor upon the recommendation of the President of the Senate and four of whom shall be appointed by the Governor upon the recommendation of the Speaker of the General Assembly, to serve for a term of three years from the date of appointment, except that of those initially appointed, five shall be appointed for a term of one year, six for a term of two years and five for a term of three years. Each member of the commission shall be qualified by substantial experience and training in at least one of the following fields: agriculture; international banking and financial services; foreign trade zones; international trade associations; industrial labor relations; small business and entrepreneurship; large corporate enterprise; international transportation; private international law; and international business education.

The proceedings of the commission shall be directed by a chairperson appointed by the Governor from among the commission membership. The commission shall convene and meet at least once every three months.

The Commissioner of Commerce and Economic Development, the Commissioner of Labor, and the Director of the Division of International Trade shall be members *ex officio*. Members of the commission shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their duties. Any vacancies in the membership of the commission occurring other than by expiration of term shall be filled by the Governor, for the unexpired terms only. Any member of the commission may be removed from office by the Governor, for cause upon notice and opportunity to be heard.

b. The commission shall:

- (1) Conduct an annual review and assessment of the program objectives and strategies of the Division of International Trade;
- (2) Monitor the trade-related activities of State, bi-state and federal agencies to ensure that they are consistent with the programs and policies established by the Division of International Trade in the Department of Commerce and Economic Development in order to promote New Jersey in international trade;
- (3) Publicize and promote, in cooperation and consultation with the division, the importance of international trade among the members of New Jersey's business and labor communities and the general public through appropriate media;

(4) Serve as the official State host to foreign trade delegations and dignitaries who visit the State to explore possible business ventures;

(5) Advise and consult with State elected officials on a non-partisan basis in proposing initiatives aimed at enhancing New Jersey's participation in international trade; and

(6) Make recommendations to the Governor concerning pending State and federal legislation likely to affect New Jersey's participation in international trade.

4. This act shall take effect immediately.

Approved April 26, 1985.

CHAPTER 161

AN ACT to establish the New Jersey State College Governing Boards Association, supplementing Chapter 64 of Title 18A of the New Jersey Statutes, amending N. J. S. 18A:3-6, and repealing Article 2 of Chapter 64 of Title 18A of the New Jersey Statutes.

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

C. 18A:64-45 State College Governing Boards Association.

1. (New section) There is established a body corporate and politic, with corporate succession, to be known as the New Jersey State College Governing Boards Association. The State colleges shall be members of the association.

C. 18A:64-46 Membership.

2. (New section) The association shall consist of nine voting members to be appointed as follows: one member from each of the State college boards of trustees, appointed by the members thereof. In addition, the Chancellor of Higher Education and the presidents of the State colleges shall serve as ex officio, nonvoting members.

Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

C. 18A:64-47 Officers; rules.

3. (New section) The association shall select such officers and make such rules as may be necessary for the transaction of business.

C. 18A:64-48 Powers, responsibilities.

4. (New section) The association shall have perpetual succession and shall have the following powers and responsibilities:

a. To make, amend and repeal rules, regulations and bylaws for its own government and guidance, not inconsistent with the purposes of the association;

b. To adopt an official seal and alter the same at pleasure;

c. To maintain an office at such place or places in the State as it may designate;

d. To sue and be sued in its own name;

e. To borrow money, to issue bonds or notes therefor, and to secure the same by pledge or mortgage of its real and personal property, but it shall not in any manner, directly or indirectly, pledge the credit of the State; and

f. To acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this article. All this property shall be exempt from taxation under chapter 4 of Title 54 of the Revised Statutes.

C. 18A:64-49 Executive director.

5. (New section) The association shall employ an executive director, who shall be responsible for the administration of all the activities of the association including staff services. The executive director shall serve at the pleasure of the association. Within the limits of funds appropriated or otherwise made available for this purpose, the salary of the executive director and all other personnel shall be determined by the association.

C. 18A:64-50 Purposes.

6. (New section) The association shall encourage and aid all movements for the improvement of State college education and shall, from time to time, make recommendations to the Board of Higher Education regarding the coordination of the State colleges on matters of mutual interest and concern.

C. 18A:64-51 Assessment of dues.

7. (New section) For purposes of defraying the expenses of the association, the State colleges shall pay the necessary expenses incurred by the members and shall appropriate annually such sums

for dues as may be assessed by the association. The assessment shall be made only upon a two-thirds vote of the membership present at the meeting, after notice of the taking of that vote shall have been given to each State college in writing at least 60 days before the meeting of the association. Dues shall be assessed upon a graduated scale according to the size of the State college.

8. N. J. S. 18A:3-6 is amended to read as follows:

Board of Higher Education.

18A:3-6. The Board of Higher Education shall be composed of the Chairman of the Board of Governors of Rutgers, The State University; the Chairman of the Board of Trustees of Newark College of Engineering; the Chairman of the New Jersey State College Governing Boards Association; the Chairman of the Board of Trustees of the University of Medicine and Dentistry of New Jersey; the Chairman of the Council of County Colleges; the President of the State Board of Education; a representative of the private colleges and universities of New Jersey, to be designated by the Association of Independent Colleges and Universities in New Jersey, with the approval of the Governor; and nine citizens, residents of the State, of whom at least two shall be women. The chancellor and the State Commissioner of Education shall ex officio be additional members but without vote.

Repealer.

9. Article 2 of Chapter 64 of Title 18A of the New Jersey Statutes (N. J. S. 18A:64-22 through N. J. S. 18A:64-25) is repealed.

10. This act shall take effect July 1, 1985.

Approved April 26, 1985.

CHAPTER 162

AN ACT concerning the Office of Legislative Services in the Legislative Branch of the State Government and revising parts of the statutory law.

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

1. Section 3 of P. L. 1979, c. 8 (C. 52:11-56) is amended to read as follows:

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

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

b. Nine members of the commission shall constitute a quorum and no matter requiring action by the full commission shall be taken except by the affirmative vote of not less than nine members. The commission may create from among its membership and prescribe the jurisdiction of an executive committee and such other standing and special committees, which shall be composed of members equally divided between the two Houses and the two major political parties, and delegate to such committees, its chairman and vice-chairman and executive director specified authority to act for the commission.

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

2. Section 4 of P. L. 1979, c. 8 (C. 52:11-57) is amended to read as follows:

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

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

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

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

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

(4) Through the Office of Legislative Services to plan, provide for and coordinate administrative, housekeeping and other general services on behalf of the Legislature in the areas of purchasing, data processing, facilities, public educational programs and legislative district offices in accordance with the joint rules governing the operation of the district offices.

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

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

3. Section 5 of P. L. 1979, c. 8 (C. 52:11-58) is amended to read as follows:

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

5. Organization of the Office of Legislative Services. a. The Office of Legislative Services shall be governed by the commission and shall consist of such subordinate units as the commission shall direct and such officers, employees and consultants as may, from time to time within the availability of funds, be appointed or employed by direction of the commission.

b. In addition to the duties imposed upon the Executive Director, the Legislative Counsel, the Legislative Budget and Finance Officer, the State Auditor and the Director of Public Information by law, it shall be the duty of the Office of Legislative Services to:

(1) Provide, upon request, legal, fiscal, research, information and administrative services and assistance for the Legislature, its officers, committees, commissions, members and staff.

(2) Assist in the preparation or review of drafts of bills, resolutions and amendments thereof proposed for introduction in the Legislature or other legislative documents for and upon the request of any member, committee, commission or staff of the Legislature.

(3) Provide nonpartisan staff for the standing reference committees and other committees and commissions of the Legislature, except those which by law, rule or resolution of either House or direction of the Legislative Services Commission are independent of the office.

(4) Collect, prepare and disseminate to the Legislature, its officers, committees, commissions, members and staff, such information, reports, publications and documents as shall be of concern or interest to or have an impact upon the Legislature or the legislative process.

(5) Provide such other services as the commission may direct.

4. Section 6 of P. L. 1979, c. 8 (C. 52:11-59) is amended to read as follows:

C. 52:11-59 Executive Director.

6. Executive Director. The commission shall appoint an Executive Director to serve as the secretary of the commission and as the chief executive officer of the commission and the Office of Legislative Services, who shall be qualified by training and experience in legislative and governmental processes. He shall serve at the pleasure of the commission and shall devote his entire time to the duties of his office. He shall organize the office with such subordinate units as shall be necessary for the duties and responsibilities of the office and shall be responsible for the general supervision and direction of the work of the office. Subject to commission approval the Executive Director shall employ professional and clerical personnel, including associate and assistant counsel, revisers of statutes, auditors, and research and fiscal analysts, and shall provide for the assignment of personnel to aid in the performance of any project or responsibility of the office. The Executive Director shall be the appointing authority and request officer for the office. The Executive Director shall inform the commission of the need for or usefulness of advisory panels to assist the commission and the office in its duties and to cooperate with all advisory panels appointed under the provisions of this act.

5. Section 7 of P. L. 1979, c. 8 (C. 52:11-60) is amended to read as follows:

C. 52:11-60 Legislative Counsel.

7. Legislative Counsel. The commission shall appoint a Legislative Counsel, who shall be an attorney-at-law of New Jersey experienced in legislative law, drafting legislation, revision of statutes and parliamentary law and procedure. He shall be the chief legal officer of the Legislature and counsel to the commission and Office of Legislative Services. He shall serve at the pleasure of the commission and under the supervision and direction of the Executive Director shall devote his entire time to the duties of his office. Wherever in any other law a duty is imposed upon or reference is made to the Chief Counsel of the Law Revision and Legislative Services Commission, such duty is transferred to and shall be exercised by, and reference thereto shall be to, the Legislative Counsel in the Office of Legislative Services.

6. Section 8 of P. L. 1979, c. 8 (C. 52:11-61) is amended to read as follows:

C. 52:11-61 Duties of Legislative Counsel.

8. It shall be the duty of the Legislative Counsel:

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

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

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

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

- (1) Remedy such defects,
- (2) Reconcile conflicting and overlapping provisions found in the law,
- (3) Clarify confusing and excise redundant expressions therefrom, and
- (4) Carry on continuous revision of the general and permanent statute law of the State, in such manner as to maintain the general and permanent statute law of the State in revised, consolidated and simplified form under the general plan and classification of the Revised Statutes and the New Jersey Statutes;

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

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

- (1) The subject matter and legal effect of the statutes and of proposals made for statutory enactment, and
- (2) Questions of parliamentary law and legislative procedure;

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

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

i. To perform such other duties and responsibilities as shall be directed by the commission or provided by law or House rule.

7. Section 9 of P. L. 1979, c. 8 (C. 52:11-62) is amended to read as follows:

C. 52:11-62 State Auditor.

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

8. Section 10 of P. L. 1979, c. 8 (C. 52:11-63) is amended to read as follows:

C. 52:11-63 Studies, reports by State Auditor.

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

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

9. Section 12 of P. L. 1979, c. 8 (C. 52:11-65) is amended to read as follows:

C. 52:11-65 Director of Public Information.

12. The commission shall appoint a Director of Public Information, who shall by training and experience be well-versed in public

information services and legislative and governmental processes. He shall serve at the pleasure of the commission and under the supervision and direction of the Executive Director and shall devote his entire time to the duties of his office. He shall organize the legislative public information services with subordinate units necessary for the work of his office.

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

10. Section 13 of P. L. 1979, c. 8 (C. 52:11-66) is amended to read as follows:

C. 52:11-66 Duties of Director of Public Information.

13. It shall be the duty of the Director of Public Information to:

a. Provide, as requested, information and other related services for the Legislature, its officers, committees, commissions and individual members.

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

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

d. Provide for the maintenance of a library and library services with special emphasis on legislative reference materials for the use of the Legislature and its staff.

e. Plan, develop and coordinate programs regarding the interaction of the Legislature with the public, including public communication, orientation and tours and educational programs.

f. Provide general standards for the Office of Legislative Services in providing information to the public.

g. Maintain a public commercial subscription service for bills, laws and other information.

h. Provide such other services as the commission or Executive Director may direct or as shall be provided by law or House rule.

11. Section 14 of P. L. 1979, c. 8 (C. 52:11-67) is amended to read as follows:

C. 52:11-67 Legislative Budget and Finance Officer.

14. Legislative Budget and Finance Officer. The commission shall appoint a Legislative Budget and Finance Officer, who by training and experience shall be well-versed in the fields of budget preparation and analysis, revenue projection, appropriation requirements, program analysis and fiscal management and control. The Legislative Budget and Finance Officer shall be the chief fiscal officer of the Legislature and the commission. He shall serve at the pleasure of the commission, shall devote his entire time to the duties of his office and shall be under the supervision and direction of the Executive Director. Whenever in any other law reference is made to the Legislative Budget and Finance Director, the Executive Director of the Office of Fiscal Affairs or the Legislative Budget Officer, such reference thereto shall be to the Legislative Budget and Finance Officer in the Office of Legislative Services.

12. Section 15 of P. L. 1979, c. 8 (C. 52:11-68) is amended to read as follows:

C. 52:11-68 Duties of Legislative Budget and Finance Officer.

15. It shall be the duty of the Legislative Budget and Finance Officer to:

a. At the request of the Legislature or any member thereof, collect and assemble factual information relating to the fiscal affairs of the State;

b. At the request of the Legislature or any member thereof, examine requests for appropriations and receive and investigate the truth, fairness and correctness of all claims against the State for payment of which appropriations are to be requested;

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

d. Provide the Legislature with expenditure information and, upon request, performance analyses of programs and transactions.

13. R. S. 52:24-3 is amended to read as follows:

Personnel.

52:24-3. The State Auditor shall be in the Office of Legislative Services, and subject to the approval or as authorized by the Legislative Services Commission and with the approval of the Executive Director of the Office of Legislative Services as to the existence of the positions and availability of funds therefor, shall appoint such necessary professional and other employees as shall be required to administer and perform the constitutional and statutory duties of his office.

14. (New section) Except as otherwise provided in this amendatory and supplementary act, for the purposes of the reorganization of the Office of Legislative Services, all powers and duties imposed upon any division of the Office of Legislative Services by any other law or in any rule of either House of the Legislature shall be exercised by such unit of the Office of Legislative Services as shall be determined by the Executive Director and all other references to any division of the Office of Legislative Services shall mean and refer to the Office of Legislative Services.

15. (New section) All officers and employees of the Office of Legislative Services on the effective date of this amendatory and supplementary act shall be assigned or reassigned to positions therein for the purposes of effecting the reorganization of the office without diminution in compensation or seniority rights or impairment of tenure, civil service or retirement system rights.

16. (New section) All rules, regulations and operating procedures of any division of the Office of Legislative Services on the effective date of this amendatory and supplementary act are continued in effect until amended or repealed pursuant to this act.

17. This act shall take effect immediately and shall be implemented in a plan proposed by the Executive Director and approved by the Legislative Services Commission.

Approved May 2, 1985.

CHAPTER 163

AN ACT concerning Sunday sales in certain counties and supplementing P. L. 1959, c. 119 (C. 2A:171-5.8 et seq.).

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

1. Notwithstanding any other provisions of law to the contrary, in any county in which, by referendum of the voters therein, the provisions of P. L. 1959, c. 119 (C. 2A:171-5.8 et seq.) prohibiting Sunday sales apply, but are not operative in a city of the first class located in that county pursuant to P. L. 1984, c. 160 (C. 2A:171-5.19 et seq.), the provisions of P. L. 1959, c. 119 (C. 2A:171-5.8 et seq.) prohibiting Sunday sales shall be inoperative in cities of the second class in that county for the first Sunday in the month of May 1985.

2. This act shall take effect immediately.

Approved May 3, 1985.

CHAPTER 164

AN ACT concerning expenditure limitations of counties and municipalities in certain cases and supplementing P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.).

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

C. 40A:4-45.26 Expenditure mandated by State law.

1. Any additional expenditures made by a county or municipality as a result of complying with an order issued by the Department of Environmental Protection or the Board of Public Utilities on or after January 1, 1984 redirecting the solid waste flow of the county or municipality, is considered, for the purposes of P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.), as an expenditure mandated by State law.

C. 40A:4-45.27 Inclusion for "cap" purposes.

2. Any costs of solid waste disposal appropriated by any municipality as an exception to its expenditure limits pursuant to subsection j. of section 3 of P. L. 1976, c. 68 (C. 40A:4-45.3j.), in the year immediately preceding the year in which section 1 of this act first applies, may thereafter be included in the municipality's final appropriations for purposes of calculating its spending limits.

3. This act shall take effect immediately.

Approved May 6, 1985.

CHAPTER 165

AN ACT concerning the transfer of inmates and amending P. L. 1948, c. 204.

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

1. Section 1 of P. L. 1948, c. 204 (C. 30:4-85.1) is amended to read as follows:

C. 30:4-85.1 Transfer of inmates.

1. Any inmate of any county jail, workhouse or penitentiary may be transferred to any appropriate existing correctional institution maintained by the State or which may hereafter be established or designated by the State board for the purposes herein provided. Such transfer shall be made on forms to be prescribed by the department, upon the request of the chief executive officer, warden or keeper of any county correctional institution or upon the initiative of the commissioner in accordance with the formally adopted rules and regulations of the State board, after recommendation by a special classification review board appointed by the State board from among members of the department's central staff that such transfer should be made. No such transfer shall be made to the State Prison nor shall any such transfer operate as authority for the detention of any person for a term in excess of that fixed by the original sentence or order of commitment.

By the same method, any inmate of a correctional institution maintained by the State, on the initiative of the commissioner, may

be transferred, with the consent of the board of chosen freeholders, to an appropriate correctional institution in any one of the several counties.

In the event it is determined by the Commissioner of Corrections that a county jail, workhouse or penitentiary is not suitable or adequate to properly secure any inmate under sentence or charged with any criminal offense, he may transfer the inmate to any existing correctional institution maintained by the State, including the State Prison. The Commissioner of Corrections shall be empowered to determine a specific State correctional institution, including the State Prison, for the proper and secure incarceration of the inmate.

Any person so transferred may be retransferred to his place of original confinement or may be transferred to any existing jail, workhouse or penitentiary located in any one of the several counties. The cost of such transfer and the expense of maintaining the inmate in any State institution or an institution located in a county other than the county from which the inmate was originally committed and confined shall be borne by the State.

2. This act shall take effect immediately.

Approved May 10, 1985.

CHAPTER 166

A SUPPLEMENT to "An act to place limits on expenditures by counties and municipalities and supplementing Title 40A of the New Jersey Statutes," approved August 18, 1976 (P. L. 1976, c. 68; C. 40A:4-45.1 et seq.).

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

C. 40A:4-45.3c "Cap" exemption for police vehicles.

1. Notwithstanding the provisions of P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.), no municipality which included within its 1984 final appropriations an amount for the purchase of municipal police vehicles and any equipment installed in or on those vehicles shall be required in any subsequent local budget year to deduct from its final appropriations upon which its permissible expenditures are calculated the amount which it expended in the 1984 local

budget year for municipal police vehicles and any equipment installed in or on those vehicles.

2. This act shall take effect immediately and shall be retroactive to January 1, 1985.

Approved May 10, 1985.

CHAPTER 167

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the amounts appropriated under P. L. 1984, c. 58, the following sums are appropriated out of the General Fund for the following purposes:

DIRECT STATE SERVICES

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

16 Detention and Rehabilitation

7050 State Prison, Rahway

07-7075	Institutional Control and Supervision . . .	\$170,000
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Special Purpose:

Expanded capacity	(\$170,000)
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7060 State Prison, Leesburg

07-7060	Institutional Control and Supervision	\$1,073,000
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Special Purpose:

Expanded capacity	(\$1,073,000)
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7065 Southern State Correctional Facility

07-7065	Institutional Control and Supervision	\$378,000
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Special Purpose:

Expanded capacity	(\$378,000)
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7075 Camden Correctional Facility		
07-7075	Institutional Control and Supervision ...	\$594,000
08-7075	Institutional Care Program	655,000
		<hr/>
Total Appropriation, Camden Correctional Facility		\$1,249,000
		<hr/>
Personal Services:		
Salaries and wages (\$594,000)		
Additions, Improvements and Equip- ment (655,000)		
7110 Youth Reception and Correction Center, Yardville		
07-7110	Institutional Control and Supervision	\$97,000
Special Purpose:		
Expanded capacity (\$97,000)		
7120 Youth Correctional Institution, Bordentown		
07-7120	Institutional Control and Supervision	\$211,000
Special Purpose:		
Expanded capacity (\$211,000)		
18 Juvenile Correctional Services		
7210 Training School for Boys, Skillman		
07-7210	Institutional Control and Supervision ...	\$128,000
Special Purpose:		
Reclassification of custody titles .. (\$128,000)		
19 Central Planning, Direction and Management		
02-7000	Program Operations Support	\$14,724,000
Special Purpose:		
Increased operating costs (\$5,000,000)		
Purchase of service for inmates incarcerated in county penal facilities (9,724,000)		
Total Appropriation, Department of Corrections		\$18,030,000
		<hr/>

2. This act shall take effect immediately.

Approved May 15, 1985.

CHAPTER 168

AN ACT concerning investments by banks and savings banks, supplementing "The Banking Act of 1948," approved April 29, 1948 (P. L. 1948, c. 67; C. 17:9A-1 et seq.) and repealing P. L. 1975, c. 112 (C. 17:9A-182.4 et seq.).

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

C. 17:9A-24.12 Additional investment authority of banks.

1. In addition to investments otherwise authorized by law, a bank or savings bank may invest in any kind or kinds of assets, wherever located, of any person, partnership, corporation, other business entity, association or body politic, in amounts not exceeding in the aggregate more than 3% of the bank's or savings bank's total assets, or 50% of its capital, surplus, reserves, undivided profits and capital notes, whichever is the lesser. The aggregate amount invested pursuant to this act in an asset or assets of any one person, partnership, corporation, other business entity, association or body politic shall not exceed 1% of the bank's or savings bank's total assets.

C. 17:9A-24.13 Regulations.

2. The commissioner may make, amend and repeal regulations prescribing the amount, location, required collateral or purpose of any investment made in accordance with this act as the commissioner may from time to time deem advisable to foster safe and sound banking practices in this State and to promote the public interest. No regulations shall be deemed to expand the powers granted to banks or savings banks in this act.

Repealer.

3. P. L. 1975, c. 112 (C. 17:9A-182.4 et seq.) is repealed.

4. This act shall take effect immediately.

Approved May 17, 1985.

CHAPTER 169

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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 EDUCATION

Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

06-5066	Compensatory Education	\$129,000
07-5065	Special Education Programs	1,282,000

Total Appropriation, Direct Educational Services and Assistance	\$1,411,000
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Personal Services:

Salaries and wages	(\$1,000,000)
Employee benefits	(240,000)

Special Purpose:

ESEA, Title VI (handicapped)	(117,000)
Other Special Purpose	(54,000)

33 Supplemental Education and Training Programs

20-5062	General Vocational Education	\$1,000,000
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Total Appropriation, Supplemental Education and Training Programs	\$1,000,000
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Special Purpose:

Veterans' readjustment benefits (\$100,000)

State Aid and Grants:

(To State Institutions)

Vocational education—basic grants . (550,000)

Vocational education—program improvement and supportive services (350,000)

34 Educational Support Services

33-5067 Service to Local Districts \$642,000Total Appropriation, Educational
Support Services \$642,000

Personal Services:

Salaries and wages (\$500,000)

Employee benefits (120,000)

Special Purpose:

Other Special Purpose (22,000)

35 Education Administration and Management

99-5095 Management and Administrative Services . . \$350,000Total Appropriation, Education Administration
and Management \$350,000

Special Purpose:

Education block grant—
administration—Chapter 2 (\$350,000)

37 Cultural and Intellectual Development Services

51-5070 Library Services \$343,000Total Appropriation, Cultural and Intellectual
Development Services \$343,000

Special Purpose:

LSCA Title I public library services . . (\$213,000)

LSCA Title III interlibrary
cooperation (130,000)Total Appropriation, Department of Education \$3,746,000

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 May 22, 1985.

CHAPTER 170

A SUPPLEMENT to the "Safe and Clean Neighborhoods Act of 1979," approved June 28, 1979 (P. L. 1979, c. 118, C. 52:27D-118.1 et seq.).

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

C. 52:27D-118.11 Apportionment of funds to municipalities.

1. Notwithstanding any provisions to the contrary of section 3 of P. L. 1979, c. 118 (C. 52:27D-118.3), the amounts appropriated in any State fiscal year beginning after June 30, 1985 for distribution to municipalities under the provisions of P. L. 1979, c. 118 (C. 52:27D-118.1 et seq.) shall be apportioned as follows:

a. Any municipality which received State aid under P. L. 1979, c. 118 (C. 52:27D-118.1 et seq.) during the 1985 State fiscal year shall first be apportioned, as matching funds pursuant to subsection a. of section 3 thereof, the greatest of the following amounts: (1) the amount received during the 1985 local budget year; (2) the amount received in any previous local budget year; or (3) the amount to which the municipality is entitled in any subsequent local budget year.

b. A municipality which is entitled to such aid on or after the effective date of this supplementary act, but which did not receive such aid during the 1985 local budget year, shall then be apportioned the amount for which it qualifies.

c. 65% of any amount appropriated above that required under subsections a. and b. of this section, and appropriated for additional police services shall then be apportioned to qualifying municipalities to provide a uniform percentage increase in the amount apportioned to these municipalities. The amount so apportioned

shall be made available exclusively to allow employment of full-time police officers regularly assigned uniformed patrol duties in addition to the number of full-time police officers employed by the municipality and regularly assigned to uniformed patrol duties on January 31, 1985. In order to receive funds for this purpose, a municipality shall be required to provide matching funds from other sources equal to 25% of the amount provided hereunder.

d. The remaining amount appropriated for additional police services shall then be available to provide assistance to nonqualifying municipalities which maintain a regularly organized police force, to employ full-time police officers regularly assigned uniformed patrol duties in addition to the number of full-time police officers employed by the municipality and regularly assigned to uniformed patrol duties on January 31, 1985, provided, however, that no municipality which is ineligible to receive a revenue sharing distribution pursuant to P. L. 1976, c. 73 (C. 54A:10-1 et seq.), from the State in the 1985 local budget year shall be eligible for such assistance. Each eligible municipality may be apportioned an amount not to exceed that proportion of the total amount available to all such municipalities as the number of full-time police officers regularly assigned to uniformed patrol duties that it employed as of January 31, 1985 bears to the entire number of such full-time officers employed on that date by all such municipalities. In order to receive funds for this purpose, an eligible municipality shall be required to provide from other sources at least 50% of the cost of employing the additional police officers.

e. Any two or more nonqualifying municipalities may join together under the "Interlocal Services Act" (P. L. 1973, c. 208, C. 40:8A-1 et seq.) for the purpose of receiving and expending funds pursuant to subsection d. above. The Director of the Division of Local Government Services, in contracting with such municipalities pursuant to section 4 of this supplementary act, is authorized to establish a matching requirement of 50% of the cost of employing additional police officers. No more than 10% of the total available to nonqualifying municipalities may be distributed under this subsection.

C. 52:27D-118.12 Discretionary fund.

2. In the event that any funds remain undistributed after all eligible municipalities have had an opportunity to enter into a contract pursuant to this supplementary act, there shall be established

a discretionary fund, and eligible municipalities may make application for such funds as still remain undistributed as determined by the director. Any funds paid pursuant to this section shall be for the purposes of augmenting or upgrading patrol activities.

C. 52:27D-118.13 Indicia of State support.

3. Each police officer employed under this act shall wear the uniform of the municipality that appointed him and shall wear a shoulder patch of a kind approved by the Director of the Division of Local Government Services, containing an insignia indicative of the State's support of the program.

C. 52:27D-118.14 Regulations governing assistance.

4. In addition to the other powers and duties expressed in P. L. 1979, c. 118 (C. 52:27D-118.1 et seq.), the Director of the Division of Local Government Services shall adopt specific regulations, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), to govern provision of assistance under this act to qualifying and nonqualifying municipalities for the employment of appropriate police officers in addition to the number of such police officers employed on January 31, 1985. In addition to such other matters as the director may find appropriate, the regulations shall:

a. Require the municipality to enter into a contract in a form prescribed by the director under which the municipality shall agree to provide its share of the cost of employing additional police officers and further agree to maintain its police force at an expanded level over that as of January 31, 1985 as a condition of continued assistance;

b. Identify the particular costs of employing additional police officers, generally limited to training, salary, benefits and equipment (exclusive of motor vehicles), for which assistance may be provided;

c. Contain the design of the shoulder patch that additional police officers employed under this act are required to wear under section 2 of this act.

C. 52:27D-118.15 Additional appropriation.

5. In addition to the appropriations required under section 4 of P. L. 1979, c. 118 (C. 52:27D-118.4), there shall be annually appropriated a sum which shall be apportioned among municipalities which qualify under the provisions of this supplementary act.

C. 52:27D-118.16 Anticipation of State aid.

6. The funds a qualifying municipality shall acquire pursuant to this act shall be appropriated by the municipality in compliance with the "Local Budget Law" (N. J. S. 40A:4-1 et seq.). Notwithstanding any provisions of the "Local Budget Law," any municipality qualifying for State aid under the provisions of this act may anticipate the receipt of the amount of State aid certified to it by the director and may file such amendments or corrections in its local budget as may be required to properly reflect the amount certified.

7. This act shall take effect immediately.

Approved May 23, 1985.

CHAPTER 171

AN ACT relating to red emergency warning lights and sirens for chiefs and first assistant chiefs of volunteer fire companies 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. 39:3-54.15 Warning lights, sirens.

1. An active chief or first assistant chief of a volunteer fire company recognized by and rendering service in any municipality may display on a motor vehicle owned by him and registered in his name a red emergency warning light or lights, a siren, or both, as prescribed in this act. The size and type of lights and siren, and the location of their controls, shall be determined by the Director of the Division of Motor Vehicles.

C. 39:3-54.16 Placement of lights.

2. All red emergency lights shall be mounted on the exterior of the motor vehicle. No more than two red emergency warning lights shall be installed on a vehicle. If one light is used it shall be installed in the center of the roof of the vehicle, or on the left windshield column in a position where a spotlight is normally located. If two lights are used they may be placed on the windshield columns on each side of the vehicle where spotlights are normally mounted, or on either side of the roof at the front of the

vehicle directly back of the top of the windshield. Under no circumstances may one light be placed on the roof and one on a windshield column in the spotlight position. They shall be operated only while the vehicle is being used by the registered owner chief or first assistant chief in answering a fire or emergency call.

C. 39:3-54.17 Siren mounting, operation.

3. All sirens shall be mounted under the hood of the motor vehicle and shall be operated only while the vehicle is being used by the registered owner chief or first assistant chief in answering a fire or emergency call.

C. 39:3-54.18 Identification cards.

4. The Director of the Division of Motor Vehicles shall prepare suitable identification cards bearing the signature of the director, which, upon the request of the mayor or chief executive officer of any municipality recognizing and being served by a volunteer fire company, on a form and in a manner prescribed by the director, shall be forwarded to the mayor or chief executive officer, to be countersigned and issued by the mayor or chief executive officer to the chief or first assistant chief of the volunteer fire company. Identification cards issued pursuant to this section shall be considered permits to display and operate red emergency warning lights, sirens, or both, as provided for in this act, and no lights or sirens shall be mounted prior to the issuance of the identification cards. Each chief or first assistant chief of a volunteer fire company shall carry the identification card while red emergency warning lights, sirens, or both, are displayed on his vehicle.

C. 39:3-54.19 Subject to traffic laws; right-of-way.

5. This act shall not grant to any chief or first assistant chief of a volunteer fire company any privileges or exemptions denied to the drivers of other vehicles, and persons displaying red emergency warning lights, sirens, or both, shall drive with due regard for the safety of all persons and shall obey the traffic laws of this State; but drivers of nonemergency vehicles upon any highway shall yield the right of way to the vehicle of any chief or first assistant chief of a volunteer fire company displaying red emergency warning lights, sirens, or both, in the same manner as is provided for authorized emergency vehicles pursuant to R. S. 39:4-92.

C. 39:3-54.20 Penalty for violation.

6. Any person authorized to display red emergency warning lights, sirens, or both, pursuant to this act, who willfully displays or uses the lights or sirens in violation of the provisions of this

act, shall be liable to a penalty of not more than \$50.00 and his privilege to display the lights or sirens may be suspended or revoked by the Director of the Division of Motor Vehicles.

7. This act shall take effect immediately.

Approved May 31, 1985.

CHAPTER 172

AN ACT concerning library records and supplementing chapter 73 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:73-43.1 "Library," "library record" defined.

1. For the purposes of this act:

a. "Library" means a library maintained by any State or local governmental agency, school, college, or industrial, commercial or other special group, association or agency, whether public or private.

b. "Library record" means any document or record, however maintained, the primary purpose of which is to provide for control of the circulation or other public use of library materials.

C. 18A:73-43.2 Confidentiality; exceptions.

2. Library records which contain the names or other personally identifying details regarding the users of libraries are confidential and shall not be disclosed except in the following circumstances:

a. The records are necessary for the proper operation of the library;

b. Disclosure is requested by the user; or

c. Disclosure is required pursuant to a subpoena issued by a court or court order.

C. 18A:73-43.3 Rules, regulations.

3. The State Librarian shall adopt pursuant to section 18 of P. L. 1969, c. 158 (C. 18A:73-33) and the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) rules and regulations necessary to effectuate the purposes of this act.

4. This act shall take effect immediately.

Approved May 31, 1985.

CHAPTER 173

AN ACT concerning county colleges and amending N. J. S.
18A :64A-10, 18A :64A-27 and 18A :64A-28.

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

1. N. J. S. 18A :64A-10 is amended to read as follows :

County college board officers.

18A :64A-10. The board of trustees of a county college shall organize annually in November by the election of a chairman, vice chairman and such other officers as the board shall determine.

2. N. J. S. 18A :64A-27 is amended to read as follows :

Membership of council.

18A :64A-27. The council shall consist of the presidents and chairmen of the boards of trustees of the several county colleges and of the county college commissions. A trustee board chairman may designate another member of the board as an alternate to attend and to vote at council meetings in the chairman's absence. The chancellor shall ex officio be an additional member without vote.

Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

3. N. J. S. 18A :64A-28 is amended to read as follows :

Annual organization meeting.

18A :64A-28. The council shall organize annually during the month of December by the election of a chairman, vice chairman and such other officers as the council shall determine. Such officers shall serve until the following December meeting and until their successors are elected and qualified. Vacancies in such offices shall be filled in the same manner for the unexpired terms only. The council may also meet at such other times and at such places within the State as it shall deem necessary.

4. This act shall take effect immediately.

Approved May 31, 1985.

CHAPTER 174

AN ACT professionalizing the office of municipal clerk, providing for awarding of registered municipal clerk certificates, amending N. J. S. 40A:9-134, and supplementing chapter 9 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:9-134 is amended to read as follows:

Tenure for incumbents.

40A:9-134. On or before December 31, 1984, any person holding the office of municipal clerk in any municipality and having held such office continuously for five years from the date of his original appointment shall have tenure in such office and shall not be removed therefrom except for good cause shown after a fair and impartial hearing.

C. 40A:9-133.2 Application for examination; qualifications.

2. (New section) Commencing on the effective date of this act, the Director of the Division of Local Government Services in the Department of Community Affairs shall hold examinations semi-annually, and at such other times as he may deem appropriate, for certification as municipal clerk. An applicant for examination shall furnish proof to the director, not less than 30 days before an examination, that the applicant is not less than 21 years of age, is a citizen of the United States, is of good moral character, has obtained a certificate or diploma issued after at least four years of study at an approved secondary school or has received an academic education considered and accepted by the Commissioner of Education as fully equivalent, and has completed at least two years of education at an institution of higher education of recognized standing. An applicant who does not meet the two year higher education requirement may substitute on a year for year basis full-time experience in federal, State or local government in the performance of duties relative to those performed by a municipal clerk. An applicant shall also present proof of completion of the following courses offered through Rutgers, The State University or similar courses offered at a college or university certified by the Department of Education:

Introduction of the Duties of the Municipal Clerk;
Advanced Duties of the Municipal Clerk;
Local Election Administration;
Information and Records Management;
Municipal Finance Administration.

The proofs required pursuant to this section shall be provided on the application forms and in the manner as shall be prescribed by the director. Each completed application shall be accompanied by a fee in the amount of \$25.00 payable to the order of the State Treasurer. Examinations shall be written, or both written and oral, and shall be of such character as fairly to test and determine the qualifications, fitness and ability of the person tested to actually perform the duties of municipal clerk.

C. 40A:9-133.3 \$25 certificate fee.

3. (New section) Upon the successful completion of the examination by an applicant, a certificate shall be issued to him as a registered municipal clerk. The certificate fee shall be \$25.00 payable to the order of the State Treasurer.

C. 40A:9-133.4 Conditions for issuance of certificates.

4. (New section) a. Upon payment of a fee of \$25.00 payable to the order of the State Treasurer, the Director of the Division of Local Government Services shall issue a registered municipal clerk certificate, notwithstanding the provisions of section 2 of this act, under the following conditions:

(1) To a person holding the position of municipal clerk for five or more years, provided that person has passed the examination required by section 2 of this act. This subsection shall expire on December 31, 1985; and

(2) To a person who received a registered municipal clerk certificate from Rutgers, The State University between 1977 and effective date of this act.

b. The Director of the Division of Local Government Services shall issue a temporary municipal clerk certificate to a person who is in the third year of an initial appointment on the effective date of this amendatory and supplementary act, provided that the person pays the fee required under subsection a. of this section. That person shall be eligible for appointment to a second term as municipal clerk on a conditional basis. If a person so appointed has not completed the courses and passed the examination required by

section 2 of this amendatory and supplementary act by the end of the second year of the second term, this person shall forfeit the position at that time.

c. The governing body of a municipality may provide for a three year initial appointment, to the office of municipal clerk, of an individual who has not completed the specific course work or the examination requirement set forth in section 2 of this amendatory and supplementary act, but who is otherwise qualified under that section. Any such appointment shall be contingent upon the requirement that the individual undertake the appropriate course work and take the examination during the term of that appointment.

C. 40A:9-133.5 Revocation, suspension.

5. (New section) Any registered municipal clerk certificate may be revoked or suspended by the director for dishonest practices, or willful or intentional failure, neglect or refusal to comply with the Constitution of the State of New Jersey or laws relating to the duties of the municipal clerk, or other good cause. The governing body or chief executive officer of any municipality may request a review by the director of the practices of a registered municipal clerk. No certificate shall be revoked or suspended except upon a proper hearing before the director or his designee after due notice. If the registered municipal clerk certificate shall be revoked, such person shall be removed from office by the director, his office shall be declared vacant, and he shall not be eligible to hold that office, nor may he make application for recertification, for a period of five years from the date of the revocation.

C. 40A:9-133.6 Certificate necessary for reappointment.

6. (New section) Commencing January 1, 1986, no person shall be reappointed as municipal clerk in any municipality unless he shall hold a registered municipal clerk certificate issued pursuant to this act.

C. 40A:9-133.7 Removal only for cause, after hearing.

7. (New section) Notwithstanding the provisions of any other law to the contrary, any person who:

a. Shall be reappointed municipal clerk subsequent to having received a registered municipal clerk certificate pursuant to this act and having served as municipal clerk or performed the duties of municipal clerk for not less than three consecutive years immediately prior to such reappointment; or

b. Shall have acquired tenure; shall hold his office during good behavior and efficiency, notwithstanding that such reappointment was for a fixed term of years; and he shall not be removed therefrom for political reasons but only for good cause shown and after a proper hearing before the director or his designee. The removal of a registered municipal clerk shall be only upon a written complaint setting forth with specificity the charge or charges against him. The complaint shall be filed with the director and a certified copy thereof shall be served upon the person so charged, with notice of a designated hearing date before the director or his designee, which shall be not less than 30 days nor more than 60 days from the date of service of the complaint. Such date may be extended by the Superior Court for good cause shown upon the application of either party. The person so charged and the complainant shall have the right to be represented by counsel and the power to subpoena witnesses and documentary evidence together with discovery proceedings. The provisions of this section shall apply to every person actually in office as registered municipal clerk, whether or not in the classified service under Title 11 of the Revised Statutes (Civil Service).

C. 40A:9-133.8 Tenure starting in 1986.

8. (New section) Commencing January 1, 1986, no municipal clerk shall acquire tenure of office under any law of this State unless he holds a registered municipal clerk certificate issued pursuant to this act. Nothing contained in this act shall be construed to affect tenure of office heretofore acquired nor to affect in any way the unexpired term of office of any municipal clerk heretofore appointed or elected, nor to affect any provision of Title 11 of the Revised Statutes (Civil Service) or any other law providing for tenure of office, except with respect to the acquisition of tenure by a municipal clerk on or after January 1, 1986.

9. This act shall take effect immediately.

Approved May 31, 1985.

CHAPTER 175

AN ACT to amend the "State Police Retirement System Act,"
approved June 9, 1965 (P. L. 1965, c. 89).

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

1. Section 8 of P. L. 1965, c. 89 (C. 53:5A-8) is amended to read as follows:

C. 53:5A-8 State Police retirement at age 55.

8. a. The Legislature finds and declares that the public health, safety and welfare require the ongoing health and fitness of all members of the New Jersey State Police so that they may safely and efficiently protect the public. The Legislature further finds and declares that such continued health and fitness cannot be determined except with reference to age, and therefore finds and concludes that retirement of all members of the State Police at age 55, except as provided for in subsection c. of this section, shall constitute a bona fide occupational qualification which is reasonably necessary to the normal operation of the State Police, which qualification the Legislature hereby promulgates and establishes.

b. Any member of the retirement system may retire on a service retirement allowance upon the completion of at least 20 years of creditable service as a State policeman, which includes the creditable service of those members appointed to the Division of State Police under section 3 of P. L. 1983, c. 403 (C. 39:2-9.3). Upon the filing of a written and duly executed application with the retirement system, setting forth at what time, not less than one month subsequent to the filing thereof, he desires to be retired, any such member retiring for service shall receive a service retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his aggregate contributions; and

(2) A pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of 50% of his final compensation.

c. Except for the Superintendent of State Police, any member of the retirement system including a member appointed to the State Police under section 3 of P. L. 1983, c. 403 (C. 39:2-9.3), who

has attained the age of 55 years, shall be retired forthwith on the first day of the next calendar month following the effective date of this 1985 amendatory act. Any member of the retirement system so retired shall receive a service retirement allowance pursuant to this section or section 27 of P. L. 1965, c. 89 (C. 53:5A-27), as appropriate.

d. Any member of the retirement system as of the effective date of this act who is required to retire pursuant to subsection c. of this section shall be entitled to continued health benefits coverage during retirement as provided in the "New Jersey State Health Benefits Program Act," P. L. 1961, c. 49 (C. 52:14-17.25 et seq.). Notwithstanding the provisions of section 8 of P. L. 1961, c. 49 (C. 52:14-17.32), the State shall pay the premium or periodic charge for the benefits provided to a member retiring under subsection c. of this section with fewer than 25 years of service credited in the retirement system, and his dependents covered under the program, but not including survivors.

e. Any member of the retirement system as of the effective date of this act who is required to retire pursuant to subsection c. of this section shall be entitled to the retirement allowance provided for by subsection b. of this section, notwithstanding that the member shall have fewer than 20 years' creditable service.

f. Any member of the retirement system having more than 20 but less than 25 years of creditable service as of the effective date of this act who is required to retire pursuant to subsection c. of this section shall be entitled to the retirement allowance provided for by subsection b. of this section plus 2% of his final compensation multiplied by the number of years of creditable service over 20 but not over 25.

g. Upon the receipt of proper proofs of the death of a member who has retired on a service retirement allowance, there shall be paid to the member's beneficiary an amount equal to one-half of the final compensation received by the member.

2. This act shall take effect 90 days following enactment.

Approved May 31, 1985.

CHAPTER 176

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to any other amounts appropriated under P. L. 1984, c. 58, there is appropriated from federal funds received or receivable, the following sum:

FEDERAL FUNDS

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

43 Environmental Quality

07-4850	Water Monitoring and Planning	\$227,000
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Special Purpose:

To restore Weequahic Lake by implementing the recommendation of the Phase I Diagnostic-Feasibility Study funded by the United States Environmental Protection Agency, which includes bank stabilization, erosion control, limited dredging and storm water controls.

Personal Services:

Salaries and Wages	(\$3,415)
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Employee Benefits	(751)
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Services Other Than Personal:

Contractual	(222,000)
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Special Purpose:

Indirect Cost	(834)
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Total Appropriation		\$227,000
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2. This act shall take effect immediately and shall be retroactive to July 1, 1984.

Approved May 31, 1985.

CHAPTER 177

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, there is appropriated from the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

LEGISLATIVE BRANCH

Government Direction, Management and Control

71 Legislative Activities

Legislative Commissions

0041 New Jersey Statue of Liberty Centennial Commission

09-0041	New Jersey Statue of Liberty Centennial Commission	\$100,000
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Special Purpose:

Expenses of Commission	(\$100,000)
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2. This act shall take effect immediately.

Approved June 10, 1985.

CHAPTER 178

AN ACT concerning the procedures employed in criminal cases involving capital punishment and amending N. J. S. 2A:78-7 and N. J. S. 2C:11-3.

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

1. N. J. S. 2A:78-7 is amended to read as follows:

Peremptory challenges.

2A:78-7. Upon the trial of any action in any court of this State, the parties thereto shall be entitled to peremptory challenges as follows:

a. In any civil action, each party, six.

b. (Deleted by amendment, P. L. 1985, c. 178.)

c. Upon an indictment for kidnapping, murder, aggravated manslaughter, manslaughter, aggravated assault, aggravated sexual assault, sexual assault, aggravated criminal sexual contact, aggravated arson, arson, burglary, robbery, forgery if it constitutes a crime of the third degree as defined by subsection b. of N. J. S. 2C:21-1, or perjury, the defendant, 20 peremptory challenges if tried alone and 10 challenges if tried jointly and the State, 12 peremptory challenges if the defendant is tried alone and six peremptory challenges for each 10 afforded defendants if tried jointly. The trial court, in its discretion, may, however, increase proportionally the number of the peremptory challenges available to the defendant and the State in any case in which the sentencing procedure set forth in subsection c. of N. J. S. 2C:11-3 might be utilized.

d. Upon any other indictment, defendants, 10 each; the State, 10 peremptory challenges for each 10 challenges allowed to the defendants. When the case is to be tried by a foreign jury, each defendant, five peremptory challenges, and the State, five peremptory challenges for each five peremptory challenges afforded the defendants.

e. (Deleted by amendment, P. L. 1985, c. 178.)

2. 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 grounds 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 shall be sentenced, except as provided in subsection c. of this section, by the court to a term of 30 years, during which the person shall not be eligible for parole or 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 hereinafter:

(1) The court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or pursuant to the provisions of subsection b. of this section. Where the defendant has been tried by a jury, the proceeding shall be conducted by the judge who presided at the trial and before the jury which determined the defendant's guilt, except that, for good cause, the court may discharge that jury and conduct the proceeding before a jury empaneled for the purpose of the proceeding. Where the defendant has entered a plea of guilty or has been tried without a jury, the proceeding shall be conducted by the judge who accepted the defendant's plea or who determined

the defendant's guilt and before a jury empaneled for the purpose of the proceeding. On motion of the defendant and with consent of the prosecuting attorney the court may conduct a proceeding without a jury. Nothing in this subsection shall be construed to prevent the participation of an alternate juror in the sentencing proceeding if one of the jurors who rendered the guilty verdict becomes ill or is otherwise unable to proceed before or during the sentencing proceeding.

(2) (a) At the proceeding, the State shall have the burden of establishing beyond a reasonable doubt the existence of any aggravating factors set forth in paragraph (4) of this subsection. The defendant shall have the burden of producing evidence of the existence of any mitigating factors set forth in paragraph (5) of this subsection but shall not have a burden with regard to the establishment of a mitigating factor.

(b) The admissibility of evidence offered by the State to establish any of the aggravating factors shall be governed by the rules governing the admission of evidence at criminal trials. The defendant may offer, without regard to the rules governing the admission of evidence at criminal trials, reliable evidence relevant to any of the mitigating factors. If the defendant produces evidence in mitigation which would not be admissible under the rules governing the admission of evidence at criminal trials, the State may rebut that evidence without regard to the rules governing the admission of evidence at criminal trials.

(c) Evidence admitted at the trial, which is relevant to the aggravating and mitigating factors set forth in paragraphs (4) and (5) of this subsection, shall be considered without the necessity of reintroducing that evidence at the sentencing proceeding; provided that the fact finder at the sentencing proceeding was present as either the fact finder or the judge at the trial.

(d) The State and the defendant shall be permitted to rebut any evidence presented by the other party at the sentencing proceeding and to present argument as to the adequacy of the evidence to establish the existence of any aggravating or mitigating factor.

(e) Prior to the commencement of the sentencing proceeding, or at such time as he has knowledge of the existence of an aggravating factor, the prosecuting attorney shall give notice to the defendant of the aggravating factors which he intends to prove in the proceeding.

(f) Evidence offered by the State with regard to the establishment of a prior homicide conviction pursuant to paragraph (4) (a) of this subsection may include the identity and age of the victim, the manner of death and the relationship, if any, of the victim to the defendant.

(3) The jury or, if there is no jury, the court shall return a special verdict setting forth in writing the existence or 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 outweighs beyond a reasonable doubt any one or more mitigating factors.

(a) If the jury or the court finds that any aggravating factors exist and that all of the aggravating factors outweigh beyond a reasonable doubt all of the mitigating factors, the court shall sentence the defendant to death.

(b) If the jury or the court finds that no aggravating factors exist, or that all of the aggravating factors which exist do not outweigh all of the mitigating factors, the court shall sentence the defendant pursuant to subsection b.

(c) If the jury is unable to reach a unanimous verdict, the court shall sentence the defendant pursuant to subsection b.

(4) The aggravating factors which may be found by the jury or the court are:

(a) The defendant has been convicted, at any time, of another murder. For purposes of this section, a conviction shall be deemed final when sentence is imposed and may be used as an aggravating factor regardless of whether it is on appeal;

(b) In the commission of the murder, the defendant purposely or knowingly created a grave risk of death to another person in addition to the victim;

(c) The murder was outrageously or wantonly vile, horrible or inhuman in that it involved torture, depravity of mind, or an aggravated assault to the victim;

(d) The defendant committed the murder as consideration for the receipt, or in expectation of the receipt of anything of pecuniary value;

(e) The defendant procured the commission of the offense by payment or promise of payment of anything of pecuniary value;

(f) The murder was committed for the purpose of escaping detection, apprehension, trial, punishment or confinement for another offense committed by the defendant or another;

(g) The offense was committed while the defendant was engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit murder, robbery, sexual assault, arson, burglary or kidnapping; or

(h) The defendant murdered a public servant, as defined in N. J. S. 2C:27-1, while the victim was engaged in the performance of his official duties, or because of the victim's status as a public servant.

(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. Upon the request of the defendant, the Supreme Court shall also determine whether the

sentence is disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant.

f. Prior to the jury's sentencing deliberations, the trial court shall inform the jury of the sentences which may be imposed pursuant to subsection b. of this section on the defendant if the defendant is not sentenced to death. The jury shall also be informed that a failure to reach a unanimous verdict shall result in sentencing by the court pursuant to subsection b.

3. This act shall take effect immediately.

Approved June 10, 1985.

CHAPTER 179

AN Act establishing standards for the collection, use, and disclosure of information gathered in connection with insurance transactions.

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

C. 17:23A-1 Insurers, persons covered by act.

1. a. The obligations imposed by this act shall apply to those insurance institutions, agents or insurance-support organizations which, on or after the effective date of this act:

(1) In the case of life, health or disability insurance:

(a) Collect, receive, or maintain information in connection with insurance transactions which pertains to natural persons who are residents of this State, or

(b) Engage in insurance transactions with applicants, individuals or policyholders who are residents of this State, and

(2) In the case of property or casualty insurance:

(a) Collect, receive or maintain information in connection with insurance transactions involving policies, contracts or certificates of insurance delivered, issued for delivery or renewed in this State, or

(b) Engage in insurance transactions involving policies, contracts or certificates of insurance delivered, issued for delivery or renewed in this State.

b. The rights granted by this act shall extend to:

(1) In the case of life, health or disability insurance, the following persons who are residents of this State:

(a) Natural persons who are the subject of information collected, received or maintained in connection with insurance transactions, and

(b) Applicants, individuals or policyholders who engage in or seek to engage in insurance transactions, and

(2) In the case of property or casualty insurance, the following persons:

(a) Natural persons who are the subject of information collected, received or maintained in connection with insurance transactions involving policies, contracts or certificates of insurance delivered, issued for delivery or renewed in this State, and

(b) Applicants, individuals or policyholders who engage in or seek to engage in insurance transactions involving policies, contracts or certificates of insurance delivered, issued for delivery or renewed in this State.

c. For purposes of this section, a person shall be considered a resident of this State if the person's last known mailing address, as shown in the records of the insurance institution, agent or insurance-support organization, is located in this State.

d. Notwithstanding subsections a. and b. above, this act shall not apply to information collected from the public records of a governmental authority and maintained by an insurance institution or its representatives for the purpose of insuring the title to real property located in this State.

C. 17:23A-2 Definitions.

2. Definitions. As used in this act:

a. "Adverse underwriting decision" means:

(1) Any of the following actions with respect to insurance transactions involving insurance coverage which is individually underwritten for an individual:

(a) A declination of insurance coverage,

(b) A termination of insurance coverage,

(c) Failure of an agent to apply for insurance coverage with a specific insurance institution which the agent represents and which is requested by an applicant,

(d) In the case of a property or casualty insurance coverage:

(i) Placement by an insurance institution or agent of a risk with a residual market mechanism or an unauthorized insurer, or

(ii) The charging of a higher rate on the basis of information which differs from that which the applicant or policyholder furnished,

(e) In the case of a life, health or disability insurance coverage, an offer to insure at a higher rate than the insurance institution's table of premium rates applicable to the age and class of risk of each person to be covered under that coverage and to the type and amount of insurance provided.

(2) Notwithstanding paragraph (1) above, the following actions, if permitted by law, shall not be considered adverse underwriting decisions but the insurance institution or agent responsible for their occurrence shall nevertheless provide the applicant or policyholder with the specific reason or reasons for their occurrence:

(a) The termination of an individual policy form on a class or Statewide basis,

(b) A declination of insurance coverage solely because such coverage is not available on a class or Statewide basis, or

(c) The rescission of a policy.

b. "Affiliate" or "affiliated" means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by or is under common control with another person.

c. "Agent" means any person defined in chapter 22 of Title 17 of the Revised Statutes, chapter 22 of Title 17B of the New Jersey Statutes and in R. S. 17:35-23.

d. "Applicant" means a person who seeks to contract for insurance coverage other than a person seeking group insurance that is not individually underwritten.

e. "Commissioner" means the Commissioner of Insurance.

f. "Consumer report" means any written, oral or other communication of information bearing on a natural person's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living which is used or expected to be used in connection with an insurance transaction.

g. "Consumer reporting agency" means any person who:

(1) Regularly engages, in whole or in part, in the practice of assembling or preparing consumer reports, for a monetary fee, and

(2) Obtains information primarily from sources other than insurance institutions, and

(3) Furnishes consumer reports to other persons.

h. "Control," including the terms "controlled by" or "under common control with," means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract of goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person.

i. "Declination of insurance coverage" means a denial, in whole or in part, by an insurance institution or agent of requested insurance coverage.

j. "Individual" means any natural person who:

(1) In the case of property or casualty insurance, is a past, present or proposed named insured or certificateholder;

(2) In the case of life, health or disability insurance, is a past, present or proposed principal insured or certificateholder;

(3) Is a past, present or proposed policyowner;

(4) Is a past or present applicant; or

(5) Is a past or present claimant; or

(6) Derived, derives or is proposed to derive insurance coverage under an insurance policy or certificate subject to this act.

k. "Institutional source" means any person or governmental entity that provides information about an individual to an agent, insurance institution or insurance support organization, other than:

(1) An agent,

(2) The individual who is the subject of the information, or

(3) A natural person acting in a personal capacity rather than in a business or professional capacity.

l. "Insurance institution" means any corporation, association, partnership, reciprocal exchange, interinsurer, Lloyd's insurer,

fraternal benefit society or other person engaged in the business of insurance, including health maintenance organizations, medical service corporations, hospital service corporations, dental service corporations, automobile insurance plans and the New Jersey Automobile Full Insurance Underwriting Association as defined in section 2 of P. L. 1973, c. 337 (C. 26:2J-2), section 1 of P. L. 1940, c. 74 (C. 17:48A-1), section 1 of P. L. 1960, c. 1 (C. 17:48B-1), section 2 of P. L. 1968, c. 305 (C. 17:48C-2), P. L. 1970, c. 215 (C. 17:29D-1 et seq.) and P. L. 1983, c. 65 (C. 17:29A-33 et al.), respectively. "Insurance institution" shall not include agents or insurance-support organizations.

m. "Insurance-support organization" means:

(1) Any person who regularly engages, in whole or in part, in the practice of assembling or collecting information about natural persons for the primary purpose of providing the information to an insurance institution or agent for insurance transactions, including:

(a) The furnishing of consumer reports or investigative consumer reports to an insurance institution or agent for use in connection with an insurance transaction, or

(b) The collection of personal information from insurance institutions, agents or other insurance-support organizations for the purpose of detecting or preventing fraud, material misrepresentation or material nondisclosure in connection with insurance underwriting or insurance claim activity.

(2) Notwithstanding paragraph (1) of this subsection, the following persons shall not be considered "insurance-support organizations" for the purposes of this act: agents, government institutions, insurance institutions, medical-care institutions, medical professionals and rating organizations as defined in section 1 of P. L. 1944, c. 27 (C. 17:29A-1).

n. "Insurance transaction" means any transaction involving insurance primarily for personal, family or household needs rather than business or professional needs which entails:

(1) The determination of an individual's eligibility for an insurance coverage, benefit or payment, or

(2) The servicing of an insurance application, policy, contract or certificate.

o. "Investigative consumer report" means a consumer report or portion thereof in which information about a natural person's

character, general reputation, personal characteristics or mode of living is obtained through personal interviews with the person's neighbors, friends, associates, acquaintances or others who may have knowledge concerning those items of information.

p. "Medical-care institution" means a facility or institution that is licensed to provide health care services to natural persons, including but not limited to hospitals, skilled nursing facilities, nursing facilities, home-health agencies, medical clinics, rehabilitation agencies, public health agencies or health maintenance organizations.

q. "Medical professional" means any person providing health care services to natural persons, including but not limited to a physician, podiatrist, dentist, nurse, optometrist, chiropractor, physical therapist, occupational therapist, pharmacist, psychologist, dietitian, psychiatric social worker or speech therapist.

r. "Medical-record information" means personal information which:

(1) Relates to an individual's physical or mental condition, medical history or medical treatment, and

(2) Is obtained from a medical professional or medical-care institution, from the individual, or from the individual's spouse, parent or legal guardian.

s. "Person" means any natural person, corporation, association, partnership or other legal entity.

t. "Personal information" means any individually identifiable information gathered in connection with an insurance transaction from which judgments can be made about an individual's character, habits, avocations, finances, occupation, general reputation, credit, health or any other personal characteristics. "Personal information" includes an individual's name and address and medical-record information but does not include privileged information.

u. "Policyholder" means any person who:

(1) In the case of individual property or casualty insurance, is a present named insured;

(2) In the case of individual life, health or disability insurance, is a present policyowner; or

(3) In the case of group insurance which is individually underwritten, is a present group certificateholder.

v. “Pretext interview” means an interview whereby a person, in an attempt to obtain information about a natural person, performs one or more of the following acts:

- (1) Pretends to be someone he is not,
- (2) Pretends to represent a person he is not in fact representing,
- (3) Misrepresents the true purpose of the interview, or
- (4) Refuses to identify himself upon request.

w. “Privileged information” means any individually identifiable information that:

- (1) Relates to a claim for insurance benefits or a civil or criminal proceeding involving an individual, and
- (2) Is collected in connection with or in reasonable anticipation of a claim for insurance benefits or civil or criminal proceeding involving an individual; except that information otherwise meeting the requirements of this subsection shall nevertheless be considered personal information under this act if it is disclosed in violation of section 13 of this act.

x. “Residual market mechanism” means any insurance pooling mechanism, joint underwriting association, or reinsurance facility created pursuant to law or regulation which provides insurance coverage for any risk that is not insurable in the voluntary market.

y. “Termination of insurance coverage” or “termination of an insurance policy” means either a cancellation or nonrenewal of an insurance policy, in whole or in part, for any reason other than the failure to pay a premium as required by the policy.

z. “Unauthorized insurer” means an insurance institution that has not been granted a certificate of authority by the commissioner to transact the business of insurance in this State.

C. 17:23A-3. Pretext interviews.

3. Pretext interviews. No insurance institution, agent or insurance-support organization shall use or authorize the use of pretext interviews to obtain information in connection with an insurance transaction; except that a pretext interview may be undertaken to obtain information from a person or institution that does not have a generally or statutorily recognized privileged relationship with the person about whom the information relates for the purpose of investigating a claim where, based upon specific information available for review by the commissioner, there is a

reasonable basis for suspecting criminal activity, fraud, material misrepresentation or material nondisclosure in connection with the claim.

C. 17:23A-4 Notice of insurance information practices.

4. Notice of insurance information practices. a. An insurance institution or agent shall provide a notice of information practices to all applicants or policyholders in connection with insurance transactions as follows:

(1) In the case of an application for insurance:

(a) At the time of the delivery of the insurance policy or certificate when personal information is collected only from the applicant or from public records, or

(b) At the time the collection of personal information is initiated when personal information is collected from a source other than the applicant or public records;

(2) In the case of a policy renewal, the policy renewal date, except that no notice shall be required in connection with a policy renewal if:

(a) Personal information is collected only from the policyholder or from public records, or

(b) A notice meeting the requirements of this section has been given within the previous 24 months; or

(3) In the case of a policy reinstatement or change in insurance benefits, at the time a request for a policy reinstatement or change in insurance benefits is received by the insurance institution, except that no notice shall be required if personal information is collected only from the policyholder or from public records.

b. The notice shall be in writing and shall state:

(1) Whether personal information may be collected from persons other than the individual or individuals proposed for coverage;

(2) The types of personal information that may be collected and the types of sources and investigative techniques that may be used to collect that information;

(3) The types of disclosure identified in subsections b., c., d., e., f., i., k., l. and n. of section 13 of this act and the circumstances under which the disclosure may be made without prior authorization; provided, however, only those circumstances need be described which occur with such frequency as to indicate a general business practice;

(4) A description of the rights established under sections 8 and 9 of this act and the manner in which these rights may be exercised; and

(5) That information obtained from a report prepared by an insurance-support organization may be retained by the insurance-support organization and disclosed to other persons.

c. In lieu of the notice prescribed in subsection b., the insurance institution or agent may provide an abbreviated notice informing the applicant or policyholder that:

(1) Personal information may be collected from persons other than the individual or individuals proposed for coverage,

(2) The information as well as other personal or privileged information subsequently collected by the insurance institution or agent may in certain circumstances be disclosed to third parties without authorization,

(3) A right of access and correction exists with respect to all personal information collected, and

(4) The notice prescribed in subsection b. of this section shall be furnished to the applicant or policyholder upon request.

d. The obligations imposed by this section upon an insurance institution or agent may be satisfied by another insurance institution or agent authorized to act on its behalf.

C. 17:23A-5 Marketing and research surveys.

5. Marketing and research surveys. An insurance institution or agent shall clearly specify those questions designed to obtain information solely for marketing or research purposes from an individual in connection with an insurance transaction.

C. 17:23A-6 Content of disclosure authorization forms.

6. Content of disclosure authorization forms. Notwithstanding any other provision of law in this State, no insurance institution, agent or insurance-support organization shall utilize as its disclosure authorization form in connection with insurance transactions a form or statement which authorizes the disclosure of personal or privileged information about an individual to the insurance institution, agent or insurance-support organization unless the form or statement:

a. Is written in plain language;

b. Is dated;

c. Specifies the types of persons authorized to disclose information about the individual;

d. Specifies the nature of the information authorized to be disclosed;

e. Names the insurance institution or agent and identifies by generic reference representatives of the insurance institution to whom the individual is authorizing information to be disclosed;

f. Specifies the purposes for which the information is collected;

g. Specifies the length of time the authorization shall remain valid, which shall be no longer than:

(1) In the case of authorizations signed for the purpose of collecting information in connection with an application for an insurance policy, a policy reinstatement or a request for change in policy benefits,

(a) 30 months from the date the authorization is signed if the application or request involves life, health or disability insurance, or

(b) One year from the date the authorization is signed if the application or request involves property or casualty insurance;

(2) In the case of authorizations signed for the purpose of collecting information in connection with a claim for benefits under an insurance policy,

(a) The term of coverage of the policy if the claim is for a health insurance benefit, or

(b) The duration of the claim if the claim is not for a health insurance benefit; and

h. Advises the individual or a person authorized to act on behalf of the individual that the individual or the individual's authorized representative is entitled to receive a copy of the authorization form.

C. 17:23A-7 Investigative consumer reports.

7. Investigative consumer reports. a. No insurance institution, agent or insurance-support organization may prepare or request an investigative consumer report about an individual in connection with an insurance transaction involving an application for insurance, a policy renewal, a policy reinstatement or a change in insurance benefits unless the insurance institution or agent informs the individual:

(1) That he may request to be interviewed in connection with the preparation of the investigative consumer report, and

(2) That upon a request pursuant to section 8, he is entitled to receive a copy of the investigative consumer report.

b. If any investigative consumer report is to be prepared by an insurance institution or agent, the insurance institution or agent shall institute reasonable procedures to conduct a personal interview requested by an individual.

c. If any investigative consumer report is to be prepared by an insurance-support organization, the insurance institution or agent desiring the report shall inform the insurance-support organization whether a personal interview has been requested by the individual. The insurance-support organization shall institute reasonable procedures to conduct the interviews, if requested.

C. 17:23A-8 Access to recorded personal information.

8. Access to recorded personal information. a. If any individual, after proper identification, submits a written request to an insurance institution, agent or insurance-support organization for access to recorded personal information about the individual which is reasonably described by the individual and reasonably locatable and retrievable by the insurance institution, agent or insurance-support organization, the insurance institution, agent or insurance-support organization shall within 30 business days from the date the request is received:

(1) Inform the individual of the nature and substance of the recorded personal information in writing;

(2) Permit the individual to see and copy, in person, the recorded personal information pertaining to him or to obtain a copy of the recorded personal information by mail, whichever the individual prefers, unless the recorded personal information is in coded form, in which case an accurate translation in plain language shall be provided in writing;

(3) Disclose to the individual the identity, if recorded, of those persons to whom the insurance institution, agent or insurance-support organization has disclosed the personal information within two years prior to the request, and if the identity is not recorded, the names of those insurance institutions, agents, insurance-support organizations or other persons to whom such information is normally disclosed; and

(4) Provide the individual with a summary of the proceedings by which he may request correction, amendment or deletion of recorded personal information.

b. Any personal information provided pursuant to subsection a. above shall identify the source of the information if the source is an institutional source.

c. Medical record information supplied by a medical-care institution or medical professional and requested under subsection a., together with the identity of the medical professional or medical-care institution which provided the information, shall be supplied either directly to the individual or to a medical professional designated by the individual and licensed to provide medical care with respect to the condition to which the information relates, whichever the insurance institution, agent or insurance-support organization prefers. If it elects to disclose the information to a medical professional designated by the individual, the insurance institution, agent or insurance-support organization shall notify the individual, at the time of the disclosure, that it has provided the information to the medical professional.

d. Except for personal information provided under section 10, an insurance institution, agent or insurance-support organization may charge a reasonable fee to cover the costs incurred in providing a copy of recorded personal information to individuals.

e. The obligations imposed by this section upon an insurance institution or agent may be satisfied by another insurance institution or agent authorized to act on its behalf. With respect to the copying and disclosure of recorded personal information pursuant to a request under subsection a., an insurance institution, agent or insurance-support organization may make arrangements with an insurance-support organization or a consumer reporting agency to copy and disclose recorded personal information on its behalf.

f. The rights granted to individuals in this section shall extend to all natural persons to the extent information about them is collected and maintained by an insurance institution, agent or insurance-support organization in connection with an insurance transaction. The rights granted to all natural persons by this section shall not extend to information about them that relates to and is collected in connection with or in reasonable anticipation of a claim or civil or criminal proceeding involving them.

g. For the purposes of this section, the term "insurance-support organization" does not include a consumer reporting agency.

C. 17:23A-9 Correction, amendment or deletion of recorded personal information.

9. Correction, amendment or deletion of recorded personal

information. a. Within 30 business days from the date of receipt of a written request from an individual to correct, amend or delete any recorded personal information about the individual within its possession, an insurance institution, agent or insurance-support organization shall either:

- (1) Correct, amend or delete the portion of the recorded personal information in dispute; or
- (2) Notify the individual of:
 - (a) Its refusal to make the correction, amendment or deletion,
 - (b) The reasons for the refusal, and
 - (c) The individual's right to file a statement as provided in subsection c.

b. If the insurance institution, agent, or insurance-support organization corrects, amends or deletes recorded personal information in accordance with paragraph (1) of subsection a. above, the insurance institution, agent or insurance-support organization shall so notify the individual in writing and furnish the correction, amendment or fact of deletion to:

- (1) Any person specifically designated by the individual who may have, within the preceding two years, received the recorded personal information;
- (2) Any insurance-support organization whose primary source of personal information is insurance institutions if the insurance-support organization has systematically received the recorded personal information from the insurance institution within the preceding seven years; except that the correction, amendment or fact of deletion need not be furnished if the insurance-support organization no longer maintains recorded personal information about the individual; and
- (3) Any insurance-support organization that furnished the personal information that has been corrected, amended or deleted.

c. Whenever an individual disagrees with an insurance institution's, agent's or insurance-support organization's refusal to correct, amend or delete recorded personal information, the individual shall be permitted to file with the insurance institution, agent or insurance-support organization:

- (1) A concise statement setting forth what the individual thinks is the correct, relevant or fair information, and

(2) A concise statement of the reasons why the individual disagrees with the insurance institution's, agent's or insurance-support organization's refusal to correct, amend or delete recorded personal information.

d. In the event an individual files either statement as described in subsection c. above, the insurance institution, agent or support organization shall:

(1) File the statement with the disputed personal information and provide a means by which anyone reviewing the disputed personal information will be made aware of the individual's statement and have access to it, and

(2) In any subsequent disclosure by the insurance institution, agent or support organization of the recorded personal information that is the subject of disagreement, clearly identify the matter or matters in dispute and provide the individual's statement along with the recorded personal information being disclosed, and

(3) Furnish the statement to the persons and in the manner specified in subsection b. above.

e. The rights granted to individuals in this section shall extend to all natural persons to the extent information about them is collected and maintained by an insurance institution, agent or insurance-support organization in connection with an insurance transaction. The rights granted to all natural persons by this section shall not extend to information about them that relates to and is collected in connection with or in reasonable anticipation of a claim or civil or criminal proceeding involving them.

f. For the purposes of this section, the term "insurance-support organization" does not include a consumer reporting agency.

C. 17:23A-10 Reasons for adverse underwriting decisions.

10. Reasons for adverse underwriting decisions. a. In the event of an adverse underwriting decision the insurance institution or agent responsible for the decision shall:

(1) Either provide the applicant, policyholder or individual proposed for coverage with the specific reason or reasons for the adverse underwriting decision in writing or advise the person that upon written request he may receive the specific reason or reasons in writing, and

(2) Provide the applicant, policyholder or individual proposed for coverage with a summary of the rights established under subsection b. of this section and sections 8 and 9 of this act.

b. Upon receipt of a written request within 90 business days from the date of the mailing of notice or other communication of an adverse underwriting decision to an applicant, policyholder or individual proposed for coverage, the insurance institution or agent shall furnish to the person within 21 business days from the date of receipt of the written request:

(1) The specific reason or reasons for the adverse underwriting decision, in writing, if that information was not initially furnished in writing pursuant to paragraph (1) of subsection a.;

(2) The specific items of personal and privileged information that support those reasons, except that:

(a) The insurance institution or agent shall not be required to furnish specific items of privileged information if it has a reasonable suspicion, based upon specific information available for review by the commissioner, that the applicant, policyholder or individual proposed for coverage has engaged in criminal activity, fraud, material misrepresentation or material nondisclosure in connection with insurance transactions or claims, and

(b) Specific items of medical-record information supplied by a medical-care institution or medical professional shall be disclosed either directly to the individual about whom the information relates or to a medical professional designated by the individual and licensed to provide medical care with respect to the condition to which the information relates, whichever the insurance institution or agent prefers; and

(3) The names and addresses of the institutional sources that supplied the specific items of information pursuant to paragraph (2) of subsection b., except that the identity of any medical professional or medical-care institution shall be disclosed either directly to the individual or to the designated medical professional, whichever the insurance institution or agent prefers.

c. The obligations imposed by this section upon an insurance institution or agent may be satisfied by another insurance institution or agent authorized to act on its behalf.

d. When an adverse underwriting decision results solely from an oral request or inquiry, the explanation of reasons and summary of rights required by subsection a. may be given orally.

C. 17:23A-11 Information concerning previous adverse underwriting decisions.

11. Information concerning previous adverse underwriting

decisions. No insurance institution, agent or insurance-support organization may seek information in connection with an insurance transaction concerning:

- a. Any previous adverse underwriting decision experienced by an individual, or
- b. Any previous insurance coverage obtained by an individual through a residual market mechanism, unless the inquiry also requests the reasons for any previous adverse underwriting decision or the reasons why insurance coverage was previously obtained through a residual market mechanism.

C. 17:23A-12 Previous adverse underwriting decisions.

12. Previous adverse underwriting decisions. No insurance institution or agent may base an adverse underwriting decision in whole or in part:

- a. On the fact of a previous adverse underwriting decision or on the fact that an individual previously obtained insurance coverage through a residual market mechanism; except that an insurance institution or agent may base an adverse underwriting decision on further information obtained from an insurance institution or agent responsible for a previous adverse underwriting decision;
- b. On personal information received from an insurance-support organization whose primary source of information is insurance institutions; except that an insurance institution or agent may base an adverse underwriting decision on further personal information obtained as the result of information received from the insurance-support organization.

C. 17:23A-13 Disclosure limitations and conditions.

13. Disclosure limitations and conditions. An insurance institution, agent or insurance-support organization shall not disclose any personal or privileged information about an individual collected or received in connection with an insurance transaction unless the disclosure is:

- a. With the written authorization of the individual, provided:
 - (1) If the authorization is submitted by another insurance institution, agent or insurance-support organization, the authorization meets the requirements of section 6 of this act, or
 - (2) If the authorization is submitted by a person other than an insurance institution, agent or insurance-support organization, the authorization is:

- (a) Dated,
- (b) Signed by the individual, and
- (c) Obtained one year or less prior to the date a disclosure is sought pursuant to this subsection;

b. To a person other than an insurance institution, agent or insurance-support organization, provided the disclosure is reasonably necessary:

(1) To enable the person to perform a business, professional or insurance function for the disclosing insurance institution, agent or insurance-support organization, and the person agrees not to disclose the information further without the individual's written authorization unless the further disclosure:

(a) Would otherwise be permitted by this section if made by an insurance institution, agent or insurance-support organization, or

(b) Is reasonably necessary for the person to perform its function for the disclosing insurance institution, agent or insurance-support organization; or

(2) To enable the person to provide information to the disclosing insurance institution, agent or insurance-support organization for the purpose of:

(a) Determining an individual's eligibility for an insurance benefit or payment, or

(b) Detecting or preventing criminal activity, fraud, material misrepresentation or material nondisclosure in connection with an insurance transaction;

c. To an insurance institution, agent, insurance-support organization or self-insurer, if the information disclosed is limited to that which is reasonably necessary:

(1) To detect or prevent criminal activity, fraud, material misrepresentation or material nondisclosure in connection with insurance transactions, or

(2) For either the disclosing or receiving insurance institution, agent or insurance-support organization to perform its functions in connection with an insurance transaction involving the individual;

d. To a medical-care institution or medical professional for the purpose of:

(1) Verifying insurance coverage or benefits;

(2) Informing an individual of a medical problem of which the individual may not be aware; or

(3) Conducting an operations or services audit, provided only that information is disclosed as is reasonably necessary to accomplish the foregoing purposes; or

e. To an insurance regulatory authority; or

f. To a law enforcement or other governmental authority:

(1) To protect the interests of the insurance institution, agent or insurance-support organization in preventing or prosecuting the perpetration of fraud upon it, or

(2) If the insurance institution, agent or insurance-support organization reasonably believes that illegal activities have been conducted by the individual;

g. Otherwise permitted or required by law;

h. In response to a facially valid administrative or judicial order, including a search warrant or subpoena;

i. Made for the purpose of conducting actuarial or research studies, provided:

(1) No individual may be identified in any actuarial or research report,

(2) Materials allowing the individual to be identified are returned or destroyed as soon as they are no longer needed, and

(3) The actuarial or research organization agrees not to disclose the information unless the disclosure would otherwise be permitted by this section if made by an insurance institution, agent or insurance-support organization;

j. To a party or a representative of a party to a proposed or consummated sale, transfer, merger or consolidation of all or part of the business of the insurance institution, agent or insurance-support organization, except that:

(1) Prior to the consummation of the sale, transfer, merger or consolidation only such information is disclosed as is reasonably necessary to enable the recipient to make business decisions about the purchase, transfer, merger or consolidation, and

(2) The recipient agrees not to disclose the information unless the disclosure would otherwise be permitted by this section if made by an insurance institution, agent or insurance-support organization;

k. To a person whose only use of such information will be in connection with the marketing of a product or service, if:

(1) No medical-record information, privileged information, or personal information relating to an individual's character, personal habits, mode of living or general reputation is disclosed, and no classification derived from that information is disclosed,

(2) The individual has been given an opportunity to indicate that he does not want personal information disclosed for marketing purposes and has given no indication that he does not want the information disclosed, and

(3) The person receiving the information agrees not to use it except in connection with the marketing of a product or service;

l. To an affiliate whose only use of the information will be in connection with an audit of the insurance institution or agent or the marketing of an insurance product or service, if the affiliate agrees not to disclose the information for any other purpose or to unaffiliated persons;

m. By a consumer reporting agency, if the disclosure is to a person other than an insurance institution or agent;

n. To a group policyholder for the purpose of reporting claims experience or conducting an audit of the insurance institution's or agent's operations or services, if the information disclosed is reasonably necessary for the recipient to conduct the review or audit;

o. To a professional peer review organization for the purpose of reviewing the services or conduct of a medical-care institution or medical professional;

p. To a governmental authority for the purpose of determining the individual's eligibility for health benefits for which the governmental authority may be liable;

q. To a certificateholder or policyholder for the purpose of providing information regarding the status of an insurance transaction; or

r. To a lienholder, mortgagee, assignee, lessor or other person shown on the records of an insurance institution or agent as having a legal or beneficial interest in a policy of insurance, provided:

(1) No medical-record information is disclosed unless the disclosure would otherwise be permitted by this section of this act; and

(2) The information disclosed is limited to that reasonably necessary to permit the person to protect its interests in the policy.

C. 17:23A-14 Power of commissioner.

14. Power of commissioner. a. The commissioner shall have power to examine and investigate into the affairs of every insurance institution or agent doing business in this State to determine whether the insurance institution or agent has been or is engaged in any conduct in violation of this act.

b. The commissioner shall have the power to examine and investigate into the affairs of every insurance-support organization acting on behalf of an insurance institution or agent which either transacts business in this State or transacts business outside this State that has an effect on a person residing in this State in order to determine whether the insurance-support organization has been or is engaged in any conduct in violation of this act.

C. 17:23A-15 Hearings, witnesses, appearances, production of books and service of process.

15. Hearings, witnesses, appearances, production of books and service of process. a. Whenever the commissioner has reason to believe that an insurance institution, agent or insurance-support organization has been or is engaged in conduct in this State which violates this act, or if the commissioner believes that an insurance-support organization has been or is engaged in conduct outside this State which has an effect on a person residing in this State and which violates this act, the commissioner shall issue and serve upon the insurance institution, agent or insurance-support organization a statement of charges and notice of hearing to be held at a time and place fixed in the notice. The date for the hearing shall be not less than 30 days after the date of service.

b. At the time and place fixed for the hearing the insurance institution, agent or insurance-support organization charged shall have an opportunity to answer the charges against it and present evidence on its behalf. Upon good cause shown, the commissioner shall permit any adversely affected person to intervene, appear and be heard at the hearing by counsel or in person.

c. At any hearing conducted pursuant to this section the commissioner may administer oaths, examine and cross-examine witnesses and receive oral and documentary evidence. The commissioner shall have the power to subpoena witnesses, compel their attendance and require the production of books, papers, records, correspondence and other documents which are relevant

to the hearing. A stenographic record of the hearing shall be made upon the request of any party or at the discretion of the commissioner. If no stenographic record is made and if judicial review is sought, the commissioner shall prepare a statement of the evidence for use on review. Hearings conducted under this section shall be governed by the same rules of evidence and procedure applicable to administrative proceedings conducted pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

d. Statements of charges, notices, orders and other process of the commissioner under this act may be served by anyone duly authorized to act on behalf of the commissioner. Service of process may be completed in the manner provided by law for service of process in civil actions or by registered mail. A copy of the statement of charges, notice, order or other process shall be provided to the person or persons whose rights under this act have been allegedly violated. A verified return setting forth the manner of service, or return postcard receipt in the case of registered mail, shall be sufficient proof of service.

C. 17:23A-16 Service of process—insurance-support organizations.

16. Service of process—insurance-support organizations. For the purpose of this act, an insurance-support organization transacting business outside this State which has an effect on a person residing in this State shall be deemed to have appointed the commissioner to accept service of process on its behalf, if the commissioner causes a copy of such service to be mailed forthwith by registered mail to the insurance-support organization at its last known principal place of business. The return postcard receipt for the mailing shall be sufficient proof that the same was properly mailed by the commissioner.

C. 17:23A-17 Cease and desist orders and reports.

17. Cease and desist orders and reports. a. If, after a hearing pursuant to section 15, the commissioner determines that the insurance institution, agent or insurance-support organization charged has engaged in conduct or practices in violation of this act, the commissioner shall reduce his findings to writing and shall issue and cause to be served upon the insurance institution, agent or insurance-support organization a copy of the findings and an order requiring the insurance institution, agent or insurance-support organization to cease and desist from the conduct or practices constituting a violation of this act.

b. If, after a hearing pursuant to section 15, the commissioner determines that the insurance institution, agent or insurance-support organization charged has not engaged in conduct or practices in violation of this act, the commissioner shall prepare a written report which sets forth findings of fact and conclusions of law. The report shall be served upon the insurance institution, agent or insurance-support organization charged and upon the persons, if any, whose rights under this act were allegedly violated.

c. Until the expiration of the time allowed under section 19 of this act for filing a petition for review or until the petition is actually filed, whichever occurs first, the commissioner may modify or set aside any order or report issued under this section. After the expiration of the time allowed under section 19 of this act for filing a petition for review, if no petition has been duly filed, the commissioner may, after notice and opportunity for hearing, alter, modify or set aside, in whole or in part, any order or report issued under this section whenever conditions of fact or law warrant such action or if the public interest so requires.

C. 17:23A-18 Penalties.

18. Penalties. a. In any case where a hearing pursuant to section 15 results in the finding of a knowing violation of this act, the commissioner may, in addition to the issuance of a cease and desist order as prescribed in section 17, order payment of a monetary penalty of not more than \$500.00 for each violation but not to exceed \$10,000.00 in the aggregate for multiple violations.

b. Any person who violates a cease and desist order of the commissioner under section 17 of this act may, after notice and hearing and upon order of the commissioner, be subject to one or more of the following penalties, at the discretion of the commissioner:

(1) A monetary fine of not more than \$10,000.00 for each violation, or

(2) A monetary fine of not more than \$50,000.00 if the commissioner finds that violations have occurred with such frequency as to constitute a general business practice, or

(3) Suspension or revocation of any insurance institution's or agent's license.

C. 17:23A-19 Judicial review of orders and reports.

19. Judicial review of orders and reports. a. Any person subject to an order of the commissioner under section 17 or section 18 or any person whose rights under this act were allegedly violated may obtain a review of any order or report of the commissioner by filing

in the Superior Court, Appellate Division, within 45 days from the date of the service of the order or report, a written petition requesting that the order or report of the commissioner be set aside. A copy of the petition shall be simultaneously served upon the commissioner, who shall forthwith certify and file in the court a transcript of the entire record of the proceeding giving rise to the order or report which is the subject of the petition. Upon the filing of the petition and the transcript, the Superior Court, Appellate Division, shall have jurisdiction to make and enter a decree modifying, affirming or reversing any order or report of the commissioner, in whole or in part. The findings of the commissioner as to the facts supporting any order or report, if supported by clear and convincing evidence, shall be conclusive.

b. To the extent an order or report of the commissioner is affirmed, the court shall issue its own order commanding obedience to the terms of the order or report of the commissioner. If any party affected by an order or report of the commissioner shall apply to the court for leave to produce additional evidence and shall show to the satisfaction of the court that the additional evidence is material and that there are reasonable grounds for the failure to produce this evidence in prior proceedings, the court may order the additional evidence to be taken before the commissioner in a manner and upon those terms and conditions as the court may deem proper. The commissioner may modify his findings of fact or make new findings by reason of the additional evidence so taken and shall file modified or new findings along with any recommendation, if any, for the modification or revocation of a previous order or report. If supported by clear and convincing evidence, the modified or new findings shall be conclusive as to the matters contained therein.

c. An order or report issued by the commissioner under section 17 or 18 shall become final:

(1) Upon the expiration of the time allowed for the filing of a petition for review, if no such petition has been duly filed; except that the commissioner may modify or set aside an order or report to the extent provided in subsection c. of section 17; or

(2) Upon a final decision of the Superior Court, Appellate Division, if the court directs that the order or report of the commissioner be affirmed or the petition for review is dismissed.

d. No order or report of the commissioner under this act or order of a court to enforce the same shall in any way relieve or absolve

any person affected by the order or report from any liability under any law of this State.

C. 17:23A-20 Individual remedies.

20. Individual remedies. a. If any insurance institution, agent or insurance-support organization fails to comply with section 8, 9 or 10 of this act with respect to the rights granted under those sections, any person whose rights are violated may apply to the Superior Court of this State, or any other court of competent jurisdiction, for appropriate equitable relief.

b. An insurance institution, agent or insurance-support organization which discloses information in violation of section 13 of this act shall be liable for damages sustained by the individual about whom the information relates; except that no individual shall be entitled to a monetary award which exceeds the actual damages sustained by the individual as a result of a violation of section 13 of this act.

c. In any action brought pursuant to this section, the court may award the costs of the action and reasonable attorney's fees to the prevailing party.

d. An action under this section shall be brought within two years from the date the alleged violation is or should have been discovered.

e. Except as specifically provided in this section, there shall be no remedy or recovery available to individuals, in law or in equity, for occurrences constituting a violation of any provision of this act.

C. 17:23A-21 Immunity.

21. Immunity. No cause of action in the nature of defamation, invasion of privacy or negligence shall arise against any person for disclosing personal or privileged information in accordance with this act, nor shall such a cause of action arise against any person for furnishing personal or privileged information to an insurance institution, agent or insurance-support organization; except this section shall provide no immunity for disclosing or furnishing false information with malice or willful intent to injure any person.

C. 17:23A-22 Obtaining information under false pretenses.

22. Obtaining information under false pretenses. Any person who knowingly and willfully obtains information about an individual from an insurance institution, agent or insurance-support organization under false pretenses is guilty of a crime of the fourth degree.

23. Effective date. a. This act shall take effect 180 days after enactment.

b. The rights granted under sections 8, 9 and 13 of this act shall take effect on the effective date of this act regardless of the date of the collection or receipt of the information which is the subject of those sections.

Approved June 10, 1985.

CHAPTER 180

AN ACT concerning the licensing of real estate brokers and salesmen and extending the period temporarily for certain persons to renew inactive licenses.

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

1. Any person who met the requirements under R. S. 45:15-9 for renewal of a broker's license or a salesman's license on April 30, 1984, may apply to the New Jersey Real Estate Commission for renewal of the license on or before the 90th day following the effective date of this act and shall obtain the license.

2. The commission shall publish within 30 days of the effective date of this act a notice containing the language of section 1 of this act, except that the commission shall supply the date certain of the 90th day following the effective date of this act and a brief description of the reduction of the statutory period for renewal of inactive licenses made by P. L. 1983, c. 456.

The notice shall be published at least twice during the 30 day period in one or more newspapers circulating in each county in this State.

3. This act shall take effect immediately.

Approved June 10, 1985.

CHAPTER 181

AN ACT concerning school elections and amending N. J. S.
18A:14-10.

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

1. N. J. S. 18A:14-10 is amended to read as follows:

Contents of petition.

18A:14-10. Contents of petition. Each nominating petition shall be addressed to the secretary of the board of education of the district and therein shall be set forth:

- a. A statement that the signers of the petition are all qualified voters of the school district or, in the case of a regional school district, qualified voters of the constituent district which the candidate shall represent on the board of education of the regional district;
- b. The name, residence and post office address of the person endorsed and the office for which he is endorsed;
- c. That the signers of the petition endorse the candidate named in the petition for said office and request that his name be printed upon the official ballot to be used at the ensuing election; and
- d. That the person so endorsed is legally qualified to be elected to the office.

Accompanying the nominating petition and to be filed therewith, there shall be a certificate signed by the person endorsed in the petition, stating that:

- a. He is qualified to be elected to the office for which he is nominated;
- b. He consents to stand as a candidate for election; and
- c. If elected, he agrees to accept and qualify into said office.

2. This act shall take effect immediately.

Approved June 10, 1985.

CHAPTER 182

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, 1985 and regulating the disbursement thereof,” approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID

DEPARTMENT OF COMMUNITY AFFAIRS

Economic Planning, Development and Security

55 Related Social Services Programs—State Aid

05-8050	Human Resources	\$55,000
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State Aid:

Newark Boys' Chorus	(\$55,000)
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2. This act shall take effect immediately.

Approved June 10, 1985.

CHAPTER 183

AN ACT concerning certain reinvestments required of casino licensees and certain penalties to be imposed on casino licensees and amending and supplementing P. L. 1984, c. 218.

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

1. Section 3 of P. L. 1984, c. 218 (C. 5:12-144.1) is amended to read as follows:

C. 5:12-144.1 Investment alternative tax.

3. a. (1) Commencing with the first annual tax return of a licensee for any calendar year beginning after December 31, 1983,

there is imposed an investment alternative tax on the gross revenues as defined in section 24 of P. L. 1977, c. 110 (C. 5:12-24) of the licensee in the amount of 2.5% of those gross revenues. The tax imposed with respect to each calendar year shall be due and payable on the last day of April next following the end of the calendar year. The State Treasurer shall have a lien against the property constituting the casino of a licensee for the amount of any tax not paid when due. No tax shall be imposed, however, on the gross revenues received by a licensee during the first 12 months of the operation of any casino that commences operation after January 1, 1984.

(2) A licensee shall pay to the State Treasurer on or before the 15th day of the first, fourth, seventh, and 10th months of each year as partial payment of the investment alternative tax imposed pursuant to paragraph (1) of this subsection an amount equal to 1.25% of the estimated gross revenues for the three-month period immediately preceding the first day of those months. The moneys received shall be placed in an escrow account and shall be held until the licensee directs that the moneys be transferred to the Casino Reinvestment Development Authority for the purchase of bonds issued by or offered through the Casino Reinvestment Development Authority or pursuant to a contract for such a purchase, be made available to the licensee for a direct investment approved by the authority, or be transferred to the Casino Revenue Fund as partial payment of the investment alternative tax imposed pursuant to paragraph (1) of this subsection. Any interest derived from the moneys in the escrow account shall be paid or made available to the Casino Revenue Fund. If a licensee fails to pay the amount due or underpays by an unjustifiable amount, the Casino Control Commission shall impose a fine of 5% of the amount due or of the underpayment, as the case may be, for each month or portion thereof the licensee is in default of payment, up to 25% of the amount in default. Any fine imposed shall be paid to the Casino Reinvestment Development Authority and shall be used for the purposes of this 1984 amendatory and supplementary act.

b. Each licensee shall be entitled to an investment tax credit against the tax imposed by subsection a. of this section: (1) for the first 10 years of a licensee's tax obligation, in an amount equal to twice the purchase price of bonds issued by the Casino Reinvestment Development Authority pursuant to sections 14 and 15 of this 1984 amendatory and supplementary act, purchased by the licensee, or twice the amount of the investments authorized in lieu thereof,

and (2) for the remainder of a licensee's tax obligation, in an amount equal to twice the purchase price of bonds issued by the Casino Reinvestment Development Authority pursuant to sections 14 and 15 of this 1984 amendatory and supplementary act, purchased by the licensee, or twice the amount of the investments authorized in lieu thereof, and twice the amount of investments made by a licensee in other approved eligible investments made pursuant to section 25 of this act. The Casino Reinvestment Development Authority shall have the power to enter into a contract or contracts with a licensee pursuant to which the Casino Reinvestment Development Authority agrees to issue and sell bonds to the licensee, and the licensee agrees to purchase the bonds issued by or offered through the Casino Reinvestment Development Authority, in annual purchase price amounts as will constitute a credit against at least 50% of the tax to become due in any future year or years. The contract may contain those terms and conditions relating to the terms of the bonds and to the issuance and sale of the bonds to the licensee as the Casino Reinvestment Development Authority shall deem necessary or desirable. The contract shall not be deemed to be in violation of section 104 of P. L. 1977, c. 110 (C. 5:12-104). After the first 10 years of a licensee's investment alternative tax obligation, a licensee will have the option of entering into a contract with the Casino Reinvestment Development Authority to have its tax credit comprised of direct investments in approved eligible projects. These direct investments shall not comprise more than 50% of a licensee's eligible tax credit in any one year.

The entering of a contract pursuant to this section shall be sufficient to entitle a licensee to an investment tax credit for the appropriate tax year.

c. A contract entered into between a licensee and the Casino Reinvestment Development Authority may provide for a deferral of payment for and delivery of bonds required to be purchased and for a deferral from making approved eligible investments in any year, but no deferral shall occur more than two years consecutively. A deferral of payment for any bonds required to be purchased by a licensee and a deferral from making approved eligible investments may be granted by the Casino Reinvestment Development Authority only upon a determination by the Casino Control Commission that purchase of these bonds or making approved eligible investments would cause extreme financial hardship to the licensee and a determination by the Casino Reinvestment Development Authority that the deferral of the payment would not violate any

covenant or agreement or impair any financial obligation of the Casino Reinvestment Development Authority. The contract may establish a late payment charge to be paid in the event of deferral or other late payment at a rate as shall be agreed to by the Casino Reinvestment Development Authority. If a deferral of purchase or investment is granted, the licensee shall be deemed to have made the purchase or investment at the time required by the contract, except that if the purchase is not made at the time to which the purchase or investment was deferred, then the licensee shall be deemed not to have made the purchase or investment. The Casino Control Commission shall adopt regulations establishing a uniform definition of extreme financial hardship applicable to all these contracts. If a licensee petitions the Casino Reinvestment Development Authority for a deferral, the Casino Reinvestment Development Authority shall give notice of that petition to the Casino Control Commission and to the Division of Gaming Enforcement within three days of the filing of the petition. The Casino Control Commission shall render a decision within 60 days of notice as to whether the licensee has established extreme financial hardship, after consultation with the Division of Gaming Enforcement. The Casino Reinvestment Development Authority shall render a decision as to the availability of the deferral within 10 days of the receipt by it of the decision of the Casino Control Commission and shall notify the Division of Gaming Enforcement and the Casino Control Commission of that decision. If a deferral is granted, the Casino Reinvestment Development Authority may determine whether the purchases or investments shall be made in a lump sum, made over a period of years, or whether the period of obligation shall be extended an additional period of time equivalent to the period of time deferred.

d. The license of any licensee which has defaulted in its obligation to make any purchase of bonds or investment in any approved eligible project under a contract entered into pursuant to subsection b. of this section for a period of 90 days may be suspended by the Casino Control Commission until that purchase is made or deferred in accordance with subsection b. of this section, or a fine or other penalty may be imposed upon the licensee by the commission. If the Casino Control Commission elects not to suspend the license of a licensee after the licensee has first defaulted in its obligation but instead imposes some lesser penalty and the licensee continues to be in default of its obligation after a period of 30 additional days and after any additional 30-day period, the commission may impose

another fine or penalty upon the licensee, which may include suspension of that licensee's license. The fine shall be 5% of the amount of the obligation owed for each month or portion thereof a licensee is in default, up to 25% of that obligation; shall be paid to the Casino Reinvestment Development Authority; and shall be used for the purposes of this 1984 amendatory and supplementary act.

e. A contract entered into by a licensee and the Casino Reinvestment Development Authority pursuant to subsection b. of this section may provide that after the first 10 years of a licensee's investment alternative tax obligation imposed by subsection a. of this section, the Casino Reinvestment Development Authority may repurchase bonds previously sold to the licensee, which were issued after the 10th year of a licensee's investment alternative tax obligation, by the Casino Reinvestment Development Authority, if the Casino Reinvestment Development Authority determines that the repurchase will not violate any agreement or covenant or impair any financial obligation of the Casino Reinvestment Development Authority and that the licensee will reinvest the proceeds of the resale in an eligible project approved by the Casino Reinvestment Development Authority.

f. (1) During the 25 years a licensee is obligated to pay an investment alternative tax pursuant to subsection k. of this section, the total of (a) the proceeds of all bonds purchased by a licensee from or through the Casino Reinvestment Development Authority and (b) all approved investments in eligible projects by a licensee shall be devoted to the financing of projects in the following areas and amounts:

Areas	Years 1-3	Years 4-5	Years 6-10	Years 11-15	Years 16-20	Years 21-25
(a) Atlantic City	100%	90%	80%	50%	30%	20%
(b) South Jersey		8%	12%	28%	43%	45%
(c) North Jersey		2%	8%	22%	27%	35%

For the purposes of this paragraph, "South Jersey" means the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem; and "North Jersey" means the remaining 12 counties of the State. For the purposes

of this 1984 amendatory and supplementary act, bond "proceeds" means all funds received from the sale of bonds and any funds generated or derived therefrom.

In the financing of projects outside Atlantic City, the Casino Reinvestment Development Authority shall give priority to the revitalization of the urban areas of this State in the ways specified in section 12 of this 1984 amendatory and supplementary act. Those areas shall include, but not be limited to, all municipalities qualifying for aid pursuant to P. L. 1978, c. 14 (C. 52:27D-178 et seq.).

Within nine months from the effective date of this 1984 amendatory and supplementary act, the Casino Reinvestment Development Authority shall determine the allocation of projected available moneys to municipalities in South Jersey for the first seven years of their receipt of funds, giving priority to the revitalization of the urban areas of the region. Municipalities receiving such an allocation shall present to the Casino Reinvestment Development Authority for its approval comprehensive plans or projects for which the allocations shall be used. Any such comprehensive plan or project may be submitted to the Casino Reinvestment Development Authority for a determination of eligibility at any time prior to the year for which the funds are allocated, and the Casino Reinvestment Development Authority shall make a determination of eligibility of the plan or project within a reasonable amount of time. If the Casino Reinvestment Development Authority makes a positive determination of eligibility for any comprehensive plan or project, or combination of comprehensive plans or projects, for any municipality whose total cost exceeds the amount allocated to that municipality for the first seven years of the receipt of funds by South Jersey municipalities, the Casino Reinvestment Development Authority shall make available sufficient funds in subsequent years necessary to complete those plans or projects, or to complete that portion of the plan or project originally agreed to be funded through the Casino Reinvestment Development Authority, from funds received by the Casino Reinvestment Development Authority in the years following the seventh year of the receipt of funds by South Jersey municipalities. If the comprehensive plan or project is determined by the Casino Reinvestment Development Authority not to be an eligible plan or project, the municipality may submit any other comprehensive plan or project for a determination of eligibility. If, however, the municipality fails to receive a positive determination of eligibility for any comprehensive plan or project, or combination of comprehensive plans or projects, sufficient to

exhaust the total allocation to that municipality for any year prior to April 30 of the following year for which the allocation was made, the allocation to that municipality for that year shall cease, and the Casino Reinvestment Development Authority may apply those excess funds to any other comprehensive plan or project in any other municipality in the region whose comprehensive plan or project has received a positive determination of eligibility by the Casino Reinvestment Development Authority.

Within 36 months from the effective date of this 1984 amendatory and supplementary act, the Casino Reinvestment Development Authority shall determine the allocation of projected available moneys to municipalities in North Jersey for the first five years of their receipt of funds, giving priority to the revitalization of the urban areas of the region. Municipalities receiving such an allocation shall present to the Casino Reinvestment Development Authority for its approval comprehensive plans or projects for which the allocations shall be used. Any such comprehensive plan or project may be submitted to the Casino Reinvestment Development Authority for a determination of eligibility at any time prior to the year for which the funds are allocated, and the Casino Reinvestment Development Authority shall make a determination of eligibility of the plan or project within a reasonable amount of time. If the Casino Reinvestment Development Authority makes a positive determination of eligibility for any comprehensive plan or project, or combination of comprehensive plans or projects, for any municipality whose total cost exceeds the amount allocated to that municipality for the first five years of the receipt of funds by North Jersey municipalities, the Casino Reinvestment Development Authority shall make available sufficient funds in subsequent years necessary to complete those plans or projects, or to complete that portion of the plan or project originally agreed to be funded through the Casino Reinvestment Development Authority, from funds received by the Casino Reinvestment Development Authority in the years following the fifth year of the receipt of funds by North Jersey municipalities. If the comprehensive plan or project is determined by the Casino Reinvestment Development Authority not to be an eligible plan or project, the municipality may submit any other comprehensive plan or project for a determination of eligibility. If, however, the municipality fails to receive a positive determination of eligibility for any comprehensive plan or project, or combination of comprehensive plans or projects, sufficient to exhaust the total allocation to that municipality for any year prior to April 30 of

the following year for which the allocation was made, the allocation to that municipality for that year shall cease, and the Casino Reinvestment Development Authority may apply those excess funds to any other comprehensive plan or project in any other municipality in the region whose comprehensive plan or project has received a positive determination of eligibility by the Casino Reinvestment Development Authority.

(2) Commencing with the first year in which a licensee incurs a tax obligation pursuant to this section, and for the period of two years thereafter, 100% of the proceeds of all bonds purchased by a licensee from the Casino Reinvestment Development Authority which are devoted to the financing of projects in the city of Atlantic City pursuant to paragraph (1) of this subsection shall be used exclusively to finance the rehabilitation, development, or construction of, or to provide mortgage financing of, housing facilities in the city of Atlantic City for persons or families of low through middle income, as defined in this subsection. For the purposes of this subsection, the "rehabilitation, development, or construction of housing facilities" shall include expenses attributable to site preparation, infrastructure needs and housing-related community facilities and services, including supporting commercial development. Commencing with the fourth year in which a licensee incurs a tax obligation pursuant to this subsection, 50% of the proceeds of all bonds purchased by a licensee from the Casino Reinvestment Development Authority which are devoted to the financing of projects in the city of Atlantic City shall be used exclusively to finance the rehabilitation, development, or construction of housing facilities in the city of Atlantic City for persons or families of low through middle income. Commencing with the 11th year in which a licensee incurs a tax obligation pursuant to this section, 50% of the annual aggregate of the proceeds of bonds purchased by a licensee from the Casino Reinvestment Development Authority which are devoted to the financing of projects in the city of Atlantic City and investments in approved eligible projects commenced by a licensee in the city of Atlantic City shall be used exclusively to finance the rehabilitation, development, or construction of, or to provide mortgage financing of, housing facilities in the city of Atlantic City for persons or families of low through middle income.

(3) The Legislature finds that it is necessary to provide for a balanced community and develop a comprehensive housing program. The Casino Reinvestment Development Authority shall determine

the need for housing in the city of Atlantic City, in consultation with the city of Atlantic City and specifically its zoning and planning boards. This shall include determining the types and classes of housing to be constructed and the number of units of each type and class of housing to be built. The Casino Reinvestment Development Authority shall give priority to the housing needs of the persons and their families residing in the city of Atlantic City in 1983 and continuing such residency through the effective date of this 1984 amendatory and supplementary act. The actual percentage of the proceeds of bonds and investments in approved eligible projects commenced by a licensee in the city of Atlantic City, which shall be used exclusively to finance the rehabilitation, development, or construction of, or to provide mortgage financing of, housing facilities in the city of Atlantic City for persons or families of low through middle income, shall be based upon the authority's determination of the need for housing in the city of Atlantic City conducted pursuant to this subsection. Once the housing needs of the persons residing in the city of Atlantic City in 1983 and continuing such residency through the effective date of this 1984 amendatory and supplementary act have been met, as determined by the Casino Reinvestment Development Authority pursuant to this subsection, any required percentages for such housing in the city of Atlantic City may, in its sole discretion, be waived by the Casino Reinvestment Development Authority. To aid the Casino Reinvestment Development Authority in making these determinations, the Casino Reinvestment Development Authority shall review the proposal for a housing redevelopment program and strategy for the city of Atlantic City approved and adopted by the Casino Control Commission and shall give priority to same and any other plan or project which is consistent with the standards of this subsection and is acceptable to the Casino Reinvestment Development Authority, pursuant to section 25 of this 1984 amendatory and supplementary act. The Casino Reinvestment Development Authority may determine whether the funds used to finance housing facilities in the city of Atlantic City for persons or families of low, moderate, median range, and middle income are derived from the proceeds of bonds purchased by a licensee from the Casino Reinvestment Development Authority to be devoted to the financing of projects in the city of Atlantic City, investments in approved eligible projects commenced by a licensee in the city of Atlantic City, or a combination of both. Any investment made by a licensee in excess of 100% of its eligible investment tax credit during the first three years and

in excess of 50% thereafter in either the purchase of bonds or direct investments in approved eligible projects for low, moderate, median range, and middle income family housing facilities in the city of Atlantic City may be carried forward and credited against the licensee's obligation to make a 100% investment during the first three years and 50% thereafter in low, moderate, median range, and middle income family housing in any future year, with the approval of the Casino Reinvestment Development Authority. For the purposes of this act, "low income families" means families whose income does not exceed 50% of the median income of the area, with adjustments for smaller and larger families. "Moderate income families" means families whose income does not exceed 80% and is not less than 50% of the median income for the area, with adjustments for smaller and larger families. "Median range income families" means families whose income does not exceed 120% and is not less than 80% of the median income for the area, with adjustments for smaller and larger families. "Middle income families" means families whose income does not exceed 150% and not less than 120% of the median income for the area, with adjustments for smaller and larger families. "Median income" means an income defined as median within the Standard Metropolitan Statistical Area for Atlantic City by the United States Department of Housing and Urban Development.

In order to achieve a balanced community, the authority shall ensure that the development of housing for families of low and moderate income shall proceed at the same time as housing for families of median range and middle income, until such time as there is no longer a need for such facilities in the city of Atlantic City, as determined by the Casino Reinvestment Development Authority.

(4) Notwithstanding any other law or section to the contrary, particularly this subsection regarding the waiver of the required percentages for housing in the city of Atlantic City, subsection i. of section 14, and sections 26, 27, 28, 29, and 31 of this 1984 amendatory and supplementary act, nothing shall be implemented or waived by the Casino Reinvestment Development Authority which would reduce, impair, or prevent the fulfillment of the priorities established and contained in this subsection of this 1984 amendatory and supplementary act.

g. If a person is a licensee with regard to more than one approved hotel pursuant to section 82 of P. L. 1977, c. 110 (C. 5:12-82),

the person shall separately account for the gross revenues, the investment alternative tax obligations, and the investments for a tax credit against the investment alternative tax for each approved hotel, and the tax obligations of the licensee under this section shall be determined separately for each approved hotel. The licensee may apportion investments between its approved hotels; provided that no amount of investment shall be credited more than once. If a licensee receives the prior approval of the Casino Reinvestment Development Authority, the licensee may make eligible investments in excess of the investments necessary to receive a tax credit against the investment alternative tax for a given calendar year, and the licensee may carry forward this excess investment and have it credited to its next investment alternative tax obligation. If the Casino Reinvestment Development Authority approves of such excess investment and approves the carry forward of this excess investment, and a licensee elects to purchase bonds of the Casino Reinvestment Development Authority or makes direct investments in approved eligible projects in excess of the investments necessary to receive a tax credit against the investment alternative tax for its current obligation, the licensee shall be entitled to a reduction of the amount of investments necessary in future years, which amount shall be determined annually by the Casino Reinvestment Development Authority, taking into account a current market discount rate from the date of the purchase or investment to the date the purchase or investment would have been required to be made.

h. Each casino licensee shall prepare and file, in a form prescribed by the Casino Reinvestment Development Authority, an annual return reporting that financial information as shall be deemed necessary by the Casino Reinvestment Development Authority to carry out the provisions of this act. This return shall be filed with the Casino Reinvestment Development Authority and the Casino Control Commission on or before April 30 following the calendar year on which the return is based. The Casino Control Commission shall verify to the Casino Reinvestment Development Authority the information contained in the report, to the fullest extent possible. Nothing in this subsection shall be deemed to affect the due dates for making any investment or paying any tax under this section.

i. Any purchase by a licensee of bonds issued by or offered through the Casino Reinvestment Development Authority pursuant to sections 14 and 15 of this act and subsection b. of this section and all approved eligible investments made by a licensee pursuant

to section 25 of this act and subsection b. of this section are to be considered investments and not taxes owed or grants to the State or any political subdivision thereof. As such, a licensee shall have the possibility of the return of principal and a return on the capital invested as with other investments. Investors in the bonds issued by or offered through the Casino Reinvestment Development Authority shall be provided with an opinion from a recognized financial rating agency or a financial advisory firm with national standing that each loan of bond proceeds by the Casino Reinvestment Development Authority has the minimum characteristics of an investment, in that a degree of assurance exists that interest and principal payments can be made and other terms of the proposed investment be maintained over the period of the investment, and that the loan of the bond proceeds would qualify for a bond rating of "C" or better. If an opinion cannot be obtained from a recognized financial rating agency or a financial advisory firm with national standing, an opinion shall be obtained from an expert financial analyst with national standing, selected and hired by the Casino Reinvestment Development Authority. In order to achieve a balanced portfolio, assure the viability of the authority and the projects, facilities and programs undertaken pursuant to this 1984 amendatory and supplementary act, no more than 25% of the total investments made by or through the Casino Reinvestment Development Authority with the proceeds of bonds generated in each year shall be investments which would qualify for a bond rating of "C," unless all holders of obligations in each year agree to waive the 25% limit for that year. Nothing herein shall be interpreted as limiting the Casino Reinvestment Development Authority from taking any steps it deems appropriate to protect the characteristics of its investment in projects or any other investments from not being real investments with a prospect for the return of principal and a return on the capital invested. Anything contained in this section shall not be considered a guarantee by the State or any political subdivision thereof of any return of principal or interest, but any purchase by a licensee of bonds or approved eligible investments made by a licensee pursuant to this act shall be at the risk of the licensee. A licensee or the licensees purchasing an issue of bonds issued by the Casino Reinvestment Development Authority in any given year may arrange, at their option, for those bonds or the investments, made by or through the Casino Reinvestment Development Authority with the proceeds of those bonds, to be insured. The cost of any such insurance purchased by a licensee

or licensees shall be paid by the licensee or licensees desiring such insurance.

j. The Casino Reinvestment Development Authority shall promulgate rules and regulations deemed necessary to carry out the purposes of this section.

k. The obligation of a licensee to pay an investment alternative tax pursuant to subsection a. of this section shall end for each licensed facility operated by the licensee 25 years after any investment alternative tax obligation is first incurred in connection with each licensed facility operated by the licensee, unless extended in connection with a deferral granted by the Casino Reinvestment Development Authority pursuant to subsection c. of this section.

2. (New section) Notwithstanding any provision of P. L. 1984, c. 218 (C. 5:12-74 et al.) to the contrary, if a casino licensee wishes to avail itself of the investment tax credit provisions of subsection b. of section 3 of P. L. 1984, c. 218 (C. 5:12-144.1) in order to satisfy the payment of the investment alternative tax due under paragraph (1) of subsection a. of section 3 of P. L. 1984, c. 218 (C. 5:12-144.1) for calendar year 1984, the licensee may submit to the State Treasurer no later than five days following the effective date of this 1985 amendatory and supplementary act a letter of credit drawn on a State or federally chartered bank, savings bank or savings and loan association approved by the State Treasurer, in the amount of one-half of the tax due. The letter of credit shall be payable to the Casino Reinvestment Development Authority on July 31, 1985. In addition, the licensee shall pay on that date an amount equal to 33 $\frac{1}{3}$ % of the interest that would have been earned on the principal amount of the letter of credit, if that amount had been invested by the Director of the Division of Investment pursuant to the provisions of subsection m. of section 13 of P. L. 1984, c. 218 (C. 5:12-161) for the period April 30, 1985 to July 31, 1985. No penalty shall be imposed on a casino licensee for failure to satisfy the investment tax credit provisions of subsection b. of section 3 of P. L. 1984, c. 218 (C. 5:12-144.1) by April 30, 1985, if the licensee submits a letter of credit as provided in this section. If a licensee fails to submit such a letter or to satisfy the investment tax credit provisions of subsection b. of section 3 of P. L. 1984, c. 218 (C. 5:12-144.1) or to pay the investment alternative tax required under paragraph (1) of subsection a. of section 3 of P. L. 1984, c. 218 (C. 5:12-144.1), the Casino Control Commission shall impose a fine of 5% of the amount due for each month or portion

thereof following April 30, 1985, up to 25% of the amount due. Any fine imposed shall be paid to the Casino Reinvestment Development Authority and shall be used for the purposes of P. L. 1984, c. 218 (C. 5:12-74 et al.).

3. This act shall take effect immediately.

Approved June 11, 1985.

CHAPTER 184

AN ACT controlling smoking in places of employment and supplementing Title 26 of the Revised Statutes.

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

C. 26:3D-23 Control of smoking in places of employment.

1. The Legislature finds and declares that the resolution of the conflict between the right of the smoker to smoke and the right of the nonsmoker to breathe clean air involves a determination of when and where, rather than whether, a smoker may legally smoke. It is not the public policy of this State to deny anyone the right to smoke. However, the Legislature finds that in those places of employment affected by this act the right of the nonsmoker to breathe clean air should supersede the right of the smoker to smoke. In addition to the deleterious effects upon smokers, tobacco smoke is (1) at least an annoyance and a nuisance to a substantial percentage of the nonsmoking public, and (2) a substantial health hazard to a smaller segment of the nonsmoking public. The purpose of this act, therefore, is to control smoking in places of employment, except in designated areas.

C. 26:3D-24 Definitions.

2. As used in this act:

a. "Employer" means the proprietor, regardless of whether the person is the owner or lessee of the place of employment, or the proprietor's authorized agent, who ultimately controls, governs or directs the activities and conduct in the place of employment. The term "employer" means a corporation as well as an individual.

b. "Place of employment" means a structurally enclosed location or portion thereof which is not usually frequented by the public

at which 50 or more individuals perform any type of service or labor for consideration of payment under any type of employment relationship with or for a private corporation, partnership or individual.

c. "Smoking" means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco.

C. 26:3D-25 Written rules.

3. Every employer shall establish written rules governing smoking in that portion within a building for which the employer is responsible. The rules shall contain a written policy and procedure to protect the health, welfare and comfort of employees from the detrimental effects of tobacco smoke, which policy shall include designated nonsmoking areas but may include designated smoking areas, unless otherwise prohibited by municipal ordinance under authority of R. S. 40:48-1 and R. S. 40:48-2 or other statute or regulation adopted pursuant to law for purposes of protecting life and property from fire. Each employer, in establishing these no smoking or limited smoking areas, may provide a phaseout period not to exceed one year. Nothing in this act shall prevent any rule, policy or procedure concerning smoking, which is not contrary to the provisions of this act, from being established by the employer or negotiated as a term or condition of any agreement or contract of employment. Employees shall be provided with a copy of the written rules upon request.

C. 26:3D-26 Guidelines; other regulations superseded.

4. a. The State or any agency or political subdivision thereof may suggest guidelines for rules governing smoking in places of employment which may be adopted by employers, but in no case shall they be mandatory.

b. The provisions of this act shall supersede any other statute, municipal ordinance, and rule or regulation adopted pursuant to law concerning smoking in places of employment except where smoking is prohibited by municipal ordinance under authority of R. S. 40:48-1 and R. S. 40:48-2 or other statute or regulation adopted pursuant to law for purposes of protecting life and property from fire.

C. 26:3D-27 Signs required.

5. Every area in a place of employment where smoking is prohibited or specifically permitted shall be so designated by the employer with a sign indicating smoking permitted or smoking

prohibited or the appropriate smoking permitted or smoking prohibited international symbol. Every sign shall be located so as to be clearly visible to employees and shall contain letters or a symbol which contrasts in color with the sign.

C. 26:3D-28 Written notice of alleged violations.

6. a. (1) Where the State Department of Health has reason to suspect that any employer is or may be in violation of the provisions of this act, the department shall first give written notice to the employer. That written notice shall contain a statement by the department of the alleged violation as well as the department's recommendations to the employer as to how the employer could conform to the provisions of the act; these recommendations may be in the form of a series of alternative proposals and compliances.

(2) All written notices forwarded by the department pursuant to this act shall be sent by certified mail or registered mail, return receipt requested.

(3) Upon receipt of the written notice, the employer may request that conferences be held with the department at the employer's place of business or another place mutually agreed to. This conference shall allow the employer full opportunity to avail the employer of the information and expertise of the department to facilitate the employer's obligation to comply with the provisions of this act.

b. The Superior Court has jurisdiction over proceedings to enforce compliance with the provisions of this act. The process shall be in the nature of a complaint and summons and shall issue only at the suit of the Commissioner of Health of the State of New Jersey as plaintiff. No suit shall be commenced by the commissioner prior to 90 days from the day the commissioner forwards the written notice as provided in subsection a. of this section.

C. 26:3D-29 Action by commissioner only.

7. No employer or any agent thereof shall be subject to any action in any court by any party other than by the commissioner for failure to meet the provisions of this act. This action by the commissioner shall be limited to a response to the failure of the employer to comply with section 3 or section 5 of this act. No employer or any agent thereof who has adopted a written policy and procedure for designated nonsmoking areas shall be subject to any action in any court by any party for personal injury resulting from the inhaling of or exposure to secondhand tobacco smoke, except

for an action instituted by an employee pursuant to Title 34 of the Revised Statutes.

C. 26:3D-30 Consultation services.

8. Upon request, the department shall be required to provide consultation services to employers seeking to comply with the provisions of this act. These consultation services may be in the form of providing suggested written policies or written rules which the employer may implement, or both, as well as staff consultation.

C. 26:3D-31 Joint committee to monitor implementation.

9. The Judiciary Committee of the General Assembly and the Law, Public Safety and Defense Committee of the Senate, or their respective successors, are constituted a joint committee for the purposes of monitoring the effectiveness of the implementation of this act. The commissioner shall, 18 months from the effective date of this act, report to the joint committee an evaluation of the effectiveness of this act and the committee shall, upon receiving the report, issue, as it may deem necessary and proper, recommendations for administrative or legislative changes affecting the implementation of this act.

10. This act shall take effect on the first day of the ninth month after enactment except that section 9 shall take effect immediately.

Approved June 12, 1985.

CHAPTER 185

AN ACT concerning smoking in restaurants and supplementing Title 26 of the Revised Statutes.

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

C. 26:3E-7 Restaurant nonsmoking areas encouraged.

1. The Legislature finds and declares that the resolution of the conflict between the right of the smoker to smoke and the right of the nonsmoker to breathe clean air involves a determination of when and where, rather than whether, a smoker may legally smoke. It is not the public policy of this State to deny anyone the right to smoke. In addition to the deleterious effects upon smokers, tobacco

smoke is (1) at least an annoyance and a nuisance to a substantial percentage of the nonsmoking public, and (2) a substantial health hazard to a smaller segment of the nonsmoking public. Therefore, the Legislature finds that it is in the interest of the public health to encourage restaurants to establish nonsmoking areas.

C. 26:3E-8 Definitions.

2. As used in this act:

a. "Bar" means an establishment or portion of a restaurant, including any contiguous lounge or common area in which the principal business is the sale of alcoholic beverages for consumption on the premises of such establishment or in such portion of a restaurant.

b. "Restaurant" means an establishment in which the principal business is the sale of food for consumption on the premises.

c. "Smoking" means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco.

C. 26:3E-9 Posting of signs.

3. a. The provisions of this act shall apply to all restaurants but shall not apply to any bar. A restaurant which provides a nonsmoking section shall post a sign no smaller than eight inches by five inches stating that "This restaurant offers a nonsmoking area." A restaurant which does not provide a nonsmoking section shall in the same manner post a sign stating that "This restaurant does not offer a nonsmoking area, as permitted by law." A restaurant which is equipped with air cleaners or air recirculating systems which meet the standards of the model code of the Building Officials and Code Administrators International, Inc., known as the "BOCA Basic National Building Code 1984," as administered by the State Department of Community Affairs, shall in the same manner post a sign stating, "Approved air-cleaning equipment is installed in place of a nonsmoking area." This requirement shall not apply to any portion of a restaurant while it is being used for a privately sponsored social affair or which is outdoors.

b. The size and location of the nonsmoking area shall be determined by the owner or manager or person in charge in accordance with patron needs.

C. 26:3E-10 Guidelines; other regulations superseded.

4. a. The State or any agency or political subdivision thereof may suggest guidelines for establishing nonsmoking areas in

restaurants which may be adopted by the owner, manager or person in charge but in no case shall they be mandatory.

b. The provisions of this act shall supersede any other statute, municipal ordinance, and rule or regulation adopted pursuant to law concerning smoking in restaurants except where smoking is prohibited by municipal ordinance under authority of R. S. 40:48-1 and 40:48-2 or by any other statute or regulation adopted pursuant to law for purposes of protecting life and property from fire.

C. 26:3E-11 Violations; penalties.

5. a. Any municipal or county health official or other public servant engaged in executing or enforcing this act shall order any person smoking in violation of this act to comply with the provisions of this act. Thereupon any such person who smokes in a restaurant in violation of this act is subject to a fine not to exceed \$25.00. The owner, manager or person in charge of the restaurant or any agent thereof shall only be responsible for providing signs governing smoking pursuant to section 3 of this act and shall not be responsible for the enforcement of the provisions of this act.

b. The State Department of Health upon written complaint and having reason to suspect that any restaurant is or may be in violation of the provisions of this act shall, by written notification, advise the owner, manager or person in charge of the restaurant accordingly and order appropriate action to be taken. Thereupon any person receiving such notice who knowingly fails or refuses to comply with the order is subject to a fine not to exceed \$25.00.

c. Any penalty recovered under the provisions of this act shall be recovered by and in the name of the Commissioner of Health of the State of New Jersey or by and in the name of the local board of health. When the plaintiff is the Commissioner of Health, the penalty recovered shall be paid by the commissioner into the treasury of the State. When the plaintiff is a local board of health, the penalty recovered shall be paid by the local board into the treasury of the municipality where the violation occurred.

d. Every municipal court shall have jurisdiction over proceedings to enforce and collect any penalty imposed because of a violation of any provision of this act, if the violation has occurred within the territorial jurisdiction of the court. The proceedings shall be summary and in accordance with "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.). Process shall be in the nature of a summons or warrant and shall issue only at the suit of the Com-

missioner of Health of the State of New Jersey, or the local board of health, as the case may be, as plaintiff.

C. 26:3E-12 Limited immunity.

6. No owner, manager or person in charge of the restaurant or any agent thereof who has provided signs governing smoking pursuant to section 3 of this act shall be subject to any action in any court by any party either under this act or at common law, except for an action instituted by an employee pursuant to Title 34 of the Revised Statutes, provided that the Commissioner of Health of the State of New Jersey may bring an action against the owner, manager or person in charge of the restaurant or any agent thereof for failure to meet the provisions of this act.

C. 26:3E-13 Committee to monitor.

7. The Judiciary Committee of the General Assembly, and the Law, Public Safety and Defense Committee of the Senate, or their respective successors, are constituted a joint committee for the purposes of monitoring and evaluating the effectiveness of the implementation of this act. The Commissioner of Health of the State of New Jersey shall, one year from the effective date of this act, report to the joint committee an evaluation of the effectiveness of this act and the committee shall, upon receiving such report, issue, as it may deem necessary and proper, recommendations for administrative or legislative changes affecting the implementation of this act.

8. This act shall take effect on the 180th day after enactment.

Approved June 12, 1985.

CHAPTER 186

AN ACT prohibiting smoking in enclosed retail food and marketing stores and supplementing Title 26 of the Revised Statutes.

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

C. 26:3D-32 Food store smoking ban.

1. The Legislature finds and declares that the resolution of the conflict between the right of the smoker to smoke and the right

of the nonsmoker to breathe clean air involves a determination of when and where, rather than whether, a smoker may legally smoke. It is not the public policy of this State to deny anyone the right to smoke. However, the Legislature finds that in those enclosed areas affected by this act the right of the nonsmoker to breathe clean air should supersede the right of the smoker to smoke. In addition to the deleterious effects upon smokers, tobacco smoke is (1) at least an annoyance and a nuisance to a substantial percentage of the nonsmoking public, and (2) a substantial health hazard to a smaller segment of the nonsmoking public. The purpose of this act, therefore, is to prohibit smoking in enclosed retail food and marketing stores.

C. 26:3D-33 Definitions.

2. As used in this act:

a. "Enclosed retail food and marketing store" means any establishment where food is sold primarily for off-premises consumption and in which the selling area open to the public exceeds 4,000 square feet.

b. "Smoking" means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco.

C. 26:3D-34 Designation of non-smoking areas.

3. All enclosed retail food and marketing stores shall be areas where smoking is prohibited and shall be so designated by the owner, manager, proprietor or other person who has control of the store with a sign containing lettering not less than one inch in height stating "Smoking Prohibited" or designated by the "Smoking Prohibited" international symbol. The letters or symbol shall contrast in color with the sign. The sign may also indicate that violators are subject to a fine. Every sign required by this section shall be located so as to be clearly visible to the public.

C. 26:3D-35 Violations; penalties.

4. a. Any municipal or county health official or other public servant engaged in executing or enforcing this act shall order any person smoking in violation of this act to comply with the provisions of this act. Thereupon any such person who smokes in an enclosed retail food and marketing store in violation of this act after the provisions of section 3 of this act are complied with is subject to a fine not to exceed \$25.00. The owner, manager, proprietor, or any other person having control of the enclosed retail food and marketing store or any agent thereof shall only be responsible for providing signs governing smoking pursuant to

section 3 of this act and shall in no event be responsible for the enforcement of the provisions of this act.

b. The Department of Health or the local board of health or such board, body or officers exercising the functions of the local board of health according to law, upon written complaint and having reason to suspect that an enclosed retail food and marketing store is or may be in violation of the provisions of this act, shall, by written notification, advise the owner, manager, proprietor or other person having control of the enclosed retail food and marketing store accordingly and order appropriate action to be taken. Thereupon any person receiving such notice who knowingly fails or refuses to comply with the order is subject to a fine not to exceed \$25.00.

c. Any penalty recovered under the provisions of this act shall be recovered by and in the name of the Commissioner of Health of the State of New Jersey or by and in the name of the local board of health. When the plaintiff is the Commissioner of Health the penalty recovered shall be paid by the commissioner into the treasury of the State. When the plaintiff is a local board of health, the penalty recovered shall be paid by the local board into the treasury of the municipality where the violation occurred.

d. Every municipal court shall have jurisdiction over proceedings to enforce and collect any penalty imposed because of a violation of any provision of this act, if the violation has occurred within the territorial jurisdiction of the court. The proceedings shall be summary and in accordance with "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.). Process shall be in the nature of a summons or warrant and shall issue only at the suit of the Commissioner of Health, or the local board of health, as the case may be, as plaintiff.

C. 26:3D-36 Immunity.

5. No owner, manager, proprietor or other person having control of the enclosed retail food and marketing store or any agent thereof shall be subject to any action in any court by any party either under this act or at common law, provided that the Commissioner of Health of the State of New Jersey or the local board of health may bring an action against the owner, manager, proprietor or other person having control of the enclosed retail food and marketing store or any agent thereof for failure to meet the provisions of this act.

C. 26:3D-37 Commissioner to report to committee.

6. The Judiciary Committee of the General Assembly, and the Law, Public Safety and Defense Committee of the Senate, or their respective successors, are constituted a joint committee for the purposes of monitoring and evaluating the effectiveness of the implementation of this act. The Commissioner of Health shall, one year from the effective date of this act, report to the joint committee an evaluation of the effectiveness of this act and the committee shall, upon receiving such report, issue, as it may deem necessary and proper, recommendations for administrative or legislative changes affecting the implementation of this act.

7. This act shall take effect on the 180th day after enactment.

Approved June 12, 1985.

CHAPTER 187

AN ACT concerning smoking in buses or other public conveyances and amending N. J. S. 2C:33-13.

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

1. N. J. S. 2C:33-13 is amended to read as follows:

Smoking in public.

2C:33-13. Smoking in Public. a. Any person who smokes or carries lighted tobacco in or upon any bus or other public conveyance, except group charter buses, specially marked railroad smoking cars, limousines or livery services, and, when the driver is the only person in the vehicle, autocabs, is a petty disorderly person.

b. Any person who smokes or carries lighted tobacco in any public place, including but not limited to places of public accommodation, where such smoking is prohibited by municipal ordinance under authority of R. S. 40:48-1 and 40:48-2 or by the owner or person responsible for the operation of the public place, and when adequate notice of such prohibition has been conspicuously posted, is guilty of a petty disorderly persons offense. Notwithstanding the provisions of 2C:43-3, the maximum fine which can be imposed for violation of this section is \$200.00.

c. The provisions of this section shall supersede any other statute and any rule or regulation adopted pursuant to law.

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

Approved June 12, 1985.

CHAPTER 188

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, there is appropriated from the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

INTER-DEPARTMENTAL ACCOUNTS

Government Direction, Management and Control

74 General Government Services

9400 Property Rentals, Insurance and Other Services

02-9400 Insurance and Other Services \$1,000,000

Special Purpose:

Tort Claims Liability Fund, N. J. S.

59:12-1 (\$1,000,000)

2. This act shall take effect immediately.

Approved June 14, 1985.

CHAPTER 189

AN ACT providing for the establishment of an urban demonstration center to provide job training programs and other services for certain dependent, unemployed or underemployed women, appropriating funds therefor, and supplementing chapter 27D of Title 52 of the Revised Statutes.

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

C. 52:27D-288 Short title.

1. This act shall be known and may be cited as the "Job Training Center for Urban Women Act."

C. 52:27D-289 Findings, declarations.

2. The Legislature finds and declares that:

a. A major proportion of the publicly assisted population, especially in our urban centers, consists of families headed by single females who, with greater community support, could acquire or upgrade existing job skills;

b. Many urban women formerly dependent upon the income of another person and no longer supported by that income are not now being assisted by any urban-focused State program in enhancing their own employability; and

c. In many cases, child care responsibilities and lack of adequate information about existing community resources prevent women from utilizing those services which already exist.

C. 52:27D-290 Definitions.

3. As used in this act:

a. "Commissioner" means the Commissioner of the Department of Community Affairs;

b. "Division" means the Division on Women within the Department of Community Affairs;

c. "Director" means the Director of the Division on Women;

d. "Training and resource center" means that center established pursuant to section 4 of this act, in order to enhance the employability of women who are:

(1) Receiving public assistance and wish to attain or upgrade job skills in order to become independent of government support; or

(2) Unemployed or underemployed and are experiencing difficulty in obtaining or upgrading employment.

C. 52:27D-291 Demonstration training, resource center.

4. The division shall establish a demonstration training and resource center as a model to be duplicated in other parts of the State where disadvantaged women and their families lack these services. The center should be established in a location which is proximate to the division's offices in order to maximize information sharing and departmental input. In selecting the site of the demonstration program, the division shall give due consideration to the needs of women in the municipality and surrounding area. The municipality shall qualify for State aid pursuant to P. L. 1978, c. 14 (C. 52:27D-178 et seq.).

C. 52:27D-292 Services of center.

5. Through the demonstration training and resource center, the division shall undertake to provide:

a. Job counseling services which are specifically designed to prepare women to enter or reenter the work force by assisting them in acquiring knowledge of their talents and skills in relation to existing traditional and nontraditional job opportunities and to those which are emerging as a result of new employment trends;

b. A job training and job placement service which assists participants in gaining admission to existing public and private job training programs and opportunities by cooperating, wherever possible, with appropriate State and local government agencies and private employers. This training and placement service shall foster the development of partnerships with industry, particularly those concerns which are associated with urban enterprise zones, and the enhancement of the neighborhood and communities which surround the training and resource center. To the extent possible, the training and placement service shall consult with the area private industry councils established pursuant to the provisions of the federal Job Training Partnership Act, Pub. L. 97-300 (29 U. S. C. § 1501 et seq.) in order to help identify local job opportunities or areas of expansion in private industry;

c. Self-help programs and mentoring projects, including workshops, group discussions, and dissemination of information about existing federal, State, and local employment, education, health, and other community services which provide assistance in overcoming barriers to employment. These programs shall include

outreach and information about other programs which are determined to be of interest and benefit to working parents, women newly entering or reentering the work force after a prolonged absence from it, those in need of financial management services (including information and assistance with respect to credit, insurance, taxes, loans, and related financial matters), and women who need information about a diversity of housing problems;

d. Counseling and referral through the use of workshops and group discussions, with the cooperation of State and local women's organizations to help promote identification with role models and the use of mentors in entering the world of work;

e. Information and referral services concerning federal and State employment, education, legal counseling, health, and public assistance programs;

f. Child care, which shall be funded independently of the appropriation provided in section 14 of this act, to enable women to participate in and benefit from the services provided by these training and resource centers; and

g. Technical assistance to allow for the expansion of other multi-purpose programs aimed at enhancing the employability of urban women throughout the State, including on-site consultation, workshops within the division or at one or more community locations, and facilitation of access to relevant informational material, and professional and lay resources.

C. 52:27D-293 Purposes.

6. The center and program established under this act shall emphasize activities which provide training and other employment related services which are designed to enhance the employability and earnings of women and impact on the quality of their lives and those of their families. The centers and programs shall, to the extent possible, identify existing job opportunities for women and assist those women who utilize the centers in obtaining employment.

C. 52:27D-294 Coordination.

7. The division shall make a continuous study of employment needs which are peculiar to urban women, and of existing programs and services which are effective in meeting those needs. The division shall also coordinate community organizations, women's groups, and public agencies to maximize the utilization of existing programs and resources. The coordination shall include, but not be limited to, the Office for Equal Access, Division of Vocational

Education in the Department of Education, the Division of Vocational Rehabilitation Services in the Department of Labor, and the Division of Public Welfare in the Department of Human Services. The goal of this coordination shall be to put women in touch with existing programs and to foster cooperation and the exchange of information among all departments and agencies of State government which sponsor employment and related programs of special interest to women.

C. 52:27D-295 Description, assessment of programs.

8. The division shall compile and maintain a description and assessment of each program operating pursuant to this act, including the number of women served, the number of women who were able to participate because of the availability of child care, the number who were unable to participate because of the lack of this assistance, the number who obtained employment, the number who enrolled in educational courses, the number of those enrolled who completed such educational courses, the cost per woman for each program, and the total number of staff and staff ratio to persons served under the program.

C. 52:27D-296 Funding sources.

9. a. The director may seek, receive and make use of any funds which may be available from federal or other sources in order to augment State funds which are appropriated to effectuate this act, and shall make every effort to qualify the program for federal funding.

b. The director shall apply for and make use of funds made available from federal and other sources for job training, including funds appropriated to the State under the Job Training Partnership Act, Pub. L. 97-300 (29 U.S.C. § 1501 et seq.).

C. 52:27D-297 Conformity to standards.

10. The commissioner shall consult with the New Jersey State Job Training Coordinating Council established pursuant to Executive Order No. 22, dated December 3, 1982, the Department of Labor and other appropriate State agencies to ensure that job training and other services provided at the job training and resource center established pursuant to this act conform to the applicable State and federal standards.

C. 52:27D-298 Child care.

11. Those women who undertake to enhance their employability by using the services of the job training center established herein and who are in need of child care facilities shall, wherever possible,

obtain the assistance through existing federal programs such as Aid to Families with Dependent Children or the Social Services Block Grant Act, Pub. L. 97-35 (20 U.S.C. § 2351 et seq.).

C. 52:27D-299 Expense allowance.

12. The division shall, upon application of a woman for enrollment in the job training program established pursuant to section 4 of this act, and who is in need of child care services but does not qualify under programs described in section 11 of this act, provide an expense allowance for child care if the lack thereof would prevent that woman from participating in the job training program. The director shall allocate funds for child care in consultation with the Department of Labor, and funding shall be provided pursuant to P. L. 1983, c. 328 (C. 34:15B-11 et seq.). The services may also be provided from funds appropriated to the State under the Job Training Partnership Act, Pub. L. 97-300 (29 U.S.C. § 1501 et seq.), or any other State or federal funds appropriated by any other act for this purpose.

C. 52:27D-300 Study of child care lack.

13. The director shall monitor the application process in order to determine whether the lack of adequate child care is preventing women from undertaking job training. Whenever the lack of child care prevents the effective use of job training centers, the director shall report his findings to the Department of Labor and the Department of Human Services, and any other departments with a related interest.

14. The sum of \$98,900.00 is appropriated to the Department of Community Affairs from the General Fund in order to effectuate the purpose of this act, of which sum not less than \$78,900.00 shall be used for on-site services and \$20,000.00 should be available for outreach services which may be purchased by the division or center from counties, municipalities, school districts, county colleges, or vocational school districts.

15. This act shall take effect immediately.

Approved June 20, 1985.

CHAPTER 190

AN ACT concerning education, and making an appropriation.

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

1. Notwithstanding any statute to the contrary, State aid payable for the 1984-85 school year for a Type II school district in a county of the first class with a population of not less than 850,000 and not more than 900,000, in a city with a population of not less than 26,500 and not more than 32,000, according to the 1980 federal decennial census, shall be increased by an amount approved by the Commissioner of Education not to exceed \$375,000.00. Such advance State aid payable shall be used to fund the June 30, 1984 deficit as determined by the Commissioner of Education.

2. In the 1986-87 school year, the amount of State aid payable to a school district described in section 1 of this act, pursuant to section 18 of the "Public School Education Act of 1975," P. L. 1975, c. 212 (C. 18A:7A-18) shall be reduced by the amount approved in section 1 of this act.

3. Until such time as the debt is fully retired, the State Department of Education shall closely monitor the fiscal affairs of a school district described in section 1 of this act, in order to ensure that the annual school budget adequately reflects the educational and fiscal needs of that school district. Each such school district shall maintain its records in accordance with generally accepted accounting principles and cause quarterly audit reports prepared by an auditor appointed by the Commissioner of Education to be filed. Said audit report shall contain an opinion as to adherence to generally accepted accounting principles as they apply to a board of education, and an opinion on the adequacy of internal accounting controls, purchasing procedures, and adherence to statutes and State Board of Education rules and regulations. Such reports shall be reviewed by the Commissioner of Education to determine whether further action is necessary to assure compliance with statutes, State board rules and regulations and generally accepted accounting principles. This requirement shall remain in force until deemed no longer necessary by the Commissioner of Education.

4. There is appropriated from the General Fund to the Department of Education the sum of \$375,000.00 for the purposes of this

act. Within the limits of these funds, the Commissioner of Education may approve the expenditure of such amounts as are necessary to fund the June 30, 1984 local school district deficit as determined by the commissioner pursuant to section 1 of this act.

5. This act shall take effect immediately.

Approved June 20, 1985.

CHAPTER 191

AN ACT concerning water districts and amending R. S. 40:62-101, R. S. 40:62-102 and P. L. 1951, c. 280.

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

1. R. S. 40:62-101 is amended to read as follows:

Water district assessments; exemptions.

40:62-101. a. Except as provided in subsection b. of this section, the cost of the creation and establishment of such water district or districts and the installation and construction of such water systems shall be assessed against the real estate benefited thereby in proportion to and not in excess of the benefits conferred, and such assessments shall bear interest and penalties from the same time and at the same rate as assessments for local improvements in the district or districts where they are imposed, and from the date of confirmation shall be a first and paramount lien upon the real estate assessed to the same extent, and be enforced and collected in the same manner, as assessments for local improvements.

No assessments shall be invalid by reason of failure to receive notice or any other infirmity.

b. Real estate in the water district shall be exempt from the assessment authorized by subsection a. of this section if:

(1) The water supplied by the water district is not reasonably available to the owner of the property; and

(2) Prior to each assessment, the governing body of the municipality where the water district is located determines that the exemption would not adversely affect the ability of the municipality

to meet the principal reduction and interest payments on outstanding bonds issued by the municipality for the creation and establishment of the water district and installation and construction of the water system.

2. R. S. 40:62-102 is amended to read as follows:

Tax collection.

40:62-102. a. Except as provided in subsection b. of this section, the expense of the operation and maintenance of such water systems, waterworks and pumping stations shall be met by taxes to be assessed and levied on the property lying and being in the water district or districts, and such assessment and levy shall be made and such taxes collected as other taxes.

Except as provided in subsection b. of this section, whenever a water district shall have been established, and the municipality in which such water district is situate has issued bonds and notes in order to refund existing indebtedness of such water district, for capital improvements or for any other reason, the money required to meet such obligations shall be raised by taxation by levying a district tax against all taxable property situate within said water district. The amount of money necessary to be raised each year for the purpose of paying such obligations shall be certified to the tax collector by the municipal clerk after determination by resolution of the governing body of the municipality in which said water district is situate; the said tax collector shall collect said taxes in the same manner as other taxes are collected.

b. Property lying within a water district shall be exempt from the assessments authorized by subsection a. of this section if:

(1) The water supplied by the water district is not reasonably available to the owner of the property; and

(2) Prior to each annual assessment the governing body of the municipality where the water district is located determines that the exemption would not adversely affect the ability of the municipality to meet principal reduction and interest payments on outstanding bonds issued by the municipality for the reasons specified in subsection a. of this section.

3. Section 25 of P. L. 1951, c. 280 (C. 40:62-105.25) is amended to read as follows:

C. 40:62-105.25 Payment of taxes.

25. a. The board of water commissioners shall certify the amount of money voted at the annual district meeting to the assessor of the

township in which said district is situate, who, except as provided in subsection b. of this section, shall assess said money on the inhabitants of said district and their estates and taxable property therein in the same manner as township taxes are assessed and the money shall be assessed, levied and collected at the same time and in the same manner as other township taxes.

The collector or treasurer of the township in which said district is situate shall pay over all moneys so assessed to the treasurer or custodian of funds of said water district one-half on or before July 1 in the year for which said taxes are levied and the other half on or before January 1 of the following year, to be held and expended for the purpose of providing and maintaining means for supplying water in such district.

b. Property within the water district shall be exempt from the assessment authorized in subsection a. of this section if:

(1) The water supplied by the water district is not reasonably available to the owner of the property; and

(2) Prior to each annual assessment the board of water commissioners determines that the exemption would not adversely affect the ability of the water district to meet principal reduction and interest payments on outstanding bonds issued thereby.

4. Section 34 of P. L. 1951, c. 280 (C. 40:62-105.34) is amended to read as follows:

C. 40:62-105.34 Payment of principal, interest on bonds.

34. a. Except as provided in subsection b. of this section, whenever such bonds shall have been authorized by the legal voters as aforesaid and the same shall have been issued, the clerk of the board of water commissioners shall annually issue to the assessor of the taxing district in which such water district is situate an order directing him to assess upon the owners of property in that water district, and their estates and the taxable property therein, an amount sufficient to pay the bond or bonds maturing in each year together with the interest accruing upon all the unpaid bonds of such township water district, which order shall be duly executed by the assessor. The money so assessed shall be assessed and levied by the assessor and collected by the collector of said taxing district, who shall, on or before July 1 next thereafter, pay the full amount so ordered to be assessed, levied and collected to the treasurer of the board of water commissioners, who shall pay the principal and interest as they become due and payable. If there

be no funds available to pay any outstanding bonds, or the interest due thereon, the water commissioners may borrow money upon the promissory note of the water district, signed by the president and secretary of such water commissioners.

b. Property within the water district shall be exempt from the assessment authorized in subsection a. of this section if:

(1) The water supplied by the water district is not reasonably available to the owner of the property; and

(2) Prior to each annual assessment the board of water commissioners determines that the exemption would not adversely affect the ability of the water district to meet principal reduction and interest payments on outstanding bonds issued thereby.

5. This act shall take effect immediately.

Approved June 20, 1985.

CHAPTER 192

AN ACT concerning education, supplementing Title 18A of the New Jersey Statutes and making an appropriation.

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

1. For the 1984-85 school year, if the State Department of Education has determined that a Type I school district in a county of the first class, in a city with a population of not less than 75,000 and not more than 80,000, according to the latest federal decennial census, has incurred a debt of such magnitude that the Commissioner of Education, after consulting with the local board of education, determines that the immediate retirement of the debt would not be in the best interest of the district, the State shall provide an advance State aid payment of up to \$5,000,000.00 which shall be used for the retirement of that debt.

2. Beginning in the 1985-86 school year and in subsequent school years through the 1994-95 school year the amount of State aid payable to a school district described in section 1 of this act, pursuant to section 18 of P. L. 1975, c. 212 (C. 18A:7A-18) shall be

reduced by one-tenth of the amount of the advance State aid payment provided pursuant to section 1 of this act.

In any year in which current expense surplus is greater than one-half of 1% of the net current expense budget, the excess shall be applied to the amount of the final State aid repayments.

3. If a district described in section 1 of this act has expended funds for capital purposes without enabling ordinances by the municipal governing body the amounts so expended shall be raised by taxation in the 1985 calendar year unless an ordinance authorizing the use of available improvement authorization balances is adopted by the municipal governing body and approved by the Commissioner of Education and the Commissioner of Community Affairs.

4. Any school district described in section 1 of this act shall maintain its records in accordance with generally accepted accounting principles and cause quarterly audit reports, prepared by an auditor appointed by the Commissioner of Education, to be filed. These audit reports shall contain an opinion as to the adherence to generally accepted accounting principles as they apply to a board of education, and an opinion as to the adequacy of internal accounting controls, purchasing procedures, and adherence to statutes and State Board of Education rules and regulations.

These quarterly reports shall be reviewed in a timely manner by the Commissioner of Education to determine whether further action is necessary to assure compliance with statutes, State board rules and regulations and generally accepted accounting principles.

The commissioner shall advise the local board of education of the results of the review of each quarterly report. The commissioner's report shall be read at the first public meeting of the local board of education following the receipt of the review by the board. This requirement shall remain in force until deemed no longer necessary by the Commissioner of Education.

5. There is appropriated from the General Fund to the Department of Education the amount required for the advance State aid payment provided in section 1 of this act up to a maximum of \$5,000,000.00.

6. This act shall take effect immediately and shall expire on July 1, 1995.

Approved June 20, 1985.

CHAPTER 193

AN ACT establishing a Fund for the Improvement of Collegiate Education, supplementing Title 18A of the New Jersey Statutes and making an appropriation therefor.

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

C. 18A:62-8 Definitions.

1. As used in this act:
 - a. "Fund" means the Fund for the Improvement of Collegiate Education established pursuant to this act.
 - b. "Institution" means an institution of collegiate grade in New Jersey which is approved or licensed by the State Board of Higher Education.

C. 18A:62-9 Fund for Improvement of Collegiate Education.

2. There is created in the Department of Higher Education a Fund for the Improvement of Collegiate Education. The fund shall be maintained as a separate accounting entity within the department. The purpose of the fund is to make grants to institutions, including but not limited to grants for the improvement of teaching and learning processes; the improvement of access to and the academic quality of higher education; the enhancement of the quality of student life on campus; and the improvement of collegiate retention of students, in particular students receiving assistance through State financial aid programs.

Grants made pursuant to this act shall be based upon written grant proposals submitted by institutions. All grant proposals shall be evaluated according to competitive criteria established by the State Board of Higher Education. No grant shall be awarded to an institution for the same purpose for more than three consecutive years.

C. 18A:62-10 Advisory committee.

3. The Chancellor of Higher Education shall appoint an advisory committee to the fund. The committee shall consist of no more than 12 members who may be, but shall not be limited to, representatives of the institutional sectors of higher education within New Jersey, representatives from higher educational professional

groups and organizations and individuals or organizations exhibiting expertise in particular academic or administrative areas impacting on higher education. The committee shall advise the chancellor on the priorities, objectives and effectiveness of the fund.

C. 18A:62-11 Annual report.

4. The chancellor shall annually review and report to the State Board of Higher Education, the New Jersey Higher Education Assistance Authority, the Senate Education Committee and the General Assembly Higher Education and Regulated Professions Committee, or their successors, on the condition and priorities of the fund and the status of grants made by the fund.

C. 18A:62-12 Rules, regulations.

5. The State Board of Higher Education shall adopt pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) rules and regulations regarding the fund's priorities and competitive grant procedures and any other regulations necessary to effectuate the purposes of this act.

C. 18A:62-13 Appropriation of reserve funds.

6. Funds for this program may be appropriated from reserve funds designated by the New Jersey Higher Education Assistance Authority.

7. Funds for this program for the 1985 fiscal year shall be reserve funds designated by the New Jersey Higher Education Assistance Authority in the amount of \$2,000,000.00.

8. This act shall take effect immediately.

Approved June 25, 1985.

CHAPTER 194

AN ACT concerning vital records and amending R. S. 26:8-8.

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

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

Vital record facilities.

26:8-8. Suitable quarters shall be provided for the registration of vital records, which quarters shall be properly equipped with

fire resistant area and filing cases for the permanent and safe preservation of all official records made and retained under this chapter and chapter 6 of this Title (§ 26:6-1 et seq.) as well as chapter 1 of Title 37 of the Revised Statutes.

2. This act shall take effect immediately.

Approved June 26, 1985.

CHAPTER 195

AN ACT establishing a youth suicide prevention program and making an appropriation therefor.

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

C. 30:9A-12 Findings, declarations.

1. The Legislature finds and declares that the incidence of suicide among adolescents has increased alarmingly and suicide presently ranks as the second leading cause of death for adolescents between the ages of 15 and 24 years; that the increase in the rate of adolescent suicide is often associated with the significant changes in life-styles, values and family relationships that are occurring in our society; that the occurrence of adolescent suicide is found among youth of all racial, social and economic backgrounds and even though suicide is underreported as a cause of death for adolescents, in 1982, 114 youth suicides were reported in New Jersey; that mental health professionals believe that many suicides can be prevented through suicide awareness education programs in the schools and crisis intervention programs for adolescents and their families in the community; and that in order to ensure that the most effective prevention and crisis intervention programs are available and developed Statewide, it is necessary to establish a youth suicide prevention program in the State Department of Human Services which will be administered by community mental health services providers in cooperation with local boards of education.

C. 30:9A-13 Youth suicide prevention program.

2. The Commissioner of the Department of Human Services shall establish a program of youth suicide prevention projects which

shall be administered by community mental health services providers in consultation with local boards of education. The objectives of the program shall include but are not limited to the following:

a. Classroom instruction or materials designed to achieve the following objectives: to teach students facts about adolescent suicide and how to recognize signs of suicidal tendencies; to inform students of available community services aimed at prevention of suicide; and to increase students' awareness of the relationship between adolescent suicide and drug and alcohol use.

b. Training programs for classroom teachers and other teaching staff members in suicide prevention.

c. Nonclassroom school or community based programs such as a 24-hour "hotline" telephone service staffed by trained professional counselors, crisis intervention and postintervention services, parent education programs and programs for the families of suicide victims.

C. 30:9A-14 Guidelines.

3. The Commissioner of Human Services in consultation with the Commissioner of Education shall prepare guidelines for the youth suicide prevention program. In addition to emphasizing the objectives provided in section 2 of this act, the guidelines shall foster cooperation between local boards of education and community mental health services providers.

C. 30:9A-15 Proposals.

4. a. The commissioner shall solicit proposals for suicide prevention projects from community mental health services providers interested in participating in the program.

The commissioner shall review the project proposals and approve and fund, within the limits of monies appropriated for this purpose, three proposals which best meet the objectives of the program.

b. In addition to meeting the program objectives provided in section 2 of this act, a proposal shall include procedures for evaluating the project.

c. The commissioner shall fund one proposal from the northern, central and southern regions of the State in order to ensure that program services are available Statewide.

C. 30:9A-16 Cooperation with school boards.

5. The community mental health services provider shall prepare its funding proposal in cooperation with two or more local

boards of education which are interested in participating in the suicide prevention program. The provider also shall agree to provide information and training within the limits of available funds to other local boards of education that are interested in providing for suicide prevention programs, upon their request.

C. 30:9A-17 Advisory council.

6. a. There is established in the Department of Human Services a Youth Suicide Prevention Advisory Council. The council shall consist of 10 members as follows: the Commissioner of Human Services and the Commissioner of Education, or their designees, who shall serve as ex officio members; the project director of each of the three suicide prevention projects funded pursuant to this act; and five public members appointed by the Governor who are residents of this State, two of whom are generally knowledgeable about issues concerning youth suicide, one of whom is a member of a local school board, one of whom is a school administrator and one of whom is a secondary school classroom teacher. The members shall serve for a term of two years. Vacancies in the membership of the council shall be filled in the same manner as the original appointments. A member of the council is eligible for reappointment. The members of the council shall serve without compensation, but the council shall reimburse its members for the reasonable expenses incurred in the performance of their duties.

The members of the council shall elect from among them a chairman, who shall be the chief executive officer of the council, and the members shall elect a secretary, who need not be a member of the council.

The council may call to its assistance and avail itself of the services and assistance of any 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 this purpose and may expend any funds as may be appropriated or otherwise made available to it pursuant to this act.

The Governor shall appoint the public members of the council within 90 days after the effective date of this act and the council shall organize as soon as may be practicable after the prevention projects have been approved and funded and the project directors selected.

b. The council shall: compile information on youth suicide prevention programs that are presently carried out in the State;

disseminate this information and relevant information about the projects funded pursuant to this act to local school districts, community mental health services providers and the public; assess the most efficient and effective methods for establishing youth suicide prevention programs in other school districts and by other community mental health services providers; assess the cost for providing youth suicide prevention programs Statewide; and advise and provide technical information to the Commissioners of Human Services and Education on matters pertaining to youth suicide, upon their request.

c. The council shall report to the Governor and the Legislature 18 months from the effective date of this act on the activities of the council, the effects of the three suicide prevention projects funded pursuant to this act, and the council's assessment of the most efficient and effective methods for establishing a Statewide program and the projected cost for doing so. The council shall include in its report recommendations for legislative or administrative action that may be necessary to ensure that youth suicide prevention services are available Statewide.

7. There is appropriated \$300,000.00 from the General Fund to the Department of Human Services to carry out the purposes of this act. The commissioner shall expend at least 85% of the monies appropriated in this act for the purpose of funding the three suicide prevention projects pursuant to this act.

8. This act shall take effect immediately.

Approved June 26, 1985.

CHAPTER 196

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 (1) that the published notices to persons desiring absentee ballots were not in the form required by the provisions of the "Absentee Voting Law (1953)," P. L. 1953, c. 211 (C. 19:57-1 et seq.); (2) that the published notices to persons desiring absentee ballots were not published in a newspaper published in the county and circulating in such school district required by the provisions of the "Absentee Voting Law (1953)," P. L. 1953, c. 211 (C. 19:57-1 et seq.); (3) that the notice of special election published in the newspaper pursuant to N. J. S. 18A:14-19 did not contain the correct date of the special election; (4) that the supplemental debt statement required by N. J. S. 18A:24-16 was not prepared and filed as required by N. J. S. 18A:24-17; and (5) that two clerks of elections were not appointed for each polling district as required by N. J. S. 18A:14-6; provided, however, 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; that such notices substantially in the form required by the "Absentee Voting Law (1953)" were published not less than 40 days immediately preceding such election in a newspaper circulating in said school district; that notices of such election were posted in accordance with N. J. S. 18A:14-19 and that said notices reflected the correct date for said special school district election; that a supplemental debt statement has heretofore been made, sworn to and filed in the places required by N. J. S. 18A:24-17; that a judge of elections, an inspector of elections and a clerk of elections were appointed for each polling district, 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 26, 1985.

CHAPTER 197

AN ACT to establish a Children's Trust Fund and the Child Life Protection Commission.

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

C. 9:6A-1 Short title.

1. This act shall be known and may be cited as the "Children's Trust Fund Act."

C. 54A:9-25.4 Children's Trust Fund.

2. a. There is established in the Department of the Treasury a special fund to be known as the "Children's Trust Fund."

b. Each taxpayer who is due a tax refund on his taxes paid pursuant to Title 54A of the New Jersey Statutes shall have the opportunity to indicate on his tax return that a portion of his tax refund be deposited in the special fund. The Director of the Division of Taxation in the Department of the Treasury shall provide each taxpayer with the opportunity to indicate his preference on the tax return in substantially the following manner:

Children's Trust Fund: I wish to contribute \$2 ☐, \$5 ☐, \$10 ☐ of my tax refund to this fund.

The State Treasurer shall deposit into the fund all moneys designated for the fund pursuant to this act.

C. 54A:9-25.5 All funds to commission.

3. The Legislature shall annually appropriate all moneys deposited in the "Children's Trust Fund" established by this act to the Child Life Protection Commission to effectuate the purposes of sections 4 and 5 of this act.

C. 9:6A-2 Child Life Protection Commission.

4. a. There is established in, but not of, the Department of Human Services a Child Life Protection Commission. The commission shall consist of nine members, to be appointed as follows: one member shall be the Commissioner of the Department of Human Services, or his designated representative; two members shall be county prosecutors, appointed by the Attorney General; and six public members who shall be persons who are experienced in child welfare and represent private organizations which provide services, or funding for services, to children in this State designed

to identify, treat and prevent child abuse and neglect, and who shall be appointed by the Governor. The public members of the commission shall be appointed with due consideration for geographic and ethnic diversity.

b. Members of the commission shall serve for terms of four years, except that the Commissioner of the Department of Human Services shall serve ex officio, and except that the county prosecutors shall serve at the pleasure of the Attorney General. Of the public members first appointed, three shall serve for a term of two years, and three shall serve for a term of four years.

Vacancies in the membership of the commission shall be filled in the same manner as the original appointments for the balances of the unexpired terms. Members of the commission shall serve without compensation.

c. The commission shall select from among its public members a chairman and a vice-chairman.

d. The Department of Human Services shall provide the commission with such legal, stenographic, clerical and technical assistance as the commission may require in order to perform its duties under this act.

C. 9:6A-3 Grants to public, private agencies.

5. The Child Life Protection Commission shall receive, evaluate and approve applications of public and private agencies and organizations for grants from moneys annually appropriated from the "Children's Trust Fund." Any portion of the moneys actually appropriated which are remaining at the end of a fiscal year shall lapse to the "Children's Trust Fund."

Grants shall be awarded to public and private agencies for the purposes of planning and establishing or improving programs and services for the prevention of child abuse and neglect, including activities which:

a. Provide Statewide educational and public informational seminars for the purpose of developing appropriate public awareness regarding the problems of child abuse and neglect;

b. Encourage professional persons and groups to recognize and deal with problems of child abuse and neglect;

c. Make information about the problems of child abuse and neglect available to the public and organizations and agencies which deal with problems of child abuse and neglect; and

d. Encourage the development of community prevention programs, including:

(1) Community-based educational programs on parenting, prenatal care, prenatal bonding, child development, basic child care, care of children with special needs, coping with family stress, personal safety and sexual abuse prevention training for children, and self-care training for latchkey children; and

(2) Community-based programs relating to crisis care, aid to parents, child abuse counseling, peer support groups for abusive or potentially abusive parents and their children, lay health visitors, respite of crisis child care, and early identification of families where the potential for child abuse and neglect exists.

The commission shall in awarding grants establish such priorities respecting the programs or services to be funded and the amounts of funding to be provided as it deems appropriate, except that the commission shall place particular emphasis on community-based programs and services which are designed to develop and demonstrate strategies for the early identification, intervention and assistance of families and children at risk in order to prevent child abuse and neglect.

The commission shall adopt such rules and regulations pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) to govern the awarding of grants under this act as may be necessary to establish adequate reporting requirements on the use of grant funds by recipient agencies and organizations and to permit the commission to evaluate the programs and services for which grants are awarded.

C. 9:6A-4 Annual report.

6. The Child Life Protection Commission shall file annually, on or before April 1 of each year, with the Governor and the Legislature a report setting forth a description of the programs and services awarded grants in the previous calendar year under this act, which report shall set forth a statement of the priorities established by the commission in awarding those grants.

C. 9:6A-5 Additional moneys.

7. In addition to moneys deposited into the "Children's Trust Fund" pursuant to section 3 of this act, the Commissioner of the Department of Human Services may designate moneys to be deposited into the fund which have been appropriated from the General Fund to the Department of Human Services as he deems necessary to effect the establishment of the "Children's Trust Fund."

C. 9:6A-6 Deduction of costs.

8. Any costs incurred for collection or administration attribut-

able to this act by the Division of Taxation may be deducted from receipts collected pursuant to section 1 of this act, as determined by the Director of the Division of Budget and Accounting.

9. This act shall take effect immediately, but shall apply to the 1985 tax year and thereafter. The provisions of subsection b. of section 2 of this act shall expire on December 31 of the tax year in which the aggregate amount of moneys designated by taxpayers for deposit in the "Children's Trust Fund" reaches \$20,000,000.00.

Approved June 26, 1985.

CHAPTER 198

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

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

C. 18A:36-19.2 School locker inspection.

1. The principal or other official designated by the local board of education may inspect lockers or other storage facilities provided for use by students so long as students are informed in writing at the beginning of each school year that inspections may occur.

2. This act shall take effect immediately.

Approved June 26, 1985.

CHAPTER 199

AN ACT authorizing municipalities to provide free or low cost transportation services to senior citizens and handicapped citizens, and supplementing Title 40 of the Revised Statutes.

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

C. 40:48-4.10 Findings, declarations.

1. The Legislature finds and declares that many senior citizens

and handicapped citizens of this State need to be provided with transportation services to obtain the necessities of life, such as food, clothing and medical services and to visit their families and friends, all of which is essential to their health, safety and welfare; that many senior citizens and handicapped citizens live on fixed incomes and are unable to provide for their own transportation needs. It is, therefore, declared to be a valid public purpose, and in the best interest of the citizens of this State, to allow municipalities to supply free or low cost transportation services to senior citizens and handicapped citizens, provided the transportation services are noncompetitive with available public transportation services.

C. 40:48-4.11 Senior, handicapped citizens defined.

2. For the purposes of this act, unless the context clearly indicates otherwise:

a. "Senior citizen" means any individual 62 years of age or over.

b. "Handicapped citizen" means any individual who, by reason of illness, injury, age, congenital malfunction or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected.

C. 40:48-4.12 Municipal transportation service.

3. Notwithstanding any provision to the contrary in the "County Transportation Authorities Act," P. L. 1980, c. 44 (C. 40:35B-1 et seq.), any municipality may purchase buses, vans or other motor vehicles for the purpose of providing transportation to senior citizens or handicapped citizens. The municipality may also provide drivers for the motor vehicles and pay all costs of maintenance, including insurance. The transportation shall be provided free of charge or for a nominal fee not to exceed \$0.25 per ride. No transportation service shall be provided pursuant to this act which duplicates available public transportation service.

C. 40:48-4.13 Not used for hire.

4. The use of municipally owned buses, vans or other motor vehicles for transportation of senior citizens and handicapped citizens pursuant to this act shall not be construed or used for hire and shall not be subject to regulation by or the jurisdiction of the Department of Transportation.

5. This act shall take effect immediately.

Approved June 26, 1985.

CHAPTER 200

AN ACT concerning deductions from real property taxes and amending P. L. 1963, c. 171 and P. L. 1963, c. 172.

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

1. Section 8 of P. L. 1963, c. 171 (C. 54:4-8.17) is amended to read as follows:

C. 54:4-8.17 Veteran's tax deduction.

8. No person shall be allowed a veteran's deduction from the tax assessed against his real and personal property of more than \$50.00 in the aggregate in any one year, but a veteran's deduction may be claimed in any taxing district in which the claimant has taxable property and may be apportioned, at the claimant's option, between two or more taxing districts; provided such claims shall not exceed \$50.00 in the aggregate. If a widow, as herein defined, shall herself have been honorably discharged or released under honorable circumstances from active service in time of war in any branch of the Armed Forces of the United States, she shall be entitled to a veteran's deduction for each status. The veteran's deductions herein provided shall be in addition to any exemptions now or hereafter provided by any other statute for disabled veterans or widows, as herein defined, and in addition to any deductions provided under P. L. 1963, c. 172 (C. 54:4-8.40 et seq.) for senior citizens and the permanently and totally disabled, and certain surviving spouses thereof, to which the claimant is entitled. In addition, a claimant may receive any homestead rebate or credit provided by law.

2. Section 2 of P. L. 1963, c. 172 (C. 54:4-8.41) is amended to read as follows:

C. 54:4-8.41 Senior citizen-disabled tax deduction.

2. Every person, a citizen and resident of this State of the age of 65 or more years, or less than 65 years of age who is permanently and totally disabled, having an annual income not in excess of the limitations provided in this section and residing in a dwelling house owned by him which is a constituent part of his real property or residing in a dwelling house owned by him which is assessed as real property but which is situated on land owned by another or others, shall be entitled, annually, on proper claim being made

therefor, to a deduction against the tax or taxes assessed against such real property, to an amount not exceeding the amount of said tax, or the sum provided in this section, whichever is the lesser, but no such deduction from taxes shall be in addition to any other deduction or exemption from taxes to which said person may be entitled, except a veteran's deduction provided under P. L. 1963, c. 171 (C. 54:4-8.10 et seq.). A citizen and resident granted a deduction pursuant to this section may receive in addition any home-
stead rebate or credit provided by law.

For the purposes of this section, the annual income limitation shall be: \$5,000.00 for any year prior to 1981; \$8,000.00 for the year 1981; \$9,000.00 for the year 1982; and \$10,000.00 for year 1983 and each year thereafter.

The sum deducted pursuant to this section shall not exceed: in any year prior to 1981, \$160.00; in the year 1981, \$200.00; in the year 1982, \$225.00; and in the year 1983 and in each year thereafter, \$250.00.

For the purposes of this act:

a. The income of a married person shall be deemed to include an amount equal to the income of the spouse during the applicable income year, except for such portion of that year as the two were living apart in a state of separation, whether under judicial decree or otherwise.

b. The requirement of ownership shall be satisfied by the holding of a beneficial interest in the dwelling house where legal title thereto is held by another who retains a security interest in the dwelling house.

3. This act shall take effect immediately.

Approved June 26, 1985.

CHAPTER 201

AN ACT to extend the right of first refusal to certain former owners of land that the State has acquired.

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

C. 52:31-1.4 Right of first refusal.

1. The State shall, prior to public auction to dispose of any land

and improvements which it has acquired within 10 years of the final decision to dispose of the land and improvements at issue, or any interest therein or option therefor, notify and provide the owners of record of the property at the time of the acquisition the right to repurchase their interest at the current fair market value of that interest, as assembled to the former owner's property. The State shall notify the previous owner of record by certified mail to the most current address of record of that owner and by public notice in two newspapers of general circulation in the area wherein the land is located. The State Treasurer shall have the authority, through rules and regulations, to establish the period of time by which the previous owner of record must respond, following receipt of notice to the most current address of record of that owner. If the previous owner of record does not respond within the period of time established by the State Treasurer, the previous owner's right to repurchase the interest before it is disposed of at public auction shall expire. The owner of record shall not include the heirs or devisees of the owner of record.

C. 52:31-1.5 Repurchase at fair market value.

2. Nothing in this act shall preclude an owner of record from repurchasing his interest at the current fair market value even if the property at issue is not assembled to his property.

3. This act shall take effect immediately.

Approved June 26, 1985.

CHAPTER 202

AN ACT concerning the renting of motor vehicles with optional child passenger restraint systems and amending and supplementing chapter 21 of Title 45 of the Revised Statutes.

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

1. R. S. 45:21-1 is amended to read as follows:

Definitions.

45:21-1. As used in this chapter:

"Person" means any individual, partnership, association, corpora-

tion or joint stock company, their trustees or receivers appointed by any court.

“Highway” means any street, avenue, park, parkway, road or other public place.

“Owner” means any and every person engaged in the business of renting or leasing motor vehicles, without a driver, to be operated by the lessee or bailee, his agent or servant, for purposes other than the transportation of passengers for hire.

“Child restraint” means a child passenger restraint system that conforms to the federal motor vehicle safety standard applicable when it was manufactured.

C. 45:21-14 Child restraints in rental vehicles.

2. (New section) Every owner who rents a motor vehicle to any person shall inform the person of the requirements of P. L. 1983, c. 128 (C. 39:3-76.2a et seq.) with respect to the use of a child restraint and shall provide, at the request of the renter, an appropriate child restraint. The owner shall also supply the person with simple instructions for its use. The owner may charge a reasonable fee and deposit for the use of the child restraint.

C. 45:21-15 Penalty for violation.

3. (New section) An owner who violates this amendatory and supplementary act shall be fined not less than \$50.00 nor more than \$250.00 for each offense, if the owner received at least 24 hours' advance notice from the customer or his agent that a child restraint system was required.

4. This act shall take effect on the first day of the third month after its enactment.

Approved June 26, 1985.

CHAPTER 203

AN ACT concerning public notices and amending P. L. 1962, c. 198 and P. L. 1980, c. 179, and supplementing chapter 2 of Title 48 of the Revised Statutes.

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

1. Section 34 of P. L. 1962, c. 198 (C. 48:2-32.2) is amended to read as follows:

C. 48:2-32.2 Municipal, county rights of intervention; notice.

34. a. Every municipality may intervene alone or jointly with another municipality or municipalities in any hearing or investigation held by the board, which involves public utility rates, fares or charges, service or facilities, affecting the municipality or municipalities or the public within the municipality or municipalities and may employ such legal counsel, experts and assistants as may be necessary to protect the interest of the municipality or municipalities or the public within the municipality or municipalities. Such municipality or municipalities may by emergency resolution raise and appropriate the funds necessary to provide reasonable compensation and expenses of such legal counsel, experts and assistants.

b. The governing body of any county shall have all the rights of intervention, alone or jointly with any municipality or municipalities, or with the governing body of any other county, which are conferred upon municipalities by subsection a. of this section, and may use all of the means provided for the effectuation of said rights which are permitted to municipalities under subsection a. of this section.

c. (1) If a hearing to which this amendatory and supplementary act applies is held pursuant to a petition by a public utility, that public utility shall serve written notice of the petition on the clerk of each affected municipality, the clerk to the board of chosen freeholders of each affected county and, where appropriate, the executive officer of each affected county, not less than 20 days prior to the date of the hearing, or the date of the first in a scheduled series thereof, as appropriate. The utility shall furnish the board with proof of service of notice not later than 10 days prior to the date of the hearing.

The board shall, not later than 10 days prior to the date of the hearing, serve written notice on the clerk of each affected municipality, the clerk of the board of chosen freeholders of each affected county and, where appropriate, the executive officer of each affected county, of the hour, date and place of the hearing. If this information is available at the time of the notice by the utility, the board may require the utility to include the information in that notice, in lieu of notice by the board. In the case of a scheduled series of hearings, the board may serve one notice encompassing the entire

schedule, in lieu of serving a separate notice for each individual hearing. This notice shall be served not later than 10 days prior to the date of the first scheduled hearing. The board shall serve notice of any change in the hour, date or place of a scheduled hearing not less than 10 days prior to the original or new date of that hearing, as appropriate.

(2) If a hearing or investigation to which this amendatory and supplementary act applies is initiated by the board, the board shall serve written notice on the clerk of each affected municipality, the clerk to the board of chosen freeholders of each affected county and, where appropriate, the executive officer of each affected county as to the subject matter of the hearing or of any investigatory function in which the county or municipality may intervene. This notice shall be served not less than 20 days prior to the date of the hearing or investigatory function, or the date of the first in a scheduled series thereof, as appropriate. Not less than 10 days before the date of the hearing or investigatory function, the board shall serve written notice on the clerk of each affected municipality, the clerk to the board of chosen freeholders of each affected county and, where appropriate, the executive officer of each affected county, as to the hour, date and place of that hearing or function; except that this notice may be given at the same time as notice of the subject matter of the hearing or function. In the case of a scheduled series of hearings or functions, the board may serve one notice encompassing the entire schedule, in lieu of serving a separate notice for each individual hearing or function. This notice shall be served not later than 10 days prior to the date of the first scheduled hearing or function, as appropriate. The board shall serve notice of any change in the hour, date or place of a scheduled hearing or function not less than 10 days prior to the original or new date of that hearing or function, as appropriate.

d. The notice requirements provided for in subsection c. of this section may be waived upon consent of all involved parties, or in an emergency situation which involves a condition or set of conditions posing an immediate danger to the public health, safety or welfare. A petition for an adjustment of rates, fares or charges shall not constitute an emergency situation for the purposes of this subsection.

2. Section 1 of P. L. 1980, c. 179 (C. 48:2-32.4) is amended to read as follows:

C. 48:2-32.4 Hearing in affected municipality.

1. Prior to granting a public utility a proposed adjustment which would result in an increase in individual rates, joint rates, tolls, charges or schedules thereof, the Board of Public Utilities or the Office of Administrative Law shall hold at least one public hearing in the municipality affected by the proposed adjustment. If more than one municipality is located in the service area affected by the proposed adjustment, the public hearing shall be held in a centrally located municipality in the affected service area. Notice of any such hearing shall be furnished in the manner provided for notices generally pursuant to subsections c. and d. of section 34 of P. L. 1962, c. 198 (C. 48:2-32.2). In the case of a hearing held by the Office of Administrative Law, proof of service of notice by a public utility shall be furnished to that office.

C. 48:2-32.2a Applicability of notification procedures.

3. (New section) The specific notification procedures set forth in this amendatory and supplementary act shall apply to any hearing or investigatory function involving:

- a. Any adjustment of public utility rates, tolls, fares or charges, or schedules thereof;
- b. The proposed or actual discontinuance, curtailment or abandonment of any essential public utility service;
- c. The fixing of standards for the measurement of a public utility product or service pursuant to subsection b. of R. S. 48:2-25; and
- d. Public utility surcharge collections, pursuant to R. S. 48:2-29.4.

C. 48:2-32.2b Complementary requirements.

4. (New section) This amendatory and supplementary act shall not be construed as limiting notice requirements, per se, to the hearings and investigations set forth in section 3 hereof but, rather, shall be construed as complementing any other public utility notice requirements, and other notice requirements, pertaining to the Board of Public Utilities, which are provided by law.

5. This act shall take effect immediately, but shall not affect any investigation initiated, or hearing scheduled pursuant to a petition filed, prior to the effective date of this act.

Approved June 26, 1985.

CHAPTER 204

AN ACT concerning county college insurance, and amending and supplementing P. L. 1982, c. 189.

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

C. 18A:64A-25.33 Definitions.

1. (New section) Definitions. For the purposes of this act:

a. "Fund" means a joint self-insurance fund established by a county college insurance group pursuant to this act. The joint self-insurance fund is a fund of public moneys from contributions made by members of a county college insurance group for the purpose of securing insurance protection, risk management programs, or related services as authorized by this act;

b. "County college insurance group" or "group" means an association formed by two or more county colleges for the development, administration, and provision of risk management programs, joint self-insurance fund or funds, and related services;

c. "Risk management program" means a plan, and activities carried out under the plan, by a county college insurance group to reduce risk of loss with respect to a particular line of insurance protection or coverage provided by a fund pursuant to this act, including safety engineering and other loss prevention and control techniques. Risk management program also includes the administration of one or more funds, including the processing and defense of claims brought against or on behalf of members of the group;

d. "Trustees" or "board of trustees" means the board of trustees established pursuant to the bylaws of the county college insurance group to govern or manage the risk management programs, joint self-insurance fund or funds, and related services of the group;

e. "Contributions" means the moneys paid by a member of a county college insurance group in amounts as may be set by the board of trustees or other officers as provided in the group's bylaws for the purpose of participating in a joint self-insurance fund or funds, securing risk management programs or related services;

f. "Certified audit" means an audit upon which an auditor expresses his professional opinion that the accompanying state-

ments present fairly the financial position of a fund in conformity with generally accepted accounting principles consistently applied, and accordingly including tests of the accounting records and other auditing procedures as considered necessary in the circumstances;

g. "Commissioner" means the Commissioner of Insurance.

C. 18A:64A-25.34 Insurance authorized.

2. (New section) Insurance authorized. Any county college is authorized to insure, contract or provide for any insurable interest of the college in the manner authorized by section 3 of this act, for the following:

a. Any loss or damage to its property, real or personal, motor vehicles, equipment or apparatus;

b. Any loss or damage from liability resulting from the use or operation of motor vehicles, equipment or apparatus owned or controlled by it;

c. Any loss or damage from liability for its own acts or omissions and for acts or omissions of its officers, employees or servants arising out of and in the course of the performance of their duties, including, but not limited to, any liability established by the "New Jersey Tort Claims Act," N. J. S. 59:1-1 et seq., or by any federal or other law;

d. Loss or damage from liability as established by chapter 15 of Title 34 of the Revised Statutes (R. S. 34:15-1 et seq.);

e. Expenses of defending any claim against the county college, officer, employee or servant arising out of and in the course of the performance of their duties, whether or not liability exists on the claim.

C. 18A:64A-25.35 County college insurance group.

3. (New section) County college insurance group.

a. Any two or more county colleges may form and become members of a county college insurance group. A county college may take this action by resolution of the board of trustees of the county college. Through membership in a county college insurance group, a county college may participate in any joint self-insurance fund or funds, risk management programs or related services offered or provided by the group. The group shall have the power to establish a fund or funds for coverages authorized in section 2 of this act and to jointly purchase insurance or coverages under a master policy or contract of insurance for participating members. The group shall have the power to take other actions necessary to developing,

administering, and providing risk management programs, joint self-insurance funds, joint insurance purchases, and related services.

b. The bylaws of the county college insurance group shall provide that any county college may join the group; provided it agrees to comply with the standards for membership, including risk management programs, which shall be established by the group, and may be a member as long as it complies with the standards for membership.

c. A county college insurance group may sue or be sued and shall appoint a natural person residing in this State or a corporation authorized to do business in this State as its agent for service of process. The group shall notify the commissioner of the appointment.

d. A county college insurance group is not an insurance company or an insurer under the laws of this State and the development, administration or provision by a group of joint self-insurance fund or funds, risk management programs and related services does not constitute the transaction of insurance or doing an insurance business. A group shall not be subject to the provisions of Title 17, Subtitle 3 of the Revised Statutes.

C. 18A:64A-25.36 Bylaws of the group; trustees; powers.

4. (New section) Bylaws of the group; trustees; powers.

a. The bylaws of any county college insurance group shall:

(1) Set forth a statement of purposes of the group;

(2) Set forth provisions for organization of the group, including governance by a board of trustees;

(3) Provide for the delivery of risk management programs in conjunction with any joint self-insurance fund or funds which the board of trustees shall establish;

(4) Set forth procedures to enforce the collection of any contributions or payments in default;

(5) Set forth membership standards as required in section 3 of this act;

(6) Require that, for each joint self-insurance fund, a contract or contracts of specific and aggregate excess insurance or reinsurance is maintained unless otherwise recommended by the trustees upon the advice and report of an independent actuary;

(7) Set forth procedures for:

(a) Withdrawal from the group and a fund by a member;

(b) Termination of the group or fund and disposition of assets; and

(c) Determining the obligations, if any, of a member in the event that the group is unable to pay indemnification obligations and expenses payable from a fund administered by it;

(8) Require an annual certified audit to be prepared and filed with the commissioner;

(9) Require that any joint self-insurance fund or funds be developed and operated in accordance with accepted and sound actuarial practices;

(10) Provide that any expenditure of moneys in a fund be in furtherance of the purpose of the fund;

(11) Set forth other provisions as desired for operation and governance of the group.

b. The bylaws of a group shall provide for governance of the group by a board of trustees selected in accordance with the provisions of the bylaws. The bylaws shall provide for trustee powers and duties and shall include, but not be limited to, the following powers of the board of trustees:

(1) To determine and establish contributions and rates, loss reserves, surplus, limits of coverage, limits of excess or reinsurance, coverage documents, dividends and other financial and operating policies of the group or fund;

(2) To invest moneys held in trust under any fund in investments which are approved for investment by regulation of the State Investment Council for surplus moneys of the State;

(3) To purchase, acquire, hold, lease, sell and convey real and personal property, all of which property shall be exempt from taxation under chapter 4 of Title 54 of the Revised Statutes;

(4) To collect and disburse all money due to or payable by the group, or authorize such collection and disbursement;

(5) To enter into contracts with other persons or with public bodies of this State for any professional, administrative or other services as may be necessary to carry out the purposes of the group or any fund;

(6) To purchase and serve as the master policyholders, if desired, for any insurance, including excess or reinsurance;

(7) To do all other things necessary and proper to carry out the purposes for which the group is established.

C. 18A:64A-25.37 Trustees; number and qualifications.

5. (New section) Trustees; number and qualifications. The board of trustees of any county college insurance group shall have no fewer than three nor more than 15 trustees. Each trustee shall be a natural person 18 years of age or older who is a resident of this State. A majority of the trustees of any group shall be members or employees of member county colleges, provided that any trustee who ceases to be a member or employee of a county college may be allowed to serve for not more than 90 days following cessation without violating this provision.

C. 18A:64A-25.38 Trustees; compensation.

6. (New section) Trustees; compensation. No trustee shall be paid a salary, except that the written trust instrument may provide for reimbursement for actual expenses incurred on behalf of the trust fund and for compensation not to exceed \$200.00 for any day or portion of a day spent at a meeting of the trustees. Except as otherwise provided in this act, no trustee shall enter into any contract with the group or receive any moneys or other compensation or thing of value whatsoever from the group for services performed for or on behalf of the group.

C. 18A:64A-25.39 Review of bylaws; investigations by the Commissioner of Insurance.

7. (New section) Review of bylaws; investigations by the Commissioner of Insurance.

a. No county college insurance group, nor any joint self-insurance fund of the group, may begin functioning as a means of providing insurance coverage or protection for or among its members until the group's bylaws have been filed with and approved by the commissioner. If the commissioner fails to approve or disapprove the bylaws within 60 days following filing of the bylaws in his office, the bylaws shall be deemed approved. The commissioner may disapprove the bylaws only if the bylaws do not conform with the provisions of this act. He shall set forth the reasons for his disapproval in writing. The reasonable costs of the commissioner's review of the bylaws shall be chargeable to the county colleges seeking to establish the group.

b. Every county college insurance group shall file an annual report, on a form prescribed by the commissioner, at a time to be fixed by the commissioner. The report shall include a financial statement of the group's assets and liabilities, the claims paid during the preceding 12 months, current reserves, incurred losses, and any other information that the commissioner may require.

c. The commissioner shall have authority to examine the books, records and affairs of any county college insurance group or joint self-insurance fund for the purpose of determining compliance with this act. The reasonable costs of any examination or review shall be chargeable to the county college insurance group.

d. If at any time the commissioner determines that the county college insurance group has experienced a deterioration in its financial condition which adversely affects or will adversely affect its ability to pay expected losses, he may: (1) require an increase in the reserves of the insurer required by section 4 of this act; or (2) require the purchase of excess insurance or reinsurance.

8. Section 28 of P. L. 1982, c. 189 (C. 18A:64A-25.28) is amended to read as follows:

C. 18A:64-25.28 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 three years; or

(2) Fuel or oil for use in automobiles, autobuses, motor vehicles or equipment for any term not exceeding in the aggregate three years; or

b. Plowing and removal of snow and ice for any term not exceeding in the aggregate three years; or

c. Collection and disposal of garbage and refuse for any term not exceeding in the aggregate three years; or

d. Data processing programs, systems and services or rental or lease of data processing equipment for any term of not more than five years; or

e. Insurance including the purchase of insurance coverages, insurance consultant or administrative services, and including participation in a joint self-insurance fund, risk management programs or related services provided by a county college insurance group, for any term of not more than three years; or

f. Leasing or service of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind for any term not exceeding in the aggregate five years; 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 five 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 three years; or

i. 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 is to be established as a percentage of the resultant savings in energy costs, for a term not exceeding 10 years; provided that a contract is entered into only subject to and in accordance with rules and regulations adopted by the Department of Energy establishing a methodology for computing energy cost savings; or

j. Any single project for the construction, reconstruction or rehabilitation of a public building, structure or facility, or a public works project including the retention of the services of an architect or engineer in connection with the project, for the length of time necessary for the completion of the actual construction; or

k. The management and operation of bookstores for a term not exceeding five years;

l. Custodial or janitorial services for any term not exceeding in the aggregate three years.

All multi-year leases and contracts entered into pursuant to this section, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, or contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation and authorized pursuant to subsection i. of this section, and except contracts for insurance coverages, insurance consultant or administrative services, participation or membership in a joint self-insurance fund, risk management programs or related services of a county college insurance group, 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.

9. This act shall take effect immediately, and county colleges are authorized to plan, make commitments and take preparatory action for establishing county college insurance groups and joint self-insurance funds, provided that no fund shall become fully operative prior to July 1, 1985.

Approved June 26, 1985.

CHAPTER 205

AN ACT concerning the use of anatomically correct dolls, models or similar items in certain criminal prosecutions and supplementing Chapter 84A of Title 2A of the New Jersey Statutes.

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

C. 2A:84A-16.1 Dolls as testimonial aids.

1. In prosecutions for those crimes described in sections 2C:14-2, 2C:14-3 and 2C:24-4 of the New Jersey Statutes, where the complaining witness is a child under the age of 16, the court shall permit the use of anatomically correct dolls, models or similar items of either or both sexes to assist the child's testimony.

2. This act shall take effect immediately.

Approved June 27, 1985.

CHAPTER 206

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, there is appropriated from the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES
DEPARTMENT OF HUMAN SERVICES
Special Government Services
83 Services to Veterans
7520 Division of Veterans' Services

19-7520 Management and Field Services	\$20,000
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Special Purpose:

Expenses for the National Convention
of the Italian-American War Veterans
of the United States (\$20,000)

The sum hereinabove appropriated is for the Department of Human Services to defray the expenses of the State in connection with the holding of the National Convention of the Italian-American War Veterans of the United States, Inc., in New Jersey in August 1985.

There is additionally appropriated to the Division of Veterans' Services for these purposes all monies which have been or hereafter may be contributed or donated to the State of New Jersey for such purposes by any person, corporation, partnership or other entity.

2. This act shall take effect immediately.

Approved June 27, 1985.

CHAPTER 207

AN ACT concerning exemption from taxation of certain autobuses and their motor fuels, amending R. S. 48:4-20, R. S. 54:39-66 and P. L. 1963, c. 44.

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

1. R. S. 48:4-20 is amended to read as follows:

Tax on interstate bus service; exemption.

48:4-20. A person owning or operating an autobus which is

operated over any highway in this State for the purpose of carrying passengers from a point outside the State to another point outside the State, or from a point outside the State to a point within the State, or from a point within the State to a point outside the State shall pay to the Director of the Division of Motor Vehicles, as an excise for the use of such highway, one-half cent for each mile or fraction thereof such autobus shall have been operated over the highways of this State, except that a person owning or operating an autobus providing regular route service under authority conferred pursuant to R. S. 48:4-3, and a person owning or operating an autobus providing regular route commuter bus service from a point within the State to a point outside the State, or from a point outside the State to a point within the State, shall be exempt from payment of the excise tax on the mileage traversed in providing that service. This exemption shall also apply to any person owning or operating an autobus under contract with the New Jersey Transit Corporation for providing bus service or under a contract with a county for special or rural transportation bus service subject to the jurisdiction of the New Jersey Transit Corporation pursuant to P. L. 1979, c. 150 (C. 27:25-1 et seq.). "Commuter bus service" means regularly scheduled passenger service utilized by passengers using reduced fare, multiple ride or commutation tickets and shall not include charter bus operations or special bus operations as defined in R. S. 48:4-1 or buses operated for the transportation of enrolled children and adults referred to in subsection c. of R. S. 48:4-1.

2. R. S. 54:39-66 is amended to read as follows:

Fuel tax refund.

54:39-66. Any person:

(1) Who shall use any fuels as herein defined for any of the following purposes:

(a) (Deleted by amendment.)

(b) Autobuses while being operated over the highways of this State in those municipalities to which the operator has paid a monthly franchise tax for the use of the streets therein, under the provisions of R. S. 48:16-25 and autobuses while being operated over the highways of this State to provide regular route passenger service under operating authority conferred pursuant to R. S. 48:4-3, or while providing bus service under a contract with the New Jersey Transit Corporation or under a contract with a county for special or rural

transportation bus service subject to the jurisdiction of the New Jersey Transit Corporation pursuant to P. L. 1979, c. 150 (C. 27:25-1 et seq.), and autobuses providing commuter bus service which receive or discharge passengers in New Jersey. For the purpose of this paragraph "commuter bus service" means regularly scheduled passenger service provided by motor vehicles whether within or across the geographical boundaries of New Jersey and utilized by passengers using reduced fare, multiple ride or commutation tickets and shall not include charter bus operations or special bus operations as defined in R. S. 48:4-1 or buses operated for the transportation of enrolled children and adults referred to in subsection c. of R. S. 48:4-1,

- (c) Agricultural tractors not operated on a public highway,
- (d) Farm machinery,
- (e) Aircraft,
- (f) Ambulances,
- (g) Rural free delivery carriers in the dispatch of their official business,
- (h) Such vehicles as run only on rails or tracks, and such vehicles as run in substitution therefor,
- (i) Such highway motor vehicles as are operated exclusively on private property,
- (j) Motor boats or motor vessels used exclusively for or in the propagation, planting, preservation and gathering of oysters and clams in the tidal waters of this State,
- (k) Motor boats or motor vessels used exclusively for commercial fishing,
- (l) Motor boats or motor vessels, while being used for hire for fishing parties or being used for sightseeing or excursion parties,
- (m) Cleaning,
- (n) Fire engines and fire-fighting apparatus,
- (o) Stationary machinery and vehicles or implements not designed for the use of transporting persons or property on the public highways,
- (p) Heating and lighting devices,
- (q) Fuels previously taxed under this chapter and later exported or sold for exportation from the State of New Jersey

to any other state or country; provided proof satisfactory to the director of such exportation is submitted,

(r) Motor boats or motor vessels used exclusively for Sea Scout training by a duly chartered unit of the Boy Scouts of America,

(s) Emergency vehicles used exclusively by volunteer first-aid or rescue squads, and

(t) Diesel fuel, the increase in the tax thereof as imposed by P. L. 1984, c. 73, as used by passenger automobiles and motor vehicles of less than 5,000 pounds gross weight;

(2) Who shall have paid the tax for such fuels, hereby required to be paid, shall be reimbursed and repaid the amount of tax so paid upon presenting to the director an application for such reimbursement or repayment, in form prescribed by the director, which application shall be verified by a declaration of the applicant that the statements contained therein are true. Such application for reimbursement or repayment shall be supported by an invoice, or invoices, showing the name and address of the person from whom purchased, the name of the purchaser, the date of purchase, the number of gallons purchased, the price paid per gallon, and an acknowledgment by the seller that payment of the cost of the fuel, including the tax thereon, has been made. Such invoice, or invoices, shall be legibly written and shall be void if any corrections or erasures shall appear on the face thereof.

The director may, in his discretion, permit a distributor entitled to a refund under the provisions of this section to take credit therefor, in lieu of such refund, in such manner as the director may require, on a report filed pursuant to R. S. 54:39-27.

Any refund granted to a person under subsection (1) (e), for fuel used in aircraft, shall be paid from the moneys deposited in the Airport Safety Fund established by section 4 of the "New Jersey Airport Safety Act of 1983," P. L. 1983, c. 264 (C. 6:1-92). Such refunds shall be granted on an annual basis.

3. Section 2 of P. L. 1963, c. 44 (C. 54:39A-2) is amended to read as follows:

C. 54:39A-2 Definitions.

2. For the purpose of this act, unless inconsistent with the context:

(a) "User" means every person, firm or corporation who or which operates or causes to be operated any motor vehicle on any

highway in this State. The term shall include a rental company in the case of a rental vehicle.

(b) "Motor vehicle" means any omnibus that has seats for more than 10 passengers in addition to the driver, or road tractor, or any track tractor, or any truck having a gross or registered weight, whichever is greater, in excess of 18,000 pounds alone or in combination with a motor-drawn vehicle.

(c) "Exempt vehicle" means:

(1) Any vehicle owned or operated by an agency of this State or any political subdivision thereof, or any quasi-governmental authority of which this State is a participating member, or any agency of the federal government or the District of Columbia, or of any state or province or political subdivision thereof.

(2) School bus as defined in R. S. 39:1-1.

(3) Vehicles operated under authority of dealer, manufacturer, converter and transporter general registration plates such as prescribed in R. S. 39:3-18 and similar laws of other states.

(4) Special mobile equipment not designed or used primarily for the transportation of persons or property.

(5) Vehicles operated not for profit by any religious or charitable organization.

(6) Vehicles operated by a public utility as defined in R. S. 48:2-13, or under a contract with the New Jersey Transit Corporation or under a contract with a county for special or rural transportation bus service subject to the jurisdiction of the New Jersey Transit Corporation pursuant to P. L. 1979, c. 150 (C. 27:25-1 et seq.) whose operations are limited to the State of New Jersey, or vehicles providing commuter bus service which receive or discharge passengers in New Jersey.

(7) Vehicles operated, not for hire, by a farmer as defined in R. S. 39:3-25.

(8) Vehicles used to transport farm labor.

(d) "Operations" means operations of all motor vehicles, whether loaded or empty, whether for compensation or not for compensation, and whether owned by, contracted for use by, or leased by the user who operates or causes them to be operated, except operations of an omnibus within any municipality of this State in the regular route passenger service provided under operating authority conferred pursuant to R. S. 48:4-3.

(e) The term “motor fuels” means any combustible liquid or gaseous substance used, or suitable, for the generation of power to propel motor vehicles.

(f) “Motor fuel tax” means the tax imposed under R. S. 54:39-1 et seq.

(g) “Director” shall mean the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

(h) “Purchaser” means the person, firm or corporation who or which purchased the fuel, and paid the motor vehicle fuel tax thereon, used in the motor vehicles of the user.

(i) “Vendor” means any person, firm or corporation licensed, or required by law to be licensed, by the Director of the Division of Taxation to sell, distribute, import or transport motor fuels within this State.

(j) “Bulk fuel” means fuel in quantities of not less than 500 gallons, delivered into storage tanks owned, or rented under lease for a term of not less than one year, by the user for future consumption. For the purposes of this act the term “storage tanks” shall not apply to vehicle storage tanks used only to carry motor fuels for use in propelling the vehicle carrying these tanks.

(k) “Rental vehicle” means a vehicle owned by a rental company and rented to the general public on an hourly, daily, trip, or other short-term basis.

(l) “Rental company” means a person engaged in the business of renting vehicles to the general public, including motor carriers, on an hourly, daily, trip, or other short-term basis.

(m) “Commuter bus service” means regularly scheduled passenger service provided by motor vehicles within or across the geographical boundaries of New Jersey and utilized by passengers using reduced fare, multiple ride or commutation tickets and shall not include charter bus operations or special bus operations as defined in R. S. 48:4-1 or buses operated for the transportation of enrolled children and adults referred to in subsection c. of R. S. 48:4-1.

4. This act shall take effect 60 days following enactment.

Approved June 27, 1985.

CHAPTER 208

A SUPPLEMENT to the "Sales and Use Tax Act," approved April 27, 1966 (P. L. 1966, c. 30; C. 54:32B-1 et seq.).

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

1. Notwithstanding the provisions of any law, judicial order, or rule or regulation to the contrary, no vendor under the "Sales and Use Tax Act," P. L. 1966, c. 30 (C. 54:32B-1 et seq.), shall be required to pay taxes on services otherwise taxable under paragraph (1) or (2) of subsection (b) of section 3 of that act (C. 54:32B-3), if the services were performed before April 6, 1977 and the tangible personal property upon which the services were performed was delivered to the purchaser outside this State for use outside this State.

2. This act shall take effect immediately.

Approved June 27, 1985.

CHAPTER 209

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1986 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR THE FISCAL YEAR 1985-86

GENERAL FUND

Undesignated fund balance, July 1, 1985	\$674,885,000
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Major Taxes

Sales	\$2,530,000,000
Corporation business	1,045,000,000
Motor fuels—Regular	205,562,500
Motor fuels—Dedicated for transportation construction projects	93,437,500

Motor vehicle fees	310,000,000
Commercial vehicle fee and tax increase	35,000,000
Cigarette	218,000,000
Transfer inheritance	155,000,000
Public utility excise	122,500,000
Insurance premiums	100,000,000
Alcoholic beverage wholesale sales	83,000,000
Alcoholic beverage excise	59,500,000
Corporation business—Banks and financial institutions	53,000,000
Business personal property	31,000,000
Realty transfer	40,000,000
Motor fuel use	7,000,000
Pari-mutuel	6,000,000
Savings institutions	5,000,000
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Total—Major Taxes	\$5,099,000,000
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Miscellaneous Taxes, Fees, Revenues

Executive Branch—

Department of Agriculture:

Animal health—laboratory test fees	\$50,000
Other animal, plant disease and pest control fees	17,000
Seed certification programs	5,000
Fertilizer inspection fees	144,000
Milk control licenses and fees	360,000

Department of Banking:

Bank assessments	1,439,000
Examination fees	1,521,000
Licenses and other fees	893,000
New Jersey Cemetery Board	86,000

Department of Community Affairs:

Boarding home fees	275,000
Construction fees	388,000
Housing inspection fees	1,535,000
Planned real estate development fees	425,000

Department of Education:

Katzenbach School for the Deaf—Tuition	2,805,000
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Licensing fees—Miscellaneous	176,000
Nonpublic schools' textbook recoveries	215,000
Department of Energy:	
Assessments—Cable TV	1,420,000
Assessments—Public Utility	16,500,000
Fees, fines and penalties	100,000
Department of Environmental Protection:	
Air pollution fees	425,000
Examination licensing fees	17,000
Forest Management sales	39,000
Hunters' and Anglers' License Fund	6,627,000
Marina rentals	793,000
Marine Lands Management—Miscellaneous revenue	30,000
Morris Canal Fund	48,000
New Jersey Pilot Commissioners	73,000
Parks management	2,875,000
Radiation protection	433,000
New Jersey Water Supply Authority debt service repayments	1,291,000
Shell fisheries leases	306,000
Solid waste management fees	1,018,000
Water monitoring and planning	125,000
Water pollution fees	50,000
Department of Health:	
Licenses, permits and fees	1,035,000
Department of Higher Education:	
Bond interest recoveries	358,000
School of Conservation	475,000
Thomas A. Edison College—Fees	463,000
State Colleges:	
Miscellaneous institutional support	405,000
Other student fees	609,000
Tuition—Regular	50,833,000
Department of Human Services:	
Adoption law fees	200,000
Patients' and residents' cost recoveries:	
Developmental centers	66,000,000

Psychiatric hospitals	67,000,000
Soldiers' homes	6,000,000
Special residential services	14,115,000
Recoveries	2,000,000
Department of Insurance:	
Actuarial services	895,000
Licensing and enforcement	4,000,000
Real Estate Commission	2,090,000
Department of Labor:	
Licenses, permits and fines	761,000
Special Compensation Fund	967,000
Department of Law and Public Safety:	
Amusement games control fees	238,000
Beverage licenses	4,041,000
Bus excise tax	350,000
Division of Consumer Affairs:	
General revenues	2,625,000
Professional examining board fees	6,100,000
Division of State Police:	
Private detective licenses	583,000
Other licenses	271,000
Motor Vehicle Security—Responsibility Law	
administration	5,232,000
Motor vehicle surcharge program	7,800,000
Pleasure boat licenses	1,400,000
Other boating fees	75,000
Department of State:	
Office of Administrative Law—Fees	1,750,000
Commissions	600,000
General revenue—Fees	8,000,000
Uniform Commercial Code—Fees	1,600,000
Department of Transportation:	
Applications and highway permits	534,000
Outdoor advertising	230,000
Autonomous transportation authorities	25,000,000
Department of the Treasury:	
Coin operated telephones	60,000

Escheats, Personal Property (14 year law) . . .	200,000
Interest on deposits	2,000,000
Investment earnings	28,000,000
Municipal Purposes Tax Assistance Fund	77,000,000
New Jersey Sports and Exposition Authority .	1,000,000
Public Utility Gross Receipts and Franchise Taxes (combined)	108,000,000
Public Utility Tax—Administration	250,000
Railroad Tax:	
Class II (Current Year)	40,000
Franchise	34,000
Vending machine commissions	150,000
Miscellaneous Executive Commissions:	
Delaware River Joint Toll Bridge Commission Pennsylvania share	1,100,000
Other Sources:	
Miscellaneous revenue	1,500,000
Inter-Departmental Accounts:	
Administration and investment of pension and social security funds	10,000,000
Employee maintenance deductions	1,300,000
Health benefits contribution reimbursement from special funds	21,500,000
Indirect cost recovery—Federal	8,000,000
Other fringe benefit reimbursement from special funds	2,300,000
Pension contribution reimbursement from special funds	31,500,000
Public employer's contribution reimbursement	10,500,000
Reimbursement from Rutgers—Employer's share of employee benefits	5,200,000
Rent of State building space	1,000,000
Social security contribution from special funds	20,000,000
Judicial Branch—	
Court fees	13,871,000
Violent Crimes Compensation Act	2,750,000
Total—Miscellaneous Taxes, Fees, Revenues	<u>\$674,394,000</u>

Interfund Transfers

Beaches and Harbor Fund	\$300,000
Clean Waters Fund	600,000
Community Development Bond Fund	52,000
Correctional Facilities Construction Fund	3,000,000
Disability Benefit Liability Fund	110,000
Emergency Flood Control Fund	500,000
Energy Conservation Fund	750,000
Farmland Preservation Fund	500,000
Fund for Support of Free Public Schools—State riparian lands	842,000
Fund for Support of Free Public Schools— Investment earnings	3,700,000
Hazardous Discharge Fund	500,000
Higher Education Buildings Construction Fund (Act of 1971)	50,000
Human Services Facilities Construction Fund	800,000
Institutional Construction Fund 1978	300,000
Institutions Construction Fund	100,000
Jobs, Science and Technology Fund	1,000,000
Mortgage Assistance Fund	200,000
Motor Vehicle Security—Responsibility Fund	32,000
Natural Resources Fund	1,500,000
New Jersey Bridge Rehabilitation and Improvement Fund	1,260,000
1983 New Jersey Green Acres Fund	500,000
Outstanding Checks Account	686,000
Outstanding Checks (6 years and over)	1,030,000
Public Building Construction Fund	50,000
Public Purpose Buildings Construction Fund	2,000,000
Shore Protection Fund	500,000
State Disability Benefits Fund	13,002,000
State Land Acquisition and Development Fund ...	1,500,000
State Lottery Fund	400,000,000
State of New Jersey Cash Management Fund	100,000
State Recreation and Conservation Land Acquisition and Development Fund (Act of 1974)	1,000,000
State Recreation and Conservation Land Acquisition Fund (Act of 1971)	200,000
State Transportation Fund	500,000

State Water Development Fund	20,000
Transportation Rehabilitation and Improvement Fund of 1979	5,000,000
Unclaimed Bank Deposits Escheat Reserve Fund ..	1,750,000
Unclaimed Domestic Life Insurance Escheat Reserve Fund	550,000
Unclaimed Personal Property Trust Fund	2,500,000
Unemployment Benefit Liability Fund	125,000
Unemployment Compensation Auxiliary Fund	10,476,000
Unsatisfied Claim and Judgment Fund	755,000
Water Conservation Fund	500,000
Water Supply Fund	1,000,000
Worker and Community Right to Know Fund	510,000
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Total—Interfund Transfers	\$460,350,000
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Federal Revenue

Executive Branch—

Department of Agriculture:

Bridgeton clerical assistance	\$8,000
Brucellosis eradication	26,000
Cooperative gypsy moth suppression	600,000
Cooperative inspection service	45,000
Food distribution administrative expense fund ..	78,000
Jobs bill	1,500,000
Peach Market News Project	27,000
Plant pest survey and detection program	28,000

Department of Commerce and Economic

Development:

Small, minority representative program	84,000
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Department of Community Affairs:

Community recreation in-service education system	68,000
Community services block grant	9,900,000
Energy Conservation and Production Act of 1976	4,956,000
Food Distribution Act—Title VII—USDA	3,500,000
Housing Act of 1937—Section VIII	32,024,000
New Jersey advocacy assistance program	50,000
Older Americans Act of 1965—Title III	24,113,000

Small cities block grant	9,641,000
Title IV-A training—aging	137,000
Department of Defense:	
Air national guard security agreements—	
Atlantic City and McGuire A. F. B.	343,000
Fire fighter/crash rescue service agreement—	
Atlantic City	281,000
Joint federal-State operations and maintenance .	3,029,000
National guard communications services	300,000
Training and equipment pool sites	550,000
Department of Education:	
Adult basic education program	3,055,000
Child nutrition	86,321,000
Consumer and useful homemaking education	877,000
Education block grant Chapter II	14,620,000
Education consolidation and improvement act—	
Title I administration	1,130,000
Education consolidation and improvement act—	
Title I delinquent	1,549,000
Education consolidation and improvement act—	
Title I disadvantaged	106,525,000
Education consolidation and improvement act—	
Title I handicapped	4,435,000
Education for economic security act	2,633,000
Elementary and secondary education act—	
Title VI handicapped	42,945,000
Library services and construction act—Title I .	2,187,000
Library services and construction act—Title II .	706,000
Library services and construction act—Title III.	530,000
Migrant education programs	3,290,000
National origin desegregation	280,000
Pre-school incentive grant	995,000
Race desegregation	380,000
Sex desegregation	267,000
Vocational education—Basic grants	18,174,000
Vocational education—Program improvement	
and supportive services	559,000
Veterans' readjustment benefits	240,000
Common core data survey	17,000
Transition program for refugee children	245,000
SEA project—Bilingual education	85,000

Career education—Research and development . . .	389,000
Miscellaneous Federal programs	1,036,000
Department of Energy:	
Amoco oil overcharge fund	614,000
Energy extension service	240,000
HUD solar bank	458,000
Institutional conservation program schools and hospitals	108,000
State energy conservation program	753,000
Section 155—Oil overcharge fund—Stage 2— Amoco	2,500,000
Department of Environmental Protection:	
Air pollution maintenance program	3,600,000
Coastal zone management act	2,000,000
Consolidated forest management	61,000
Construction grants program	5,000,000
Hazardous waste—resource conservation recovery act	3,800,000
Heritage preservation and recreation service . . .	2,000,000
Hunters' and anglers' fund	1,850,000
Safe drinking water act	500,000
Statewide pre-treatment program	1,000,000
Toxic clean-up—Super fund grants	35,000,000
Water pollution control program	1,750,000
Rural community fire protection program	36,000
Survey and planning	470,000
Grant status monitoring system	100,000
Cooperative pesticide enforcement	132,000
Pesticide technology	20,000
Economics of recreational fishing	19,000
Gypsy moth suppression	13,000
Habitat development and maintenance	9,000
National recreational fishing survey	54,000
Anadromous herring run restoration	17,000
Resource planning and acquisition	74,000
Monitoring and planning—205J	1,000,000
Beach dune restoration	2,000,000
Wildlife restoration	1,500,000
Lake Hopatcong restoration—Phase I	204,000
Weequahic Lake restoration	700,000
Historic preservation programs	422,000

Land and water conservation fund programs . . .	1,000,000
Forest resource management—Cooperative forest fire control	175,000
Northeast regional biomass program	30,000
Marine fisheries enforcement	45,000
Marine fisheries coordination	60,000
Marine fisheries technical assistance	58,000
Marine fish life histories study	69,000
Marine fisheries investigation and management F-1-5-R-22	75,000
Publicly owned treatment work-training grant . .	35,000
Endangered species E-I-6	16,000
Trapper education project	18,000
Striped bass monitoring	27,000
Shellfish research and inventory	85,000
Fisheries management council	25,000
Underground injection control	100,000

Department of Health:

Alcohol, drug abuse and mental health block grant	21,356,000
Certification for Titles XVIII and XIX eligibility	1,606,000
Family planning Title X	2,034,000
Health planning and resource development	498,000
Immunization project	507,000
Maternal and child health block grant	7,519,000
Preventive health services block grant	2,691,000
Supplemental food program—WIC	32,383,000
Venereal disease project	1,501,000
Microfilming of health statistics	3,000
Vital statistics component	123,000
National death index	26,000
Homemaker—Home health aid training	70,000
SEER project	376,000
AIDS surveillance	88,000
Workplace hazards evaluation project	104,000
Food inspection program	169,000
Perinatal services	80,000
Diabetes research	80,000
Tuberculosis control program	120,000
Health program for Indo-Chinese refugees	97,000

Department of Higher Education:

Basic educational opportunity grant	15,120,000
College work-study	2,776,000
Educational opportunity grant program—	
Initial and continuing	1,370,000
National direct student loan program	3,100,000
State student incentive grant program	2,000,000
State loan administrative cost deduction and allowance	6,372,000
Veterans' programs	119,000
Veterans' cost of instruction	6,000
College library resource program	3,000
Small business administration	3,000
Cooperative education program	87,000
Special services for disadvantaged students	80,000
Project base bilingual and special education ...	55,000
Nursing student loans	97,000
Upward bound program	175,000
Indo-Chinese refugee assistance program	57,000
Compensatory education program	210,000
Hispanic leadership training program	68,000
A. Harry Moore fund	53,000
Fellowship agreement	1,000
Chapter I—Parent/Infant program	64,000
Cooperative education demonstration project ...	210,000
NEA—PAC audience development and program enrichment	5,000
NEA—Support of PAC dance company artists' fees	6,000

Department of Human Services:

AFDC—Homemaker home health aid—Title XIX	6,027,000
Automated child support enforcement system (ACSES)	10,319,000
Child support and paternity Title IV-d	30,471,000
Child welfare Title IV-b	5,643,000
Community care waiver ICF/MR	11,156,000
Deaf-blind training grant Title VI-c	762,000
Dependent children assistance Title IV-a	302,907,000
Developmental disabilities	1,297,000
Developmental disabilities—Retroactive grant ..	990,000
DYFS restricted grants	721,000

Family assistance management information system (FAMIS)	11,223,000
Food stamp program	25,827,000
Foster care Title IV-e	8,551,000
Foster grandparents program	670,000
Grant diversion project	379,000
Intermediate care facilities—Mental Retardation—Title XIX	87,000,000
ICF—MR/ICF—MR waiver retroactive adjustments	9,601,000
Low income energy assistance block grant	88,407,000
Medical assistance Title XIX	591,187,000
Medical assistance—DEFRA reserve	11,000,000
Refugee resettlement programs	9,303,000
Rehabilitation of the blind—Section 120	10,546,000
Social services block grant	89,380,000
Supplemental security income	8,000,000
Veterans' Administration—Nursing home construction grant	7,000,000
Work incentive program Title IV-e	9,763,000
Department of Labor:	
Employment services—Social security act	105,219,000
Jobs Training Partnership Act—Administration	2,892,000
Jobs Training Partnership Act—Title IIA (Basic)	45,500,000
Jobs Training Partnership Act—Title IIB (Summer Youth)	25,000,000
Jobs Training Partnership Act—Title III (Dislocated Workers)	4,000,000
Occupational Safety and Health Act	1,381,000
Vocational Rehabilitation Act of 1973	23,559,000
Social Security Act Titles II and XVI	26,900,000
Occupational information coordinating program	99,000
Mine safety educational program	37,000
Rehabilitation in-service training	44,000
Rehabilitation of SSI recipients	150,000
Vocational rehabilitation refunds	750,000
Department of Law and Public Safety:	
Alcohol incentive grant	1,320,000
Boating safety	350,000
Emergency management assistance program	1,506,000

Emergency operating center	900,000
Highway safety programs	4,840,000
New charge resolution project	388,000
SLEPA—Planning and grants	2,167,000
SLEPA—Juvenile justice administration	1,430,000
Nuclear civil protection planning	180,000
Emergency management training and education	119,000
Radiological defense officer project	59,000
State of New Jersey Improvement grant	25,000
Medicaid fraud unit	1,900,000
Maintenance and services	41,000
National shelter survey	54,000
Radiological systems maintenance	136,000
Warning and communication	90,000
Northeast hazardous waste coordination committee	300,000
Age discrimination project	85,000
Fair housing assistance program	57,000
Department of the Public Advocate:	
Advocacy for the developmentally disabled	711,000
Clients' assistance project	178,000
Department of State:	
Basic block grant	522,000
National endowment for humanities project	106,000
National historical publication commission	40,000
NEH Papers of William Livingston	29,000
NEA—Artists in education grant	6,000
Department of Transportation:	
Airport fund	17,000,000
Consolidated primary projects	51,000,000
Highway hazard locations	5,400,000
Highway planning and research	5,141,000
Interstate and interstate dedesignation projects	207,450,000
Local aid bridge reconstruction	32,000,000
Metropolitan planning	3,916,000
NJ Statewide public transportation studies	600,000
Rail highway crossing	2,700,000
Research—Federal payroll	1,425,000
Rural highway projects	7,500,000
Urban systems	30,000,000

The Judiciary:

Effects of sentences on subsequent criminal behavior	198,000
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Total—Federal Revenue	\$2,513,578,000
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Total Revenues, General Fund	\$8,747,322,000
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Total Resources, General Fund	\$9,422,207,000
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Property Tax Relief Fund

Undesignated fund balance, July 1, 1985	\$119,355,000
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Gross Income Tax	2,030,000,000
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Total Resources, Property Tax Relief Fund	\$2,149,355,000
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Gubernatorial Elections Fund

Undesignated fund balance, July 1, 1985	(\$1,888,968)
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Taxpayers' Designations	1,550,000
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Total Resources, Gubernatorial Elections Fund	(\$338,968)
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Casino Control Fund

License Fees	\$47,929,000
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Total Resources, Casino Control Fund	\$47,929,000
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Casino Revenue Fund

Undesignated fund balance, July 1, 1985	\$67,160,000
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Gross Revenue Tax	172,000,000
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Investment Income	4,000,000
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Total Resources, Casino Revenue Fund	\$243,160,000
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Grant Total, Resources, All Funds	\$11,862,312,032
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BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. The appropriations herein or so much thereof as may be necessary are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 1986. 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, 1986 with the Director of the Division of Budget and Accounting or held by encumbrance requests covering requisitions on file as of June 30, 1986 with the Director of the Division of Budget and Accounting, provided that contracts covering such requisitions are filed with the Director by July 31, 1986. Nothing contained in this section or in this act shall be construed to prohibit the payment due upon any contract made under any appropriation contained in any appropriation act of the previous year or years. On or before December 1, 1985 the State Treasurer, in accordance with the provisions of C52:27B-46, shall transmit to the Legislature the Annual Financial Report of the State of New Jersey for the fiscal year ended June 30, 1985, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 1985.

DIRECT STATE SERVICES

LEGISLATIVE BRANCH

01 *Legislature*

70 *Government Direction, Management and Control*

71 *Legislative Activities*

0001 *Senate*

01-0001	Senate	\$5,306,000
	Total Appropriation, Senate	<hr/> \$5,306,000 <hr/>

Personal Services:

Senators (40)	(\$1,009,000)
Salaries and wages	(2,206,000)
Members' staff services	(1,200,000)
Materials and Supplies	(143,000)
Services Other Than Personal	(701,000)
Maintenance and Fixed Charges	(12,000)

Special Purpose:

Compensation awards	(20,000)
Additions, Improvements and Equip- ment	(15,000)

The unexpended balance as of June 30, 1985 in this account is appropriated.

0002 General Assembly

02-0002 General Assembly	\$9,305,000
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Total Appropriation, General Assembly	\$9,305,000
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Personal Services:

Members (80)	(\$2,009,000)
Salaries and wages	(3,500,000)
Members' staff services	(2,400,000)
Materials and Supplies	(168,000)
Services Other Than Personal	(1,155,000)
Maintenance and Fixed Charges	(18,000)

Special Purpose:

Compensation awards	(30,000)
Additions, Improvements and Equip- ment	(25,000)

The unexpended balance as of June 30, 1985 in this account is appropriated.

Total Appropriation, Legislature	\$14,611,000
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0003 Office of Legislative Services

03-0003 Legislative Support Services	\$14,049,000
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Total Appropriation, Office of Legislative Services	\$14,049,000
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Personal Services:

State Auditor	(\$63,000)
Salaries and wages	(8,505,000)
New positions	(122,000)
Materials and Supplies	(2,368,000)
Services Other Than Personal	(1,314,000)
Maintenance and Fixed Charges	(975,000)

Special Purpose:

Compensation awards	(30,000)
Affirmative action and equal employ- ment opportunity program	(16,000)
Additions, Improvements and Equip- ment	(656,000)

The unexpended balance as of June 30, 1985 in this account is appropriated.

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

*Legislative Commissions**0010 Intergovernmental Relations Commission*

09-0010 Intergovernmental Relations Commission	\$458,000
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Total Appropriation, Intergovernmental Relations Commission	\$458,000
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Special Purpose:

Expenses of Commission	(\$8,000)
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The Council of State Governments . (78,000)
Atlantic States Marine Fisheries Commission (12,000)
National Conference of Commis- sioners on Uniform State Laws . (	17,000)
Education Commission of the States (	57,000)
National Governors' Association . . (	105,000)
Advisory Commission on Inter- governmental Relations . . . . . (	3,000)
National Conference of State Legis- latures . . . . . (	90,000)
Governmental Accounting Standards Board . . . . . (	28,000)
Northeast-Midwest Research Institute . . . . . (	29,000)
Council of Northeast Governors . . (	31,000)
The unexpended balance as of June 30, 1985 in this account is appropriated.	

0014 Joint Committee on the Public Schools

The unexpended balance as of June 30, 1985 in this
account is appropriated.

0018 State Commission of Investigation

09-0018	State Commission of Investigation	\$2,145,000
Total Appropriation, State Commission of Investigation		\$2,145,000

Special Purpose:

Expenses of Commission (\$2,145,000)

The unexpended balance as of June 30, 1985 in this
account is appropriated.

0025 Commission to Study Sex Discrimination in the Statutes

09-0025	Commission to Study Sex Discrimination in the Statutes	\$93,000
Total Appropriation, Commission to Study Sex Discrimination in the Statutes		\$93,000

Special Purpose:

Expenses of Commission (\$93,000)

The unexpended balance as of June 30, 1985 in this account is appropriated.

0026 Commission on Business Efficiency in the Public Schools

09-0026 Commission on Business Efficiency in the
Public Schools \$55,000

Total Appropriation, Commission on Busi-
ness Efficiency in the Public Schools \$55,000

Special Purpose:

Expenses of Commission (\$55,000)

The unexpended balance as of June 30, 1985 in this account is appropriated.

*0038 State and Local Expenditure and
Revenue Policy Commission*

The unexpended balance as of June 30, 1985 in this account is appropriated.

0039 County and Municipal Government Study Commission

09-0039 County and Municipal Government Study
Commission \$207,000

Total Appropriation, County and Municipal
Government Study Commission \$207,000

Special Purpose:

Expenses of Commission (\$207,000)

The unexpended balance as of June 30, 1985 in this account is appropriated.

0041 New Jersey Statue of Liberty Centennial Commission

The unexpended balance as of June 30, 1985 in this account is appropriated.

0042 New Jersey Monorail Authority Study Commission

The unexpended balance as of June 30, 1985 in this account is appropriated.

0043 Local Expenditure Limitations Advisory Commission

09-0043 Local Expenditure Limitations Advisory Commission	\$50,000
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Total Appropriation, Local Expenditure Limitations Advisory Commission	\$50,000
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Special Purpose:

Expenses of Commission (\$50,000)

0049 Christopher Columbus Quincentennial Observance Commission

The unexpended balance as of June 30, 1985 in this account is appropriated.

0050 Property Tax Assessment Study Commission

The unexpended balance as of June 30, 1985 in this account is appropriated.

0051 Motor Vehicle Inspection System Study Commission

09-0051 Motor Vehicle Inspection System Study Commission	\$50,000
<hr/>	
Total Appropriation, Motor Vehicle Inspection System Study Commission	\$50,000
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Special Purpose:

Expenses of Commission (\$50,000)

The unexpended balance as of June 30, 1985 in this account is appropriated.

Total Appropriation, Legislative Commissions	\$3,058,000
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Total Appropriation, Legislative Branch ...	\$31,718,000
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EXECUTIVE BRANCH

06 OFFICE OF THE CHIEF EXECUTIVE

*70 Government Direction, Management and Control**76 Management and Administration**0300 Chief Executive's Office*

01-0300	Executive Management	\$3,862,000
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Total Appropriation, Chief Executive's Office		\$3,862,000
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Personal Services:

Governor	(\$85,000)
Secretary to the Governor	(29,000)
Salaries and wages	(2,692,000)
Materials and Supplies .....	(	115,000)
Services Other Than Personal .....	(	817,000)
Maintenance and Fixed Charges .....	(	44,000)

Special Purpose:

Allowance to the Governor of funds not otherwise appropriated, for official reception on behalf of the State, operation of an official resi- dence and other expenses .....	(	55,000)
Additions, Improvements and Equip- ment .....	(	25,000)

The unexpended balance as of June 30, 1985 in this
account is appropriated.

10 DEPARTMENT OF AGRICULTURE

*40 Community Development and Environmental Management**42 Natural Resource Management*

01-3310	Animal Disease Control	\$776,000
02-3320	Plant Pest and Disease Control	1,623,000
03-3330	Resource Development Services	1,126,000

Total Appropriation, Natural Resource Management		\$3,525,000
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Personal Services:

Salaries and wages	(\$2,394,000)
Materials and Supplies	(140,000)
Services Other Than Personal	(187,000)
Maintenance and Fixed Charges	(169,000)

Special Purpose:

Indemnities—cattle and swine diseases	(20,000)
Gypsy moth control	(100,000)
Grants to soil conservation districts	(331,000)
Agricultural water use certification	(50,000)
Fish and seafood development and promotion	(100,000)
Additions, Improvements and Equipment	(34,000)

The unexpended balance as of June 30, 1985 in the Gypsy moth control account is appropriated for the same purpose.

Receipts from laboratory test fees in excess of \$50,000 are appropriated to support the Animal Health Laboratory program.

Receipts in excess of \$5,000 from the seed laboratory testing and certification programs are appropriated for program costs.

Receipts from the sale of beneficial insects are appropriated to support the biological control laboratory.

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

06-3360 Marketing Services	\$1,246,000
Total Appropriation, Economic Planning and Development	<u>\$1,246,000</u>

Personal Services:

Salaries and wages	(\$467,000)
Materials and Supplies	(11,000)
Services Other Than Personal	(46,000)
Maintenance and Fixed Charges	(35,000)

Special Purpose:

Promotion/market development . . .	(625,000)
Agricultural fairs	(60,000)
Additions, Improvements and Equip- ment	(2,000)

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., South Jersey Dairy Industry Advisory Council, C4:10-43 et seq., Sire Stakes Fund, C5:5-91, 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, 1985 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, 1985 are appropriated for expenses of commodity distribution.

52 Economic Regulation

04-3340 Dairy Industry Regulation	\$496,000
05-3350 Other Commodity Regulation	800,000
	<hr/>
Total Appropriation, Economic Regulation . .	\$1,296,000
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Personal Services:

Salaries and wages	(\$1,148,000)
Materials and Supplies	(21,000)
Services Other Than Personal	(67,000)
Maintenance and Fixed Charges	(59,000)
Additions, Improvements and Equip- ment	(1,000)
Receipts from inspection fees derived from fruit, vegetable, fish and poultry inspections, and the	

unexpended balance as of June 30, 1985 of such receipts, are appropriated for the cost of conducting fruit, vegetable, fish and poultry inspections.

70 Government Direction, Management and Control

76 Management and Administration

99-3370	Management and Administrative Services	\$1,323,000
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Total Appropriation, Management and Administration		\$1,323,000
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Personal Services:

Secretary	(\$66,000)
Salaries and wages	(872,000)
Materials and Supplies	(27,000)
Services Other Than Personal .....	(	263,000)
Maintenance and Fixed Charges .....	(	55,000)

Special Purpose:

Expenses of State Board of		
Agriculture .....	(	17,000)
Affirmative action and equal employment opportunity program .....	(	18,000)
Additions, Improvements and Equipment	(5,000)

Total Appropriation, Department of Agriculture		\$7,390,000
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14 DEPARTMENT OF BANKING

50 Economic Planning, Development and Security

52 Economic Regulation

01-3010	Regulation of Banking Industry	\$2,419,000
02-3020	Regulation of Savings and Loan Associations	1,234,000
03-3030	Consumer Relations	627,000
99-3040	Management and Administrative Services	530,000

Total Appropriation, Economic Regulation ..		\$4,810,000
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Personal Services:

Commissioner	(\$70,000)	
Salaries and wages	(4,039,000)	
Materials and Supplies	(54,000)	
Services Other Than Personal	(613,000)	
Maintenance and Fixed Charges	(20,000)	
Special Purpose:		
Affirmative action and equal employ- ment opportunity program	(10,000)	
Additions, Improvements and Equip- ment	(4,000)	
Total Appropriation, Department of Banking		<u>\$4,810,000</u>

Receipts in excess of \$2,414,000 anticipated from examination and licensing fees are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

18 DEPARTMENT OF CIVIL SERVICE

70 *Government Direction, Management and Control*74 *General Government Services*

01-2710	Personnel Policy Development and General Administration	\$4,731,000
02-2720	Recruitment and Selection	4,466,000
03-2730	State Service Classification and Compensation	1,828,000
04-2740	Employee Development and Personnel Services	680,000
05-2750	Equal Employment Opportunity and Affirmative Action	649,000
06-2760	Local Government Classification and Placement	2,294,000
Total Appropriation, General Government Services		<u>\$14,648,000</u>

Personal Services:

President	(\$70,000)
Commissioners (4 @ \$14,500)	(58,000)
Salaries and wages	(10,976,000)

Materials and Supplies	(521,000)	
Services Other Than Personal	(1,909,000)	
Maintenance and Fixed Charges	(249,000)	
Special Purpose:		
Affirmative action and equal employ-		
ment opportunity program	(52,000)	
Microfilm service charges	(27,000)	
Design and implementation—Per-		
sonnel management system	(600,000)	
Computer literacy training	(30,000)	
Compensation awards	(27,000)	
Additions, Improvements and Equip-		
ment	(129,000)	
Total Appropriation, Department of Civil		
Service		\$14,648,000

Receipts derived from training services are appropriated for the same purpose.

The unexpended balance in the Task Force on Equitable Compensation account as of June 30, 1985 is appropriated.

The unexpended balance in the equal employment opportunity/affirmative action sensitivity training account as of June 30, 1985 is appropriated.

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

50 *Economic Planning, Development and Security*

51 *Economic Planning and Development*

20-2800	Economic Development	\$1,880,000
20-2840	Motion Picture Commission	233,000
21-2850	International Trade	1,049,000
22-2860	Travel and Tourism	1,170,000
23-2870	Economic Planning	271,000
23-2880	Economic Research	202,000
24-2890	Commission on Science and Technology ..	16,075,000
99-2910	Management and Administrative Services ..	801,000
Total Appropriation, Economic Planning and Development		\$21,681,000

Personal Services:

Commissioner	(\$70,000)
Salaries and wages	(2,848,000)
Materials and Supplies	(294,000)
Services Other Than Personal	(1,109,000)
Maintenance and Fixed Charges	(110,000)

Special Purpose:

New Jersey urban enterprise zones ..	(125,000)
Small business set-aside program ..	(120,000)
Office of Minority Business	
Enterprise	(200,000)
New Jersey Products Trade Show ..	(80,000)
Tourist information centers	(100,000)
Tourist matching grants for	
counties	(250,000)
Historical site and cultural	
promotion	(50,000)
New Jersey Econometric Model	(31,000)

Commission on Science and Technology:

Administration	(407,000)
Telematics programs	(2,000,000)
Biotechnology programs	(1,958,000)
Food technology programs	(1,200,000)
Material sciences programs	(4,031,000)
Hazardous waste management	
programs	(2,514,000)
Fisheries development	(300,000)
American Electronic Association	
challenge grant	(400,000)
Venture development/assistance ...	(300,000)
Advanced scientific computing	
center, subject to availability of	
matching funds	(2,965,000)
Affirmative action and equal employ-	
ment opportunity program	(7,000)

Grant:

Historic Wheaton Village	(200,000)
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Additions, Improvements and Equip-

ment	(12,000)
Total Appropriation, Department of Com-	
merce and Economic Development	

\$21,681,000

The unexpended balance as of June 30, 1985, in the Employee Stock Option Program account is appropriated.

The amount necessary to provide employer rebate awards as a result of the Urban Enterprise Zones program (P. L. 1983, c. 303) is appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 *Community Development and Environmental Management*

41 *Community Development Management*

01-8010	Housing Code Enforcement	\$3,192,000
02-8020	Housing Services	728,000
04-8030	Local Government Services	2,752,000
06-8015	Uniform Construction Code	1,526,000
12-8025	Boarding Home Regulation and Assistance	1,609,000
17-8017	Fire Safety	810,000*

Total Appropriation, Community Develop- ment Management	\$10,617,000*
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Personal Services:

Board members (7 @ \$8,000) (\$56,000)

Salaries and wages (6,729,000)

Positions established from lump

sum appropriation (919,000)

Materials and Supplies (136,000)

Services Other Than Personal (806,000)

Maintenance and Fixed Charges (564,000)

Special Purpose:

Cooperative housing inspection (840,000)

Fire incident reporting system (175,000*)

Construction activity reporting

system (50,000)

Boarding home inspection program

and enforcement (50,000)

Boarding House Rental Assistance
Fund(250,000)
Additions, Improvements and Equip-
ment(42,000)

Receipts in excess of the amount anticipated for housing code enforcement, not to exceed \$450,000, are appropriated for additional code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

Revenue derived from the sale of truth in renting statements, including fees, fines and penalties, is appropriated for administering the Truth in Renting Act, C46:8-43 et seq.

Fees in excess of \$450,000 are appropriated for the cost of the Planned Real Estate Development Full Disclosure Act, C45:22A-21 et seq.

In addition to the amount hereinabove for the Boarding House Rental Assistance Fund, such additional funds as may be required for the purpose of the program are appropriated pursuant to C55:14K-14 and subject to the approval of the Director of the Division of Budget and Accounting.

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

Such sums as may be required for the registration of builders and reviewing and paying claims under the New Home Warranty and Builders' Registration Act, C46:3B-1 et seq., are appropriated from the Home Warranty Security Fund in accordance with C46:3B-7.

Uniform Construction Code fees received from those municipalities which elect to have the State of New Jersey perform code enforcement after July 1, 1984 are appropriated for expenses of code enforcement in such municipalities.

Receipts in excess of the amount anticipated for Construction Code enforcement, not to exceed

\$400,000, are appropriated for additional code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of C52:27D-124.1, a sum not to exceed \$1,325,000 is appropriated from the Uniform Construction Code Revolving Fund for the purpose of such fund; provided, however, that any receipts and balances in excess of \$1,325,000 in the Uniform Construction Code Revolving Fund shall lapse.

Pursuant to C55:14K-55, the Commissioner shall determine at least annually the eligibility of each boarding house resident for rental assistance payments; and appropriations made from the General Fund to the Boarding House Rental Assistance Fund created pursuant to C55:14K-14 may be used by the Commissioner to make payments to the New Jersey Housing and Mortgage Finance Agency, in the form of rental assistance or otherwise, necessary to meet debt service on New Jersey Housing and Mortgage Finance Agency life safety improvement loans.

Receipts derived from Fire Safety activities in accordance with fee structures promulgated by the Department of Community Affairs may be expended for the conduct of the Fire Safety Program, subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

55 Related Social Services Programs

05-8050	Human Resources	\$218,000
08-8060	Programs for the Aging	820,000
14-8061	Ombudsman's Office	715,000
15-8051	Women's Programs	1,089,000
Total Appropriation, Related Social Services Programs		<hr/> \$2,842,000 <hr/>

Personal Services:

Salaries and wages	(\$1,253,000)
Positions converted	(83,000)
Materials and Supplies	(55,000)
Services Other Than Personal	(174,000)
Maintenance and Fixed Charges	(107,000)

Special Purpose:

Federal programs for the aging (State share)	(331,000)
Expenses of the Commission on Aging	(3,000)
Conference on aging	(15,000)
Technical assistance for displaced homemakers	(280,000)
New program initiatives for women	(91,000)
Expenses of the New Jersey Com- mission on Women	(7,000)
Domestic violence	(350,000)

Grants:

Women's referral central	(35,000)
Grants to women's shelters	(50,000)

Additions, Improvements and Equip- ment	(8,000)
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The unexpended balance as of June 30, 1985 in the Intergenerational Child Care Demonstration matching program in the Division of Aging is appropriated for the same purpose.

*70 Government Direction, Management and Control**76 Management and Administration*

99-8070 Management and Administrative Services	\$2,615,000
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Total Appropriation, Management and Administration	\$2,615,000
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Personal Services:

Commissioner	(\$66,000)
Salaries and wages	(1,931,000)
Materials and Supplies	(27,000)
Services Other Than Personal	(459,000)
Maintenance and Fixed Charges	(62,000)

Special Purpose:

Affirmative action and equal employment opportunity program	(51,000)	
Compensation awards	(13,000)	
Additions, Improvements and Equipment	(6,000)	
Total Appropriation, Department of Community Affairs		<u><u>\$16,074,000</u></u>

26 DEPARTMENT OF CORRECTIONS

10 *Public Safety and Criminal Justice*16 *Detention and Rehabilitation*7025 *System-Wide Program Support*

13-7025 Institutional Program Support	\$26,941,000
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Total Appropriation, Institutional Program Support	<u><u>\$26,941,000</u></u>
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Services Other Than Personal	(\$228,000)
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Special Purpose:

Integrated information systems development	(1,100,000)
Augment medical care at institutions	(1,846,000)
Farm operations subsidy	(750,000)
Purchase of service for inmates incarcerated in county penal facilities	(19,402,000)
Purchase of service for inmates incarcerated in out-of-State facilities	(221,000)
Adult post-secondary and college programs	(200,000)
State share (Social Services Block Grant)	(83,000)
Computerized menu planning	(113,000)
Institutional law libraries	(5,000)
Newark prison startup	(737,000)
Substance abuse at institutions	(195,000)

Preventive maintenance at institutions	(129,000)
Grants:	
Purchase of community services ...	(1,609,000)
Transportation assistance for inmates' families' visitations ...	(226,000)
Theatre without bars	(97,000)

A portion of the total amount appropriated for purchase of service for inmates incarcerated in county penal facilities is available for operational costs of additional State facilities for inmate housing which become ready for occupancy, subject to the approval of the Director of the Division of Budget and Accounting.

7040 State Prison, Trenton

07-7040	Institutional Control and Supervision	\$23,239,000
08-7040	Institutional Care Program	6,612,000
09-7040	Institutional Treatment Program	1,557,000
10-7040	Education Program	980,000
19-7040	Physical Plant and Support Services	3,804,000
99-7040	Management and Administrative Services	1,337,000

Total Appropriation, State Prison, Trenton .	<u>\$37,529,000</u>
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Personal Services:

Salaries and wages	(\$27,940,000)
Food in lieu of cash	(267,000)
Materials and Supplies	(6,068,000)
Services Other Than Personal	(2,575,000)
Maintenance and Fixed Charges	(317,000)

Special Purpose:

Compensation awards	(250,000)
Inmate claims	(3,000)
Additions, Improvements and Equipment	(109,000)

7050 State Prison, Rahway

07-7050	Institutional Control and Supervision	\$12,391,000
08-7050	Institutional Care Program	4,344,000

09-7050	Institutional Treatment Program	1,413,000
10-7050	Education Program	574,000
19-7050	Physical Plant and Support Services	3,156,000
99-7050	Management and Administrative Services	721,000

Total Appropriation, State Prison, Rahway .	\$22,599,000
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Personal Services:

Salaries and wages	(\$14,378,000)
Food in lieu of cash	(126,000)
Materials and Supplies	(5,041,000)
Services Other Than Personal	(1,846,000)
Maintenance and Fixed Charges	(273,000)

Special Purpose:

Expanded capacity	(594,000)
Compensation awards	(197,000)
Additions, Improvements and Equipment	(144,000)

7060 State Prison, Leesburg

07-7060	Institutional Control and Supervision ...	\$10,366,000
08-7060	Institutional Care Program	3,970,000
09-7060	Institutional Treatment Program	1,333,000
10-7060	Education Program	491,000
19-7060	Physical Plant and Support Services	1,907,000
99-7060	Management and Administrative Services	605,000

Total Appropriation, State Prison, Leesburg	\$18,672,000
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Personal Services:

Salaries and wages	(\$11,178,000)
Positions established from lump sum appropriation	(287,000)
Food in lieu of cash	(123,000)
Materials and Supplies	(3,485,000)
Services Other Than Personal	(1,664,000)
Maintenance and Fixed Charges	(284,000)

Special Purpose:

Expanded capacity	(1,629,000)
Compensation awards	(22,000)

New Jersey State Library

7065 Southern State Correctional Facility

07-7065	Institutional Control and Supervision . . .	\$11,764,000
08-7065	Institutional Care Program	3,023,000
09-7065	Institutional Treatment Program	1,021,000
10-7065	Education Program	771,000
19-7065	Physical Plant and Support Services	1,442,000
99-7065	Management and Administrative Services	971,000

Total Appropriation, Southern State Correctional Facility	\$18,992,000
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Personal Services

Salaries and wages	(\$14,080,000)
Food in lieu of cash	(161,000)
Materials and Supplies	(2,544,000)
Services Other Than Personal	(1,166,000)
Maintenance and Fixed Charges	(347,000)
Special Purpose:	
Expanded capacity	(545,000)
Compensation awards	(32,000)
Additions, Improvements and Equipment	(117,000)

7070 Mid-State Correctional Facility

07-7070	Institutional Control and Supervision . . .	\$5,241,000
08-7070	Institutional Care Program	1,854,000
09-7070	Institutional Treatment Program	755,000
10-7070	Education Program	408,000
19-7070	Physical Plant and Support Services	1,106,000
99-7070	Management and Administrative Services	556,000

Total Appropriation, Mid-State Correctional Facility	\$9,920,000
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Personal Services:

Salaries and wages	(\$7,353,000)
Food in lieu of cash	(80,000)
Materials and Supplies	(1,624,000)
Services Other Than Personal	(590,000)
Maintenance and Fixed Charges	(216,000)

Special Purpose:

Compensation awards	(30,000)
Additions, Improvements and Equipment	(27,000)

7075 Camden Correctional Facility

07-7075	Institutional Control and Supervision ...	\$4,676,000
08-7075	Institutional Care Program	1,639,000
09-7075	Institutional Treatment Program	614,000
10-7075	Education Program	374,000
19-7075	Physical Plant and Support Services	987,000
99-7075	Management and Administrative Services	633,000

Total Appropriation, Camden Correctional Facility	<u>\$8,923,000</u>
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Personal Services:

Salaries and wages	(\$659,000)
Positions established from lump sum appropriation	(5,817,000)
New positions	(276,000)
Food in lieu of cash	(78,000)
Materials and Supplies	(1,335,000)
Services Other Than Personal	(374,000)
Maintenance and Fixed Charges	(161,000)

Special Purpose:

Compensation awards	(21,000)
Additions, Improvements and Equipment	(202,000)

7080 Correctional Institution for Women, Clinton

07-7080	Institutional Control and Supervision ...	\$4,588,000
08-7080	Institutional Care Program	2,270,000
09-7080	Institutional Treatment Program	680,000
10-7080	Education Program	327,000
19-7080	Physical Plant and Support Services	998,000
99-7080	Management and Administrative Services	559,000

Total Appropriation, Correctional Institution for Women, Clinton	<u>\$9,422,000</u>
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Personal Services:

Salaries and wages	(\$6,767,000)
Food in lieu of cash	(67,000)
Materials and Supplies	(1,165,000)
Services Other Than Personal	(1,108,000)
Maintenance and Fixed Charges	(130,000)

Special Purpose:

Female alcohol awareness/treatment program	(80,000)
Compensation awards	(47,000)
Additions, Improvements and Equipment	(58,000)

7090 Adult Diagnostic and Treatment Center, Avenel

07-7090	Institutional Control and Supervision ...	\$2,625,000
08-7090	Institutional Care Program	1,054,000
09-7090	Institutional Treatment Program	499,000
10-7090	Education Program	153,000
11-7090	Outpatient Diagnostic and Treatment Services	275,000
19-7090	Physical Plant and Support Services	447,000
99-7090	Management and Administrative Services	383,000

Total Appropriation, Adult Diagnostic and Treatment Center, Avenel	<u>\$5,436,000</u>
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Personal Services:

Salaries and wages	(\$3,911,000)
Food in lieu of cash	(39,000)
Materials and Supplies	(750,000)
Services Other Than Personal	(341,000)
Maintenance and Fixed Charges	(83,000)

Special Purpose:

Expanded capacity	(286,000)
Compensation awards	(6,000)
Additions, Improvements and Equipment	(20,000)

7110 Youth Reception and Correction Center, Yardville

07-7110	Institutional Control and Supervision . . .	\$8,277,000
08-7110	Institutional Care Program	3,274,000
09-7110	Institutional Treatment Program	1,592,000
10-7110	Education Program	488,000
19-7110	Physical Plant and Support Services	1,453,000
99-7110	Management and Administrative Services	699,000
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Total Appropriation, Youth Reception and Correction Center, Yardville		\$15,753,000
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Personal Services:

Salaries and wages	(\$11,010,000)
Food in lieu of cash	(112,000)
Materials and Supplies	(2,743,000)
Services Other Than Personal	(1,037,000)
Maintenance and Fixed Charges	(137,000)

Special Purpose:

Expanded capacity	(550,000)
Compensation awards	(35,000)
Additions, Improvements and Equipment	(129,000)

7120 Youth Correctional Institution, Bordentown

07-7120	Institutional Control and Supervision . . .	\$7,944,000
08-7120	Institutional Care Program	2,530,000
09-7120	Institutional Treatment Program	1,048,000
10-7120	Education Program	445,000
19-7120	Physical Plant and Support Services	1,590,000
99-7120	Management and Administrative Services	698,000
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Total Appropriation, Youth Correctional Institution, Bordentown		\$14,255,000
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Personal Services:

Salaries and wages	(\$9,179,000)
Positions established from lump sum appropriation	(67,000)
Food in lieu of cash	(100,000)
Materials and Supplies	(2,371,000)
Services Other Than Personal	(1,001,000)

Maintenance and Fixed Charges (133,000)

Special Purpose:

Expanded capacity (1,294,000)

Compensation awards (85,000)

Additions, Improvements and

Equipment (25,000)

7130 Youth Correctional Institution, Annandale

07-7130 Institutional Control and Supervision . . . \$7,514,000

08-7130 Institutional Care Program 2,693,000

09-7130 Institutional Treatment Program 1,168,000

10-7130 Education Program 248,000

19-7130 Physical Plant and Support Services 1,557,000

99-7130 Management and Administrative Services . . 556,000

Total Appropriation, Youth Correctional

Institution, Annandale \$13,736,000

Personal Services:

Salaries and wages (\$9,951,000)

Positions established from lump

sum appropriation (135,000)

Food in lieu of cash (98,000)

Materials and Supplies (2,459,000)

Services Other Than Personal (845,000)

Maintenance and Fixed Charges (99,000)

Special Purpose:

Compensation awards (76,000)

Additions, Improvements and Equip-

ment (73,000)

18 Juvenile Correctional Services

7210 Training School for Boys, Skillman

07-7210 Institutional Control and Supervision . . . \$2,602,000

08-7210 Institutional Care Program 583,000

09-7210 Institutional Treatment Program 381,000

19-7210 Physical Plant and Support Services 684,000

99-7210 Management and Administrative Services . . 474,000

Total Appropriation, Training School for

Boys, Skillman \$4,724,000

Personal Services:

Salaries and wages	(\$3,949,000)
Materials and Supplies	(477,000)
Services Other Than Personal	(165,000)
Maintenance and Fixed Charges	(71,000)
Special Purpose:	
Compensation awards	(41,000)
Additions, Improvements and Equip- ment	(21,000)

7220 Training School for Boys, Jamesburg

07-7220	Institutional Control and Supervision	\$4,285,000
08-7220	Institutional Care Program	1,213,000
09-7220	Institutional Treatment Program	799,000
19-7220	Physical Plant and Support Services	1,522,000
99-7220	Management and Administrative Services	527,000

Total Appropriation, Training School for Boys, Jamesburg	\$8,346,000
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Personal Services:

Salaries and wages	(\$6,476,000)
Food in lieu of cash	(70,000)
Materials and Supplies	(1,256,000)
Services Other Than Personal	(365,000)
Maintenance and Fixed Charges	(149,000)
Special Purpose:	
Compensation awards	(30,000)

7225 Juvenile Medium Security Center

07-7225	Institutional Control and Supervision	\$1,882,000
08-7225	Institutional Care Program	422,000
09-7225	Institutional Treatment Program	238,000
19-7225	Physical Plant and Support Services	323,000
99-7225	Management and Administrative Services	242,000

Total Appropriation, Juvenile Medium Security Center	\$3,107,000
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Personal Services:

Salaries and wages	(\$2,599,000)
Food in lieu of cash	(30,000)

Materials and Supplies	(268,000)
Services Other Than Personal	(140,000)
Maintenance and Fixed Charges	(63,000)
Special Purpose:	
Compensation awards	(7,000)

*18 Juvenile Correctional Services**12 Residential Care*

12-7230 Residential Group Center, Highfields	\$180,000
12-7240 Residential Group Center, Warren	200,000
12-7250 Residential Group Center, Ocean	323,000
12-7260 Residential Group Center, Turrell	727,000
12-7270 Juvenile Community Programs	4,394,000

Total Appropriation, Juvenile Correctional Services	\$5,824,000
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Personal Services:

Salaries and wages	(\$3,527,000)
Positions established from lump sum appropriation	(766,000)
Food in lieu of cash	(13,000)
Materials and Supplies	(208,000)
Services Other Than Personal	(91,000)
Maintenance and Fixed Charges	(26,000)
Special Purpose:	
Community centers	(1,174,000)
Compensation awards	(1,000)
Additions, Improvements and Equipment	(18,000)

*17 Parole and Community Programs**7010 Office of Parole and Community Programs*

03-7010 Parole	\$8,418,000
04-7010 Community Programs	1,363,000

Total Appropriation, Office of Parole and Community Programs	\$9,781,000
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Personal Services:	
Salaries and wages	(\$7,237,000)
Positions established from lump sum appropriation	(1,225,000)
Materials and Supplies	(99,000)
Services Other Than Personal	(229,000)
Maintenance and Fixed Charges	(483,000)
Special Purpose:	
Payments to inmates discharged from county facilities	(75,000)
Juvenile Resource Center, Camden .	(95,000)
Community Residence Center, Jersey City	(51,000)
Community Service Center, Newark .	(171,000)
Community Service Center, Essex .	(79,000)
Compensation awards	(27,000)
Additions, Improvements and Equip- ment	(10,000)

7280 State Parole Board

05-7280 State Parole Board	\$3,980,000
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Total Appropriation, State Parole Board ...	\$3,980,000
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Personal Services:	
Salaries and wages	(\$3,236,000)
Materials and Supplies	(72,000)
Services Other Than Personal	(295,000)
Maintenance and Fixed Charges	(99,000)
Special Purpose:	
Increased parole supervision	(192,000)
Additions, Improvements and Equip- ment	(86,000)

19 Central Planning, Direction and Management

7000 Division of Management and General Support

01-7000 Planning, Management and General Support	\$1,982,000
02-7000 Program Operations Support	1,552,000

19-7000	Physical Plant and Support Services	759,000
99-7000	Management and Administrative Services	4,875,000

Total Appropriation, Central Planning, Direction and Management	\$9,168,000
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Personal Services:

Commissioner	(\$70,000)
Salaries and wages	(6,930,000)
Positions established from lump sum appropriation	(33,000)
Materials and Supplies	(436,000)
Services Other Than Personal	(1,205,000)
Maintenance and Fixed Charges	(167,000)

Special Purpose:

Inmate marine barrier project	(100,000)
Affirmative action and equal employ- ment opportunity program	(86,000)
Compensation awards	(23,000)

Additions, Improvements and Equip- ment	(118,000)
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Total Appropriation, Department of Corrections	\$247,108,000
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Balances on hand as of June 30, 1985 of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are appropriated for the use of such inmates.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are appropriated for the purposes provided under C30:4-91.4.

Of the amount hereinabove for the Department of Corrections, such sums as the Director of the Division of Budget and Accounting shall determine first shall be charged to the State Lottery Fund.

30 DEPARTMENT OF DEFENSE

10 *Public Safety and Criminal Justice*14 *Military Services*

01-3600	National Guard Training, Operations and Administration	\$2,521,000
02-3600	Management of National Guard Installations	6,009,000
03-3600	Management of Joint Training Center ...	1,334,000
Total Appropriation, Military Services		<hr/> \$9,864,000 <hr/>

Personal Services:

Adjutant General	(\$66,000)
Salaries and wages	(4,711,000)
Materials and Supplies	(1,872,000)
Services Other Than Personal	(764,000)
Maintenance and Fixed Charges	(426,000)

Special Purpose:

Affirmative action and equal employment opportunity program	(4,000)
New Jersey Military Academy	(38,000)
Microfilm service charges	(10,000)
Joint Federal-State operations and maintenance contracts (State share)	(608,000)
Compensation awards	(136,000)
Additions, Improvements and Equipment	(1,229,000)

Receipts derived from rental and use of armories and the unexpended balance of such receipts as of June 30, 1985, are appropriated for the operation and maintenance thereof.

The unexpended balance as of June 30, 1985 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, 1985 are appropriated.

Total Appropriation, Department of Defense	\$9,864,000
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34 DEPARTMENT OF EDUCATION

30 *Educational, Cultural and Intellectual Development*

31 *Direct Educational Services and Assistance*

04-5064	Adult and Continuing Education	\$600,000
05-5066	Bilingual Education	168,000
06-5066	Compensatory Education	257,000
07-5065	Special Education	1,203,000

Total Appropriation, Direct Educational Services and Assistance	\$2,228,000
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Personal Services:

Salaries and wages	(\$1,986,000)
Materials and Supplies	(55,000)
Services Other Than Personal	(172,000)
Maintenance and Fixed Charges	(14,000)
Additions, Improvements and Equipment	(1,000)

32 *Operation and Support of Educational Institutions*

12-5011	Marie H. Katzenbach School for the Deaf .	\$7,096,000
15-5010	Project COED	2,686,000

Total Appropriation, Operation and Support of Educational Institutions	\$9,782,000
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Personal Services:

Salaries and wages	(\$7,114,000)
Materials and Supplies	(1,278,000)
Services Other Than Personal	(413,000)
Maintenance and Fixed Charges	(266,000)

Special Purpose:

Transportation expenses for	
students	(220,000)
Compensation awards	(26,000)
Additions, Improvements and Equip-	
ment	(465,000)

Notwithstanding the provisions of NJS 18A:61-1 and NJS 18A:46-13, or any other statute, \$2,805,000 of the amount hereinabove to the Marie H. Katzenbach School for the Deaf for operating expenses shall be reimbursed by local boards of education; provided, however, that each local board pay that portion of costs which the number of its handicapped pupils bears to the entire number of handicapped pupils in the school; provided further, however, that payments be made by each local board in accordance with a schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting and be paid directly to the General Treasury.

Receipts derived from charges at the regional schools for the handicapped and the unexpended balance as of June 30, 1985, of such receipts are appropriated for the costs of operating the schools.

The unexpended balance as of June 30, 1985 in the receipt account of the Marie H. Katzenbach School for the Deaf, and receipts derived from charges in excess of those anticipated, are appropriated for operating expenses.

33 Supplemental Education and Training Programs

20-5062 General Vocational Education	\$1,366,000
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Total Appropriation, Supplemental Educa-	
tion and Training Programs	\$1,366,000
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Personal Services:

Salaries and wages	(\$1,106,000)
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Materials and Supplies (27,000)
 Services Other Than Personal (77,000)
 Maintenance and Fixed Charges (6,000)

Special Purpose:

School-to-Work Linkage Program .. (50,000)

Grants:

Career Education Incentive Act (100,000)

The unexpended balance as of June 30, 1985 in the
 Inspection and Licensing of Private Schools
 account and receipts derived therefrom are appro-
 priated, subject to the enactment of enabling
 legislation.

34 Educational Support Services

30-5063	General Academic Education	\$2,832,000
33-5067	Service to Local Districts	4,980,000
33-5068	Service to Local Districts	1,367,000
34-5067	Equal Educational Opportunity	167,000
36-5120	Pupil Transportation	285,000
37-5120	School Nutrition	137,000
38-5120	Facilities Planning and School Building Aid	299,000

Total Appropriation, Educational Support
 Services

\$10,067,000

Personal Services:

Salaries and wages (\$7,952,000)

Materials and Supplies (104,000)

Services Other Than Personal (333,000)

Maintenance and Fixed Charges (32,000)

Special Purpose:

Regional computer training and
 demonstration center project (343,000)

Statewide Testing Program (977,000)

Advisory Council on Holocaust
 Education (125,000)

Grants:

Programs for the Gifted and
 Talented (200,000)

Additions, Improvements and Equip-
 ment (1,000)

The unexpended balance as of June 30, 1985 in the Inspection of school construction account, and receipts derived therefrom, are appropriated for the operation of the school construction inspection program.

Receipts from the State Board of Examiners' fees and the unexpended balances as of June 30, 1985 are appropriated for the operation of the teacher certification program.

35 Education Administration and Management

42-5120	School Finance and Auditing	\$1,325,000
99-5090	Management and Administrative Services	797,000
99-5095	Management and Administrative Services	3,320,000

Total Appropriation, Education Administration and Management	<u>\$5,442,000</u>
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Personal Services:

Commissioner	(\$70,000)
Salaries and wages	(3,620,000)
Materials and Supplies	(255,000)
Services Other Than Personal	(816,000)
Maintenance and Fixed Charges	(168,000)

Special Purpose:

State Board of Education expenses ..	(41,000)
Microfilm service charges	(40,000)
Affirmative action and equal employment opportunity program ..	(33,000)
Academy for Advancement of Teaching and Management	(311,000)
Marine Academy of Science and Technology	(50,000)
Compensation awards	(24,000)
Additions, Improvements and Equipment	(14,000)

Receipts derived from charges at the Academy for the Advancement of Teaching and Management and the unexpended balance as of June 30, 1985 of such receipts are appropriated for the costs of operation.

37 Cultural and Intellectual Development Services

51-5070	Library Services	\$3,057,000
54-5010	Support of the Arts	471,000

Total Appropriation, Cultural and Intellectual Development Services	\$3,528,000
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Personal Services:

Salaries and wages	(\$2,222,000)
Materials and Supplies	(483,000)
Services Other Than Personal	(293,000)
Maintenance and Fixed Charges	(28,000)

Special Purpose:

New Jersey School of the Arts	(146,000)
Teen arts program	(100,000)
Governor's School	(225,000)

Additions, Improvements and Equipment	(31,000)
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Receipts derived from tuition charges at the New Jersey School of the Arts and the unexpended balance as of June 30, 1985 of such receipts are appropriated for the costs of operation.

Total Appropriation, Department of Education	\$32,413,000
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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 first shall be charged to the State Lottery Fund.

DEPARTMENT OF ENERGY

*30 Educational, Cultural and Intellectual Development**37 Cultural and Intellectual Development Services*

10-4050	Public Broadcasting Services	\$6,447,000
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Total Appropriation, Cultural and Intellectual Development Services	\$6,447,000
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Personal Services:

Salaries and wages	(\$3,816,000)
Materials and Supplies	(465,000)
Services Other Than Personal	(709,000)
Maintenance and Fixed Charges	(482,000)

Special Purpose:

Affirmative action and equal employment opportunity program	(20,000)
Programming	(725,000)
Grant from the State to produce the daily lottery drawing program ..	(150,000)
Grant to Newark Public Radio	(30,000)
Additions, Improvements and Equipment	(50,000)

Receipts derived from leasing space on transmitter towers, rental of studio or production facilities to non-profit organizations and sale or reproduction of Authority produced programs, and the unexpended balance as of June 30, 1985 of such receipts are appropriated.

*40 Community Development and Environmental Management**42 Natural Resource Management*

05-4030 Energy Resource Management	\$1,947,000*
99-4030 Management and Administrative Services	398,000
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Total Appropriation, Natural Resource Management	\$2,345,000*
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Personal Services:

Commissioner	(\$66,000)
Salaries and wages	(1,669,000)
Materials and Supplies	(56,000)
Services Other Than Personal	(425,000)
Maintenance and Fixed Charges	(37,000)

Special Purpose:

Affirmative action and equal employment opportunity program	(25,000)
Additions, Improvements and Equipment	(67,000)

The unexpended balance as of June 30, 1985 in this account is appropriated.

There are appropriated from the State Recycling Fund such sums as may be required to carry out the provisions of the Recycling Act, C13:1E-92 et seq.

Fees received from the Electric Facility Needs Assessment Act, C48:7-16 et seq., are appropriated.

Oil overcharge escrow distributions received from settlement of federal petroleum violation cases are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

52 Economic Regulation

01-4010	Financial Regulation	\$5,434,000
02-4020	Service Adequacy and Safety	3,355,000
04-4045	Regulation of Cable Television	774,000
99-4040	Management and Administrative Services	1,390,000
Total Appropriation, Economic Regulation .		<hr/> \$10,953,000 <hr/>

Personal Services:

President, Board of Public

Utilities	(\$66,000)
Board members (2 @ \$61,500)	(123,000)
Salaries and wages	(9,187,000)
Materials and Supplies	(211,000)
Services Other Than Personal	(1,074,000)
Maintenance and Fixed Charges	(96,000)

Special Purpose:

Affirmative action and equal employment opportunity program	(35,000)
Additions, Improvements and Equipment	(161,000)

In addition to the sum hereinabove, such other sums, as the Director of the Division of Budget

and Accounting shall determine, shall be considered as appropriated on behalf of the Board of Public Utilities under C48:2-59 et seq. and C48:5A-32, or other applicable statutes with respect to assessment of public utilities or the cable television industry.

The unexpended balance as of June 30, 1985 in this account is appropriated.

Fees, fines and penalties in excess of those anticipated are appropriated.

Total Appropriation, Department of Energy \$19,745,000*

DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 *Community Development and Environmental Management*

42 *Natural Resource Management*

05-4840	Water Supply and Watershed Management	\$2,502,000
11-4870	Forest Resource Management	3,921,000
13-4880	Hunters' and Anglers' License Fund	6,627,000
14-4885	Shellfish and Marine Fisheries Management	1,066,000
15-4890	Marine Lands Management	1,945,000
20-4880	Wildlife Management	319,000
Total Appropriation, Natural Resource Management		\$16,380,000

Personal Services:

Salaries and wages	(\$9,601,000)
Positions converted	(212,000)
Materials and Supplies	(1,864,000)
Services Other Than Personal	(1,101,000)
Maintenance and Fixed Charges	(676,000)

Special Purpose:

Office of the Rivermaster	(46,000)
Laboratory services (Department of Health)	(90,000)
Microfilm service charges	(65,000)

Flood plain management permit-processing	(350,000)
Fire fighting costs	(425,000)
Disposal of dead deer	(100,000)
Oyster propagation and disease control (C50:3-20.17)	(60,000)
Surf clam research and inventory ..	(30,000)
Shellfish research and inventory ..	(22,000)
Delineation and determination of State riparian land	(430,000)
Tidelands Resource Council	(25,000)
Fish contamination study	(100,000)
Pequest resource center	(119,000)
Compensation awards	(51,000)
Additions, Improvement and Equipment	(1,013,000)

The unexpended balances as of June 30, 1985 in the Fire fighting costs, Delineation and determination of State riparian land and the Flood emergency management accounts are appropriated for the same purpose.

The amount hereinabove for the Hunters' and Anglers' License Fund shall be payable out of said Fund and any amounts remaining therein, in addition to the unexpended balances as of June 30, 1985, are appropriated for additional operating costs. If receipts to said Fund are less than anticipated, the appropriation shall be reduced correspondingly.

Receipts in excess of \$63,500 derived from Sea clam fees and Sea clam licenses (commercial and non-commercial) are appropriated.

The amount hereinabove for Delineation and determination of State riparian land shall be provided from receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands, and any receipts in excess of such amount, not to exceed \$645,000, 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, \$412,000 shall first be charged to receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands as reimbursement for staff and administrative costs necessary for managing and providing proper surveillance and enforcement of State rights over the use of State-owned riparian lands; provided, however, that there are appropriated from any receipts in excess of the amount anticipated, \$600,000 to meet peak demands of the Marine Lands Management Program.

Receipts derived from the sale of materials which encourage the protection of endangered and nongame wildlife species and any funds derived from the Income Tax Refund Checkoff for the Endangered and Nongame Species of Wildlife Conservation Fund (C54A:9-25.2) and the unexpended balance as of June 30, 1985 of such receipts are appropriated for protection of endangered and nongame wildlife species.

43 *Environmental Quality*

02-4825	Air Pollution Control	\$3,297,000
03-4830	Noise Control	90,000
07-4850	Water Monitoring and Planning	1,739,000
08-4855	Water Enforcement	1,043,000
22-4861	Geological Survey	2,216,000
Total Appropriation, Environmental Quality		<hr/> \$8,385,000 <hr/>

Personal Services:

Salaries and wages	(\$4,710,000)
Materials and Supplies	(264,000)

Services Other Than Personal	(819,000)
Maintenance and Fixed Charges	(339,000)
Special Purpose:	
Acid rain study	(100,000)
Toxic air pollutants study	(148,000)
Replacement—air monitoring equipment	(100,000)
Noise control	(49,000)
Weed control, State controlled lakes	(50,000)
Laboratory services (Department of Health)	(469,000)
Compensation awards	(6,000)
Expansion of geological survey ...	(1,000,000)
USGS mapping project	(200,000)
Additions, Improvements and Equipment	(131,000)

Receipts from the air pollution control program in excess of \$425,000 are appropriated.

Receipts derived from the New Jersey Pollutant Discharge Elimination System and the unexpended balance of such receipts as of June 30, 1985 are appropriated for expenses of the program.

There is allocated from funds previously appropriated from the Water Conservation Fund the sum of \$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.

The unexpended balances as of June 30, 1985 in the Expansion of geological survey account are appropriated for the same purpose.

44 Hazardous and Toxic Pollution Control

01-4820	Radiation Protection	\$1,903,000
04-4835	Pesticide Control	250,000
18-4810	Environmental Cancer and Toxic Substances	2,729,000

19-4815	Spill Prevention, Response and Site Cleanup	7,988,000
23-4910	Waste Management	7,428,000

Total Appropriation, Hazardous and Toxic Pollution Control	\$20,298,000
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Personal Services:

Salaries and wages	(\$4,997,000)
Positions established from lump sum appropriation	(8,403,000)
Positions converted	(55,000)
Materials and Supplies	(834,000)
Services Other Than Personal	(2,601,000)
Maintenance and Fixed Charges	(969,000)

Special Purpose:

Radiological site decontamination ..	(100,000)
Geographic information system ...	(174,000)
Toxic catastrophe prevention	(500,000)
Groundwater investigations	(50,000)
Expansion of hazardous waste engineering	(258,000)
Major Hazardous Waste Facilities Siting Act—Siting Commission ..	(356,000)
Expansion of enforcement programs	(200,000)
Hazardous Waste Facilities Siting Commission—Review	(30,000)
Compensation awards	(15,000)
Additions, Improvements and Equipment	(756,000)

Receipts in excess of \$135,000 derived from laboratory certification services are appropriated.

Receipts derived from fees charged for services performed under the Environmental Cleanup Responsibility Act, C13:1K-6 et seq., are appropriated for program purposes.

There is appropriated from receipts received pursuant to the assessments of electrical utility companies, C26:2D-37 et seq., an amount of \$1,052,099

together with the unexpended balance as of June 30, 1985 for nuclear emergency response; provided, however, that the expenditure of these funds shall be subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the New Jersey Spill Compensation Fund such sums as may be required for cleanup operations in accordance with the provisions of C58:10-23.11 et seq., subject to approval of the Director of the Division of Budget and Accounting; provided, however, that expenditures for the Department's administrative costs associated with the Fund shall not exceed \$750,000.

Such sums as may be required, not to exceed \$400,000, to cover costs associated with the administration of the Environmental Cleanup Responsibility Act, C13:1K-6 et seq., are appropriated from the New Jersey Spill Compensation Fund and, in addition, any unexpended balances as of June 30, 1985 are appropriated.

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

The unexpended balances as of June 30, 1985 in the Major Hazardous Waste Facilities Siting Act—Siting Commission, the Major Hazardous Waste Facilities Siting Act—Hazardous Waste Advisory Council and the Hazardous Waste Facilities Siting Commission—Mapping accounts are appropriated.

There are appropriated from the State Recycling Fund such sums as may be required to carry out the provisions of the Recycling Act, C13:1E-92 et seq.

There are appropriated from the Sanitary Landfill Facility Contingency Fund such sums as may be required to carry out the provisions of the Sanitary Landfill Facility Closure and Contingency Fund Act, C13:1E-100 et seq.; provided, however, that expenditures for the Department's administrative costs associated with the Fund shall not exceed \$250,000.

There are appropriated out of the Worker and Community Right to Know Fund such sums as may be necessary to carry out the provisions of the Worker and Community Right to Know Act, C34:5A-1 et seq., and, in addition, any unexpended balances as of June 30, 1985 are appropriated.

There are appropriated out of the New Jersey Spill Compensation Fund such sums as may be required for hiring adjustors, administering the Fund and paying approved claims for damages.

45 Recreational Resource Management

10-4865	Marina Operations	\$793,000
12-4875	Parks Management	15,838,000
21-4895	Navigational Aids	743,000

Total Appropriation, Recreational Resource Management	<u>\$17,374,000</u>
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Personal Services:

Salaries and wages	(\$9,914,000)
Positions established from lump sum appropriation	(212,000)
Positions converted	(290,000)
Materials and Supplies	(2,245,000)
Services Other Than Personal	(1,030,000)
Maintenance and Fixed Charges	(1,254,000)

Special Purpose:

Liberty Park Commission	(22,000)
Maintenance—Old Barracks, Trenton (State share)	(200,000)
Expenses of the Delaware and Raritan Canal Commission	(150,000)
Youth conservation and recreation projects	(50,000)
Day trip and camping opportuni- ties for youngsters from lower and moderate income families ...	(450,000)
Natural Lands Trust	(18,000)
Natural Areas Council	(5,000)
Historic Sites Trust	(20,000)
Construction, maintenance, improve- ment and dredging of inland waterways; bulkheading and dredging at State marinas and dredging State-controlled lakes ..	(300,000)
Compensation awards	(56,000)
Additions, Improvements and Equipment	(1,158,000)

Receipts in excess of \$793,000 from Marina operations are appropriated for maintenance and security of marina facilities.

The amount hereinabove for the operation, maintenance and administration of the Morris Canal and Banking Company properties shall be payable out of the Morris Canal Fund and there shall be refunded to the General Fund such amounts as have been advanced from said Fund to the Morris Canal Fund whenever and to the extent that cash in the Morris Canal Fund exceeds the liabilities thereof.

The unexpended balance, not to exceed \$125,000, as of June 30, 1985 in the Open lands management account is appropriated.

The unexpended balance as of June 30, 1985 in the Natural lands trust account and sums otherwise made available are appropriated for the same purpose.

The unexpended balance as of June 30, 1985 in the Construction, maintenance, improvement and dredging inland waterways; bulkheading and dredging at State marinas and dredging State-controlled lakes account is appropriated for the same purpose.

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

4876 Palisades Interstate Park Commission

24-4876	Parks Management	\$1,505,000
25-4876	Patrol Activities and Crime Control	920,000
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Total Appropriation, Palisades Interstate Park Commission		\$2,425,000
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Personal Services:

Salaries and wages	(\$1,756,000)
Materials and Supplies	(282,000)
Services Other Than Personal	(141,000)
Maintenance and Fixed Charges	(143,000)
Additions, Improvements and Equipment	(103,000)

The receipts from police court, stands, concessions and self-sustaining activities operated or supervised by this commission, and the unexpended balances as of June 30, 1985 of such receipts are appropriated.

46 Environmental Planning and Administration

99-4800	Management and Administrative Services	\$5,138,000
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Total Appropriation, Environmental Planning and Administration		\$5,138,000
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Personal Services:

Commissioner	(\$70,000)
Salaries and wages	(3,888,000)

Positions converted	(202,000)
Materials and Supplies	(41,000)
Services Other Than Personal	(721,000)
Maintenance and Fixed Charges	(96,000)
Special Purpose:	
Board of New Jersey Pilot	
Commissioners	(73,000)
Affirmative action and equal em- ployment opportunity program ..	(39,000)
Compensation awards	(5,000)
Additions, Improvements and Equipment	(3,000)

The amount in the Board of New Jersey Pilot Commissioners account shall be payable out of receipts and any receipts in excess of the amount specifically set forth above are appropriated.

Fees deposited in the Environmental Services Fund pursuant to C13:1D-33 and the unexpended balance as of June 30, 1985 are appropriated for the purposes of the Fund.

Total Appropriation, Department of Environmental Protection	\$70,000,000
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46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services

01-4215 Vital Statistics	\$607,000
02-4220 Local and Community Health Services ..	8,008,000*
03-4230 Epidemiology and Disease Control	6,449,000
04-4240 Narcotic and Drug Abuse Control	8,468,000
05-4250 Alcoholism Control	2,725,000
08-4280 Diagnostic Services	3,699,000
09-4290 Clinical Laboratory Services	428,000
Total Appropriation, Health Services	\$30,384,000*

Personal Services:

Salaries and wages	(\$10,806,000)
Materials and Supplies	(1,706,000)
Services Other Than Personal	(1,281,000)
Maintenance and Fixed Charges	(419,000)

Special Purpose:

Improvement of vital statistics	(60,000)
Expansion of emergency medical services—training	(200,000)
Homemaker training	(16,000)
Social support services for hemophiliacs	(58,000)
Occupational health for public employees	(325,000)
Cancer registry	(50,000)
Asbestos program	(841,000)
Compulsive gambling	(200,000)
Enhancing the hypertension program	(100,000)
Parolee rehabilitation project	(370,000)

Grants:

Shire Alcohol Treatment and Education Center	(300,000)
Family planning services	(575,000*)
Hemophilia services	(621,000)
Urban rodent control	(157,000*)
Emergency medical services	(91,000)
Chronic disease services	(28,000)
Testing for specific hereditary diseases	(115,000)
Special health services for handi- capped children	(1,856,000)
Chronic renal disease	(438,000)
Birth defects registry	(25,000)
Gerontology program	(219,000)
Tuberculosis services	(263,000)
Venereal disease clinics	(10,000)
Expansion of environmental and occupational health	(116,000)
Poison control center	(425,000)
Community drug programs (State share)	(6,892,000)

Vocational adjustment centers	(95,000)
Alcoholism services	(1,466,000)
Medical support services for the homeless	(75,000)
Center for Adolescent Referral and Evaluation pilot project	(185,000)

The sums hereinabove appropriated as a grant to the Center for Adolescent Referral and Evaluation shall be a pilot project to be evaluated following one year of operation. The Commissioner of the Department of Health shall report to the Legislature no later than September 1, 1986, recommendations concerning the feasibility of expanding this project on a Statewide basis.

Such sums as may be required for costs of operation of the rabies control program are appropriated from the Rabies Control Fund.

Receipts from fees established by the Commissioner of Health for licensing of clinical laboratories pursuant to C45:9-42.26 et seq., and the unexpended balance as of June 30, 1985 of such fees are appropriated.

The Divisions of Narcotic and Drug Abuse and Alcohol Control are authorized to bill a patient, or a patient's estate, or the person chargeable for his support, or the county of residence for institutional, residential and outpatient support of patients treated for alcoholism or drug abuse, or both. Receipts derived from billings or fees and unexpended balances as of June 30, 1985 from these billings and fees are appropriated to the Department of Health, Divisions of Narcotic and Drug Abuse Control and Alcohol Control, for the support of the alcohol and drug abuse programs.

There is appropriated out of the Worker and Community Right to Know Fund such sums as may be necessary to carry out the provisions of the Worker and Community Right to Know Act, C34:5A-1 et seq.

22 Health Planning and Evaluation

06-4260	Health Facilities Evaluation	\$1,989,000
07-4270	Health Planning and Resource Develop- ment	2,532,000

Total Appropriation, Health Planning and Evaluation	\$4,521,000
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Personal Services:

Salaries and wages	(\$3,248,000)
Materials and Supplies	(67,000)
Services Other Than Personal	(379,000)
Maintenance and Fixed Charges	(117,000)

Special Purpose:

Health cost containment	(650,000)
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Grants:

Planning and development of urban health services	(60,000)
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Receipts derived from fees charged for hospital rate setting, for the review of Uniform Construction Code plans for health care facilities, and for the certificate of need program and the unexpended balances of such receipts as of June 30, 1985, are appropriated for the costs of these programs.

25 Health Administration

99-4210	Management and Administrative Services	\$4,672,000*
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Total Appropriation, Health Administration	\$4,672,000*
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Personal Services:

Commissioner	(\$70,000)
Salaries and wages	(2,961,000)
Materials and Supplies	(181,000)
Services Other Than Personal	(946,000)
Maintenance and Fixed Charges	(147,000)

Special Purpose:

Eastern United States Training Center	(5,000*)
Generic drug substitution program.	(59,000)

Governor's Council on Physical		
Fitness .....	(	175,000)
Compensation awards .....	(	81,000)
Affirmative action and equal employ- ment opportunity program .....	(	37,000)
Additions, Improvements and Equip- ment .....	(	10,000)

Of the sum appropriated above for the Governor's Council on Physical Fitness, \$50,000 shall be retained by the Department of Health for administrative costs incurred in administering the Garden State Games.

The sum of \$1,000,000 is appropriated to the New Jersey State Commission on Cancer Research pursuant to C54:40A-37.1.

Receipts from various fees and licenses collected by the Department of Health in excess of those anticipated are appropriated.

Total Appropriation, Department of Health	\$39,577,000*
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50 DEPARTMENT OF HIGHER EDUCATION

30 *Educational, Cultural and Intellectual Development*

36 *Higher Educational Services*

5400 *Office of the Chancellor*

02-5400	Support to Independent Institutions	\$22,424,000
03-5400	New Jersey Educational Opportunity Fund	17,321,000
04-5400	Student Financial Support Services	49,072,000
05-5400	Student Financial Assistance Administration	3,244,000
99-5400	Management and Administrative Services	25,948,000

Total Appropriation, Office of the Chancellor	\$118,009,000
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Personal Services:

Chancellor	(\$70,000)
Salaries and wages	(4,036,000)

Positions established from lump	
sum appropriation	(290,000)
Materials and Supplies	(180,000)
Services Other Than Personal	(1,483,000)
Maintenance and Fixed Charges	(140,000)
Special Purpose:	
Educational Opportunity Fund	
Board expenses	(6,000)
Tuition aid grant—software	
development	(186,000)
Board of Higher Education expenses	(7,000)
State and County college councils ..	(3,000)
Affirmative action and equal employ-	
ment opportunity program	(29,000)
Compulsive gambling research	(75,000)
Technology and Computers:	
Technical engineering education ..	(1,556,000)
South Jersey regional computer in-	
tegrated manufacturing center ..	(300,000)
Math/science/computer teaching ..	(1,000,000)
Computers in curricula	(2,334,000)
Information Age Initiative:	
Center for information age	
technology	(500,000)
Strengthening humanities and	
foreign language instruction:	
Humanities program	(2,500,000)
Foreign language/international	
education	(500,000)
Human Resource Development:	
Minority advancement program ..	(50,000)
Learning disabled	(100,000)
Governor's school	(225,000)
Other Academic Support Programs:	
Basic skills assessment program ..	(750,000)
Teacher education evaluation	(100,000)
Marine Sciences Consortium	(650,000)
New Directions:	
Challenge for Excellence/State	
Colleges	(10,000,000)
The urban initiative	(400,000)

Pre-collegiate remedial program ..	(400,000)
Pre-collegiate academic programs ..	(1,100,000)
Systems Support:	
Program development	(90,000)
Management systems development	(100,000)
Grants:	
Monmouth College, Woodrow Wilson Hall	(50,000)
N. J. Museum of Archeology at Drew University	(10,000)
Will and Ariel Durant Chair in the Humanities at St. Peter's College	(65,000)
Veterinary medicine education	(1,255,000)
Aid to independent colleges and universities	(14,195,000)
Schools of professional nursing ...	(1,448,000)
Dental school aid	(4,441,000)
Optometric education	(308,000)
Einstein Chair for scholarly studies at the Institute for Advanced Study	(65,000)
Graduate medical education program	(382,000)
Richard J. Hughes Chair for Consti- tutional and Public Law and Ser- vice at Seton Hall University ...	(65,000)
Alfred E. Driscoll Chair in Pharma- ceutical/Chemical Studies at Fair- leigh Dickinson University	(65,600)
Women's Studies Chair at Douglass College	(75,000)
Opportunity program grants	(11,648,000)
Supplementary education program grants	(5,673,000)
Tuition aid grants (C18A:71-41 et seq.)	(45,072,000)
Garden State scholarships	(3,600,000)
Graduate fellowships	(400,000)
Additions, Improvements and Equip- ment	(32,000)

An amount not to exceed \$75,000 in the aid to independent colleges and universities account shall be available for administrative expenses.

For the purpose of implementing the Independent College and University Assistance Act, C18A:72B-15 et seq., the number of full-time equivalent students (FTE) at the eight State colleges is 48,036 for fiscal year 1984-85.

The unexpended balances as of June 30, 1985 and other income from the Federal loan collection and reimbursement program are appropriated.

Of the sums hereinabove appropriated for tuition aid grants, no funds shall be expended for out-of-State tuition aid grant awards except for students holding awards prior to fiscal year 1983.

The sums provided hereinabove and the unexpended balances as of June 30, 1985 in the New Jersey Educational Opportunity Fund and the Student Financial Support Services accounts shall be appropriated and available for payment of liabilities applicable to prior fiscal years.

The Department of Higher Education is authorized to expend up to \$1,400,000 for the Distinguished Scholars Program and \$2,000,000 for the Fund for the Improvement of Collegiate Education from funds made available from the New Jersey Higher Education Assistance Authority for these programs, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1985 in the Special Purpose and Grants accounts, and any balances from the special purpose appropriations which were transferred to a higher education institution are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

City State College, are appropriated for operating expenses of the school.

All revenues from the lease agreement between Jersey City State College and CBS, Inc. are appropriated.

5520 Kean College of New Jersey

11-5520	Instruction	\$15,516,000
12-5520	Sponsored Programs and Research	75,000
15-5520	Academic Support	1,694,000
16-5520	Student Services	2,416,000
17-5520	Institutional Support	4,398,000
19-5520	Physical Plant Support Services	6,029,000
Total Appropriation, Kean College of New Jersey		<u>\$30,128,000</u>

Personal Services:

Salaries and wages	(\$21,350,000)
Student aides	(200,000)
Materials and Supplies	(3,567,000)
Services Other Than Personal	(2,397,000)
Maintenance and Fixed Charges	(825,000)
Special Purpose:	
Academic development	(120,000)
Separately budgeted research	(75,000)
National direct student loan program (State share)	(10,000)
College work-study program (State share)	(50,000)
Affirmative action and equal employ- ment opportunity program	(52,000)
Compensation awards	(50,000)
Additions, Improvements and Equip- ment	(1,432,000)

5530 The William Paterson College of New Jersey

11-5530	Instruction	\$16,560,000
12-5530	Sponsored Programs and Research	85,000
15-5530	Academic Support	1,608,000

16-5530	Student Services	2,288,000
17-5530	Institutional Support	4,306,000
19-5530	Physical Plant Support Services	6,210,000

Total Appropriation, The William Paterson College of New Jersey	\$31,057,000
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Personal Services:

Salaries and wages	(\$22,039,000)
Student aides	(275,000)
Materials and Supplies	(3,907,000)
Services Other Than Personal	(1,950,000)
Maintenance and Fixed Charges	(602,000)

Special Purpose:

Academic development	(150,000)
Separately budgeted research	(85,000)
College work-study program (State share)	(60,000)
Affirmative action and equal employ- ment opportunity program	(48,000)
Compensation awards	(60,000)
Additions, Improvements and Equip- ment	(1,881,000)

5540 Montclair State College

11-5540	Instruction	\$19,582,000
12-5540	Sponsored Programs and Research	100,000
13-5540	Extension and Public Service	600,000
15-5540	Academic Support	2,053,000
16-5540	Student Services	2,787,000
17-5540	Institutional Support	4,985,000
19-5540	Physical Plant Support Services	5,909,000

Total Appropriation, Montclair State College	\$36,016,000
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Personal Services:

Salaries and wages	(\$25,701,000)
Student aides	(350,000)
Materials and Supplies	(3,140,000)
Services Other Than Personal	(2,207,000)
Maintenance and Fixed Charges	(670,000)

Special Purpose:

Academic development	(150,000)
Liberal arts	(226,000)
Separately budgeted research	(100,000)
New Jersey State School of Conservation	(600,000)
College work-study program (State share)	(70,000)
Affirmative action and equal employ- ment opportunity program	(102,000)
Compensation awards	(45,000)
Additions, Improvements and Equip- ment	(2,655,000)

Receipts from the New Jersey School of Conserva-
tion in excess of \$475,000 and the unexpended
balance of such receipts, as of June 30, 1985,
are appropriated.

In addition to the sums hereinabove appropriated to
Montclair State College, all revenues from lease
agreements between Montclair State College and
corporations operating satellite relay stations are
appropriated.

5550 Trenton State College

11-5550	Instruction	\$14,345,000
12-5550	Sponsored Programs and Research	75,000
15-5550	Academic Support	2,887,000
16-5550	Student Services	2,475,000
17-5550	Institutional Support	3,500,000
19-5550	Physical Plant Support Services	6,070,000
Total Appropriation, Trenton State College		<u>\$29,352,000</u>

Personal Services:

Salaries and wages	(\$20,765,000)
Student aides	(255,000)
Materials and Supplies	(3,253,000)
Services Other Than Personal	(2,651,000)
Maintenance and Fixed Charges	(521,000)

Special Purpose:

Demonstration school services	(80,000)
Academic development	(100,000)
Separately budgeted research	(75,000)
Affirmative action and equal employ- ment opportunity program	(43,000)
College work-study program (State share)	(37,000)
Compensation awards	(50,000)
Additions, Improvements and Equip- ment	(1,522,000)

5560 Ramapo College of New Jersey

11-5560	Instruction	\$5,824,000
12-5560	Sponsored Programs and Research	50,000
15-5560	Academic Support	987,000
16-5560	Student Services	1,007,000
17-5560	Institutional Support	2,624,000
19-5560	Physical Plant Support Services	3,377,000

Total Appropriation, Ramapo College of
New Jersey

\$13,869,000

Personal Services:

Salaries and wages	(\$9,844,000)
Student aides	(150,000)
Materials and Supplies	(1,756,000)
Services Other Than Personal	(1,064,000)
Maintenance and Fixed Charges	(294,000)

Special Purpose:

Academic development	(50,000)
Separately budgeted research	(50,000)
Academic support computer systems	(78,000)
College work-study program (State share)	(52,000)
Affirmative action and equal employ- ment opportunity program	(64,000)
College development fund	(100,000)
Compensation awards	(13,000)
Additions, Improvements and Equip- ment	(354,000)

5570 Richard Stockton State College

11-5570	Instruction	\$7,087,000
12-5570	Sponsored Programs and Research	70,000
15-5570	Academic Support	1,494,000
16-5570	Student Services	1,341,000
17-5570	Institutional Support	2,464,000
19-5570	Physical Plant Support Services	3,529,000
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Total Appropriation, Richard Stockton State College		\$15,985,000
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Personal Services:

Salaries and wages	(\$11,262,000)
Student aides	(160,000)
Materials and Supplies	(2,124,000)
Services Other Than Personal	(1,005,000)
Maintenance and Fixed Charges	(380,000)

Special Purpose:

Academic development	(60,000)
Separately budgeted research	(70,000)
College work-study program (State share)	(38,000)
National direct student loan pro- gram (State share)	(7,000)
Affirmative action and equal employ- ment opportunity program	(48,000)
Compensation awards	(20,000)
Additions, Improvements and Equipment	(811,000)

State College Programs

Receipts in excess of those anticipated from regular tuition at the State colleges and student fee revenues at Thomas A. Edison State College are appropriated, subject to approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The expenditure of the amounts hereinabove to each State college for academic development shall be subject to prior approval of the Chancellor of Higher Education.

Receipts from the operation of summer programs, special programs (on-campus) and extension and public service programs (off-campus) and the unexpended balances as of June 30, 1985 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 pursuant to NJS 18A:64-18, and the unexpended balance as of June 30, 1985 of such receipts, are appropriated.

The amounts hereinabove allocated to the various State colleges for student aides constitute the appropriation to carry out the provisions of 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, auxiliary service fees, and parking fees and the unexpended balances as of June 30, 1985 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.

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.), except that all transfers from non-salary to salary accounts shall be subject to approval by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

*5600 Rutgers, The State University**Rutgers University Programs*

11-5600	Instruction	\$118,865,000
12-5600	Sponsored Programs and Research	8,409,000
13-5600	Extension and Public Service	2,177,000
14-5600	Auxiliary Services	6,689,000
15-5600	Academic Support	14,405,000
16-5600	Student Services	20,243,000
17-5600	Institutional Support	32,313,000
19-5600	Physical Plant Support Services	46,910,000

Sub-Total, General Operations	<u>\$250,011,000</u>
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Special Funds expense	35,000,000
Auxiliary Funds expense	<u>55,145,000</u>

Total All Operations	<u>\$340,156,000</u>
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Less:

<i>General services income</i>	<i>(\$85,441,000)</i>
<i>Special funds income</i>	<i>(35,000,000)</i>
<i>Auxiliary services income</i>	<i>(55,145,000)</i>

<i>Total Income Deductions</i>	<i>(\$175,586,000)</i>
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Appropriation, Exclusive of Land

Grant Interest	(\$164,564,000)
Land Grant Interest	<u>(6,000)</u>

Sub-Total Appropriation	<u>\$164,570,000</u>
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Personal Services:

Salaries and wages	(\$172,646,000)
Student aides	(1,306,000)
Materials and Supplies	(28,052,000)
Services Other Than Personal	(14,020,000)
Maintenance and Fixed Charges ...	(6,651,000)

Special Purpose:

Research grants	(394,000)
Graduate and law school fellowships	(101,000)
Student aid	<u>(5,164,000)</u>

College work-study (State share) . (	530,000)
Affirmative action and equal employment opportunity program . (	124,000)
Retirement allowances . . . . . (	780,000)
Forum on policy research and public service, Rutgers—	
Camden . . . . . (	75,000)
Bad debt expense . . . . . (	125,000)
Special projects . . . . . (	3,000,000)
Debt Service—High Technology Initiative . . . . . (	1,800,000)
Excellence Initiative . . . . . (	7,660,000)
Additions, Improvements and Equipment . . . . . (	7,583,000)
Special Funds expense . . . . . (	35,000,000)
Auxiliary Funds expense . . . . . (	55,145,000)
<i>Less:</i>	
<i>General services income (</i>	<i>85,441,000)</i>
<i>Special funds income (</i>	<i>35,000,000)</i>
<i>Auxiliary services income (</i>	<i>55,145,000)</i>

Actual full-time and part-time undergraduate enrollment, exclusive of enrollment in extension and public service programs, shall not exceed 29,484 full-time equivalent (FTE) students at Rutgers, The State University. In the event that actual enrollments exceed 30,074, the amount hereinabove for Rutgers, The State University, may be reduced by a sum equal to the tuition receipts collected by the University for those FTE students above 30,074, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Any transfer from Physical Plant Support Services to any other purpose shall be subject to the prior approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

All transfers from nonsalary to salary accounts are subject to approval by the Chancellor of

Higher Education and the Director of the Division of Budget and Accounting.

5620 Agricultural Experiment Station

12-5620	Sponsored Programs and Research	\$7,749,000
13-5620	Extension and Public Service	4,557,000
	Sub-Total, General Operations	\$12,306,000
	Federal research and extension funds expense	4,490,000
	Special funds expense	5,000,000
	Total All Operations	\$21,796,000
<i>Less:</i>		
	<i>Federal research and extension</i>	
	<i>funds income</i>	(\$4,490,000)
	<i>Special funds income</i>	(5,000,000)
	Total Income Deductions	(\$9,490,000)
	Sub-Total Appropriation	\$12,306,000
Personal Services:		
	Salaries and wages	(\$10,959,000)
	Student aides	(101,000)
	Materials and Supplies	(408,000)
	Services Other Than Personal	(382,000)
	Maintenance and Fixed Charges	(133,000)
Special Purpose:		
	Tomato variety testing	(6,000)
Additions, Improvements and		
	Equipment	(317,000)
Federal research and extension		
	funds expense	(4,490,000)
	Special funds expense	(5,000,000)
<i>Less:</i>		
	<i>Federal research and extension</i>	
	<i>funds income</i>	(4,490,000)
	<i>Special funds income</i>	(5,000,000)
	Total Appropriation, Rutgers, The State	
	University	\$176,876,000

5630 University of Medicine and Dentistry of New Jersey

11-5630	Instruction	\$58,027,000
12-5630	Sponsored Programs and Research	27,191,000
13-5630	Extension and Public Service	105,290,000
14-5630	Auxiliary Services	1,673,000
15-5630	Academic Support	1,276,000
16-5630	Student Services	1,674,000
17-5630	Institutional Support	17,871,000
19-5630	Physical Plant and Support Services	28,606,000
20-5630	Core Affiliates	2,903,000

Total All Operations	\$244,511,000
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Less:

<i>General services income</i>	(\$16,433,000)
<i>Special services income</i>	(27,191,000)
<i>Capital facilities allowance</i>	(6,529,000)
<i>Auxiliary services income</i>	(1,673,000)
<i>Hospital services income</i>	(79,447,000)
<i>Core affiliates income</i>	(2,903,000)
<i>Rutgers Medical School Community</i>	
<i>Mental Health Center income</i>	(10,338,000)
<i>New Jersey Medical School Com-</i>	
<i>munity Mental Health Center</i>	
<i>income</i>	(4,719,000)
<i>Total Income Deductions</i>	(\$149,233,000)

Total Appropriation	\$95,278,000
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Personal Services:

Salaries and wages	(\$130,723,000)
Materials and Supplies	(34,396,000)
Services Other Than Personal	(19,604,000)
Maintenance and Fixed Charges ...	(5,131,000)

Special Purpose:

Board of Trustees planning fund .	(19,000)
Debt Service—High Technology	
Initiative	(1,593,000)
University student aid	(709,000)
Research under contract with the	
Institute of Medical Research,	
Camden	(440,000)

Neurological consultation services . (	270,000)	
Core affiliate—Rutgers Medical School—Piscataway . . . . . (	1,883,000)	
Core affiliate—New Jersey School of Osteopathic Medicine . . . . . (	1,020,000)	
Area Health Education Center . . . (	338,000)	
Additions, Improvements and Equipment . . . . . (	4,464,000)	
Special Funds expense . . . . . (	27,191,000)	
Auxiliary Funds expense . . . . . (	1,673,000)	
Rutgers Medical School Community Mental Health Center . . . . . (	10,338,000)	
New Jersey Medical School Com- munity Mental Health Center . . . . (	4,719,000)	
<i>Less:</i> <i>Total Income Deduction (</i>	<i>149,233,000)</i>	
Total Appropriation, University of Medicine and Dentistry		<u>\$95,278,000</u>

All general services income or hospital services income in excess of the amounts hereinabove as income deductions shall be credited to the General Fund and such excess income is appropriated therefrom for service improvements during fiscal year 1985-86 and the subsequent fiscal year in the several component units of the University of Medicine and Dentistry of New Jersey, upon the request of the Board of Trustees thereof, subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The University of Medicine and Dentistry of New Jersey is authorized to operate its continuing medical-dental education program as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, is retained for such fund.

The appropriations for the University are made to Support Units, Educational Units, University Hospital, and Community Mental Health Centers.

In addition to the sums hereinabove appropriated to the University of Medicine and Dentistry of New Jersey, all revenues from lease agreements between the University and contracting organizations are appropriated.

All transfers from nonsalary to salary accounts are subject to approval by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Receipts derived from the capital facilities allowance—capital cash component, inclusive of major movable equipment, in excess of \$6,529,000, shall be credited to the General Fund and appropriated for expenses at the University of Medicine and Dentistry, upon the request of the Board of Trustees thereof, subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5640 New Jersey Institute of Technology

11-5640	Instruction	\$18,798,000
12-5640	Sponsored Programs and Research	636,000
13-5640	Extension and Public Service	659,000
14-5640	Auxiliary Services	3,500,000
15-5640	Academic Support	4,040,000
16-5640	Student Services	2,502,000
17-5640	Institutional Support	5,962,000
19-5640	Physical Plant Support Services	4,866,000
Sub-Total, General Operations		<hr/> \$40,963,000
Special Funds Expense		<hr/> 5,641,000
Total, All Operations		<hr/> \$46,604,000

*Less:**General services income* (\$11,635,000)*Auxiliary services income* (3,500,000)*Special funds income* (5,641,000)*Total Income Deductions* (\$20,776,000)

Total Appropriation \$25,828,000

Personal Services:

Salaries and wages (\$21,655,000)

Student aides (272,000)

Materials and Supplies (3,010,000)

Services Other Than Personal (3,018,000)

Maintenance and Fixed Charges (1,134,000)

Special Purpose:

High Technology Development

Fund (Faculty chairs) (600,000)

Academic development (250,000)

Updating and improving

instructional equipment (3,000,000)

Separately budgeted research (440,000)

Student activities (170,000)

Scholarships, grants, fellowships . (523,000)

Board of trustees (4,000)

Affirmative action and equal em-

ployment opportunity program . (60,000)

Fringe benefits/retirement

allowances (1,800,000)

Computer networking (100,000)

Additions, Improvements and

Equipment (1,427,000)

Auxiliary funds expense (3,500,000)

Special funds expense (5,641,000)

*Less:**General services income* (11,635,000)*Auxiliary services income* (3,500,000)*Special funds income* (5,641,000)Actual full-time and part-time undergraduate en-
rollments, including summer session undergrad-
uate enrollments, exclusive of enrollments in

extension and public service programs, shall not exceed 3,905 full-time equivalent (FTE) students at the New Jersey Institute of Technology. In the event that actual enrollments exceed 3,983, the amount appropriated hereinabove for New Jersey Institute of Technology may be reduced by a sum equal to the tuition receipts collected by the Institute for those full-time equivalent students above 3,983, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The amount hereinabove shall be made available, subject to the execution of a contract for the purchase of educational services between the Board of Higher Education and the Board of Trustees of Schools for Industrial Education of Newark, New Jersey, pursuant to 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.

All transfers from nonsalary to salary accounts are subject to approval by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The sums hereinabove appropriated to the New Jersey Institute of Technology shall be used to support 692 authorized positions.

Total Appropriation, Department of Higher Education

\$626,979,000

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 first shall be charged to the State Lottery Fund.

54 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health*

23 *Mental Health Services*

7700 *Division of Mental Health and Hospitals*

08-7700	Community Services	\$54,423,000
99-7700	Management and Administrative Services	2,698,000

Total Appropriation, Division of Mental Health and Hospitals ..	\$57,121,000
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Personal Services:

Salaries and wages	(\$3,879,000)
Materials and Supplies	(123,000)
Services Other Than Personal	(572,000)
Maintenance and Fixed Charges	(177,000)

Special Purpose:

University of Medicine and Dentistry of New Jersey Alzheimer's Disease Day Hospital	(115,000)
Independent psychiatric evaluation and legal representation for indigent patients	(18,000)
Affirmative action and equal employment opportunity program ..	(25,000)

Grants:

Community care	(41,800,000)
Community Mental Health Center, University of Medicine and Dentistry, Newark	(3,646,000)
Community Mental Health Center, University of Medicine and Dentistry, Rutgers	(6,761,000)
Contact-Morris-Passaic, Inc.	(5,000)

Federal and other funds received or receivable for the operation of community mental health centers at the New Jersey Medical School and Rutgers Medical School shall be available to the University of Medicine and Dentistry of New Jersey for the operation of the centers.

7710 Greystone Park Psychiatric Hospital

10-7710	Patient Care and Health Services	\$22,988,000
98-7710	Physical Plant and Support Services	7,759,000
99-7710	Management and Administrative Services	5,377,000

Total Appropriation, Greystone Park Psychiatric Hospital	<u>\$36,124,000</u>
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Personal Services:

Salaries and wages	(\$27,256,000)
Food in lieu of cash	(70,000)
Materials and Supplies	(5,898,000)
Services Other Than Personal	(1,213,000)
Maintenance and Fixed Charges	(618,000)

Special Purpose:

Project Hope	(75,000)
Interim assistance	(83,000)
Affirmative action and equal employ- ment opportunity program	(17,000)
Compensation awards	(215,000)
Other special purpose	(2,000)

Additions, Improvements and Equip- ment	(677,000)
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7720 Trenton Psychiatric Hospital

10-7720	Patient Care and Health Services	\$12,857,000
98-7720	Physical Plant and Support Services	5,279,000
99-7720	Management and Administrative Services	4,027,000

Total Appropriation, Trenton Psychiatric Hospital	<u>\$22,163,000</u>
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Personal Services:

Salaries and wages	(\$16,566,000)
Food in lieu of cash	(32,000)

Materials and Supplies	(3,175,000)
Services Other Than Personal	(1,160,000)
Maintenance and Fixed Charges	(492,000)
Special Purpose:	
Interim assistance	(60,000)
Affirmative action and equal employ- ment opportunity program	(18,000)
Compensation awards	(310,000)
Other special purpose	(4,000)
Additions, Improvements and Equip- ment	(346,000)

7725 The Forensic Psychiatric Hospital

10-7725	Patient Care and Health Services	\$5,015,000
98-7725	Physical Plant and Support Services	847,000
99-7725	Management and Administrative Services	466,000

Total Appropriation, The Forensic Psychiatric Hospital	\$6,328,000
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Personal Services:

Salaries and wages	(\$5,443,000)
Food in lieu of cash	(9,000)
Materials and Supplies	(634,000)
Services Other Than Personal	(125,000)
Maintenance and Fixed Charges	(52,000)
Special Purpose:	
Compensation awards	(5,000)
Other special purpose	(2,000)
Additions, Improvements and Equip- ment	(58,000)

7730 Marlboro Psychiatric Hospital

10-7730	Patient Care and Health Services	\$23,272,000
98-7730	Physical Plant and Support Services	6,221,000
99-7730	Management and Administrative Services	4,600,000

Total Appropriation, Marlboro Psychiatric Hospital	\$34,093,000
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Personal Services:

Salaries and wages	(\$27,167,000)
Food in lieu of cash	(34,000)
Materials and Supplies	(4,342,000)
Services Other Than Personal	(1,034,000)
Maintenance and Fixed Charges	(533,000)
Special Purpose:	
Interim assistance	(184,000)
Affirmative action and equal employ- ment opportunity program	(17,000)
Compensation awards	(313,000)
Additions, Improvements and Equip- ment	(469,000)

7740 Ancora Psychiatric Hospital

10-7740 Patient Care and Health Services	\$23,908,000
98-7740 Physical Plant and Support Services	5,061,000
99-7740 Management and Administrative Services	4,828,000

Total Appropriation, Ancora Psychiatric
Hospital

\$33,797,000

Personal Services:

Salaries and wages	(\$26,972,000)
Food in lieu of cash	(57,000)
Materials and Supplies	(4,367,000)
Services Other Than Personal	(1,151,000)
Maintenance and Fixed Charges	(356,000)
Special Purpose:	
Interim assistance	(165,000)
Affirmative action and equal employ- ment opportunity program	(17,000)
Compensation awards	(160,000)
Additions, Improvements and Equip- ment	(552,000)

7750 Arthur Brisbane Child Center at Allaire

10-7750	Patient Care and Health Services	\$1,786,000
98-7750	Physical Plant and Support Services	464,000
99-7750	Management and Administrative Services	418,000

Total Appropriation, Arthur Brisbane Child Center at Allaire	\$2,668,000
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Personal Services:

Salaries and wages	(\$2,058,000)
Food in lieu of cash	(4,000)
Materials and Supplies	(300,000)
Services Other Than Personal	(141,000)
Maintenance and Fixed Charges	(59,000)

Special Purpose:

Compensation awards	(25,000)
Other special purpose	(1,000)
Additions, Improvements and Equipment	(80,000)

7760 Glen Gardner Center for Geriatrics

10-7760	Patient Care and Health Services	\$3,370,000
98-7760	Physical Plant and Support Services	1,344,000
99-7760	Management and Administrative Services	883,000

Total Appropriation, Glen Gardner Center for Geriatrics	\$5,597,000
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Personal Services:

Salaries and wages	(\$4,068,000)
Food in lieu of cash	(12,000)
Materials and Supplies	(933,000)
Services Other Than Personal	(370,000)
Maintenance and Fixed Charges	(100,000)

Special Purpose:

Compensation awards	(12,000)
Additions, Improvements and Equipment	(102,000)

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

21-7540	Health Services Administration and Management	\$11,133,000
24-7540	Pharmaceutical Assistance to the Aged and Disabled	50,222,000
Total Appropriation, Division of Medical Assistance and Health Services		<u>\$61,355,000</u>

Personal Services:

Salaries and wages	(\$4,905,000)
Materials and Supplies	(113,000)
Services Other Than Personal	(1,723,000)
Maintenance and Fixed Charges	(114,000)

Special Purpose:

Payments to fiscal agents	(3,598,000)
Eligibility determination	(792,000)
Payments to fiscal agents (PAA) ..	(1,306,000)
Health facilities rate setting	(427,000)
Health facilities inspections	(120,000)
Affirmative action and equal employment opportunity program	(7,000)
Professional standards review organization—utilization review	(573,000)
Compensation awards	(60,000)

Grants:

Pharmaceutical assistance to the aged—claims	(47,502,000)
Additions, Improvements and Equipment	(115,000)

The amounts hereinabove for payments for Pharmaceutical Assistance to the Aged are available for the payment of obligations applicable to prior fiscal years.

Notwithstanding any State law to the contrary, any private health insurance carrier writing health insurance policies in the State shall permit the Division of Medical Assistance and Health

Services to match its Medicaid eligibility file against any private health insurance carrier's policyholder file.

Notwithstanding the provisions of C30:4D-3i.(7), the Division shall comply with the provisions of P. L. 97-248, 42 U.S.C. 1396p. (c), which allows the State to deny Medicaid eligibility to individuals who divest themselves of their assets in order to obtain Medicaid benefits. The amount of the uncompensated value of the transferred asset shall be counted toward the resource maximum for 24 months from the date of disposal. If the uncompensated value of a transferred resource, combined with all other countable resources, does not exceed the applicable resource maximum, and all other eligibility requirements are met, the individual may be determined eligible for Medicaid benefits.

All funds recovered pursuant to C30:4D-1 et seq. during the fiscal year ending June 30, 1985 are appropriated.

Notwithstanding the provisions of C30:4D-7.2a, the Division is authorized to seek recovery and to file a lien against the estate of a qualified applicant or eligible person, after his or her death, for the amount of assistance paid or to be paid on his or her behalf under the New Jersey Medical Assistance and Health Services Act, C30:4D-1 et seq., if the amount sought to be recovered is \$500 or more, and the estate is \$3,000 or more, and there is no surviving spouse, and no surviving child who is under age 21 or is blind or permanently disabled. The recovery authority shall apply to all such recoveries initiated on or after July 20, 1981 from the estates of applicants or recipients who died prior to, on, or after July 20, 1981, the effective date of C30:4D-7.2a.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Program shall be the last resource benefits, notwithstanding

ing any provisions contained in contracts, wills, agreements or other instruments. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual's eligibility for or receipt of PAAD benefits shall be null and void, and no PAAD payments shall be made as a result of any such provision.

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

01-7600	Purchased Residential Care	\$41,465,000
02-7600	Social Supervision and Consultation	3,547,000
03-7600	Adult Activities	18,117,000
04-7600	Education and Day Training	6,756,000
99-7600	Management and Administrative Services	3,211,000
Total Appropriation, Division of Developmental Disabilities		<hr/> \$73,096,000 <hr/>

Personal Services:

Salaries and wages	(\$8,667,000)
Materials and Supplies	(1,341,000)
Services Other Than Personal	(826,000)
Maintenance and Fixed Charges	(3,836,000)

Special Purpose:

Family care	(1,891,000)
Homemaker services (State share) .	(55,000)
Social services	(261,000)
Social services	(54,000)
Foster grandparents program	
(State share)	(295,000)
Developmental disabilities services .	(275,000)
Dental program for non-institution-	
alized mentally retarded and	
handicapped children	(436,000)
Public service announcement spots .	(150,000)
Procurement of puppets	(120,000)
Special Olympics	(100,000)

Social services	(80,000)
Compensation awards	(47,000)
Establishment of a Statewide sup- portive service system for the developmentally disabled	(220,000)
Grants:	
Stepping Stone School	(20,000)
Somerset County retarded citizens' association	(125,000)
Private institutional care	(17,805,000)
Skill development homes	(2,958,000)
Purchase of day training services ..	(372,000)
Group homes	(18,443,000)
Home assistance	(900,000)
Purchase of adult activity services ..	(13,519,000)
Additions, Improvements and Equip- ment	(300,000)

None of the funds for developmental disability services shall be expended without non-State matching funds.

The Division of Developmental Disabilities is authorized to transfer funds from the dental program for noninstitutionalized mentally retarded and handicapped children account to the Division of Medical Assistance and Health Services, in proportion to the number of program participants who are Medicaid eligible.

Excess State funds realized by Federal involvement through Medicaid in the dental program for noninstitutionalized mentally retarded and handicapped children are committed for the program's support during the subsequent fiscal year, rather than for expansion.

Notwithstanding the provisions of any law to the contrary, the unexpended balances as of June 30, 1985 in the tuition receipt accounts established pursuant to C18A:7B-1 et seq. in the various departments, be appropriated for education-related transportation costs (day training) in the Division of Developmental Disabilities in such

amounts as the Director of the Division of Budget and Accounting shall determine to be necessary; provided, however, that such amounts shall not be in excess of \$1,000,000.

7610 Green Brook Regional Center

05-7610	Residential Care and Habilitation	\$214,000
06-7610	Health Services	67,000
07-7610	Education and Training	19,000
98-7610	Physical Plant and Support Services	526,000
99-7610	Management and Administrative Services	1,118,000

Total Appropriation, Green Brook Regional Center	\$1,944,000
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Materials and Supplies	(\$731,000)
Services Other Than Personal	(253,000)
Maintenance and Fixed Charges	(165,000)
Special Purpose:	
Green Brook mortgage	(710,000)
Compensation awards	(25,000)
Additions, Improvements and Equip-	
ment	(60,000)

7620 Vineland Developmental Center

05-7620	Residential Care and Habilitation	\$15,363,000
06-7620	Health Services	4,761,000
07-7620	Education and Training	473,000
98-7620	Physical Plant and Support Services	4,659,000
99-7620	Management and Administrative Services	3,836,000

Total Appropriation, Vineland Developmental Center	\$29,092,000
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Personal Services:	
Salaries and wages	(\$21,807,000)
Food in lieu of cash	(25,000)
Materials and Supplies	(5,100,000)
Services Other Than Personal	(993,000)
Maintenance and Fixed Charges	(436,000)

Special Purpose:

Family care	(6,000)
Compensation awards	(478,000)
Other special purpose	(2,000)
Additions, Improvements and Equip- ment	(245,000)

7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation	\$7,656,000
06-7630 Health Services	1,762,000
07-7630 Education and Training	350,000
98-7630 Physical Plant and Support Services	2,269,000
99-7630 Management and Administrative Services	2,467,000

Total Appropriation, North Jersey Developmental Center	<u>\$14,504,000</u>
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Personal Services:

Salaries and wages	(\$10,988,000)
Food in lieu of cash	(13,000)
Materials and Supplies	(2,287,000)
Services Other Than Personal	(586,000)
Maintenance and Fixed Charges	(270,000)

Special Purpose:

Compensation awards	(256,000)
Other special purpose	(2,000)
Additions, Improvements and Equip- ment	(102,000)

7640 Woodbine Developmental Center

05-7640 Residential Care and Habilitation	\$9,044,000
06-7640 Health Services	2,257,000
07-7640 Education and Training	163,000
98-7640 Physical Plant and Support Services	2,603,000
99-7640 Management and Administrative Services	1,961,000

Total Appropriation, Woodbine Developmental Center	<u>\$16,028,000</u>
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Personal Services:

Salaries and wages	(\$12,377,000)
Food in lieu of cash	(19,000)
Materials and Supplies	(2,953,000)
Services Other Than Personal	(322,000)
Maintenance and Fixed Charges	(171,000)
Special Purpose:	
Compensation awards	(133,000)
Other special purpose	(1,000)
Additions, Improvements and Equip- ment	(52,000)

7650 New Lisbon Developmental Center

05-7650 Residential Care and Habilitation	\$8,202,000
06-7650 Health Services	1,526,000
07-7650 Education and Training	659,000
98-7650 Physical Plant and Support Services	2,663,000
99-7650 Management and Administrative Services	2,233,000

Total Appropriation, New Lisbon Developmental Center	<u>\$15,283,000</u>
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Personal Services:

Salaries and wages	(\$10,763,000)
Food in lieu of cash	(9,000)
Materials and Supplies	(2,960,000)
Services Other Than Personal	(612,000)
Maintenance and Fixed Charges	(316,000)
Special Purpose:	
Compensation awards	(469,000)
Other special purpose	(2,000)
Additions, Improvements and Equip- ment	(152,000)

7660 Woodbridge Developmental Center

05-7660 Residential Care and Habilitation	\$9,763,000
06-7660 Health Services	3,093,000
07-7660 Education and Training	171,000

98-7660	Physical Plant and Support Services	3,364,000
99-7660	Management and Administrative Services	1,867,000

Total Appropriation, Woodbridge Developmental Center	\$18,258,000
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Personal Services:

Salaries and wages	(\$13,475,000)
Food in lieu of cash	(13,000)
Materials and Supplies	(3,545,000)
Services Other Than Personal	(538,000)
Maintenance and Fixed Charges	(325,000)

Special Purpose:

Compensation awards	(299,000)
Other special purpose	(1,000)
Additions, Improvements and Equip- ment	(62,000)

7670 Hunterdon Developmental Center

05-7670	Residential Care and Habilitation	\$10,183,000
06-7670	Health Services	3,731,000
07-7670	Education and Training	378,000
98-7670	Physical Plant and Support Services	3,835,000
99-7670	Management and Administrative Services	2,334,000

Total Appropriation, Hunterdon Developmental Center	\$20,461,000
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Personal Services:

Salaries and wages	(\$14,885,000)
Food in lieu of cash	(1,000)
Materials and Supplies	(3,833,000)
Services Other Than Personal	(930,000)
Maintenance and Fixed Charges	(363,000)

Special Purpose:

Compensation awards	(341,000)
Other special purpose	(6,000)
Additions, Improvements and Equip- ment	(102,000)

7680 Edward R. Johnstone Training and Research Center

05-7680	Residential Care and Habilitation	\$2,919,000
06-7680	Health Services	668,000
07-7680	Education and Training	332,000
25-7680	Research	219,000
98-7680	Physical Plant and Support Services	1,578,000
99-7680	Management and Administrative Services	1,024,000

Total Appropriation, Edward R. Johnstone Training and Research Center	\$6,740,000
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Personal Services:

Salaries and wages	(\$5,057,000)
Food in lieu of cash	(16,000)
Materials and Supplies	(1,170,000)
Services Other Than Personal	(262,000)
Maintenance and Fixed Charges	(126,000)

Special Purpose:

Compensation awards	(42,000)
Other special purpose	(1,000)
Additions, Improvements and Equip- ment	(66,000)

7690 North Princeton Developmental Center

05-7690	Residential Care and Habilitation	\$9,890,000
06-7690	Health Services	2,241,000
07-7690	Education and Training	431,000
98-7690	Physical Plant and Support Services	4,018,000
99-7690	Management and Administrative Services	1,733,000

Total Appropriation, North Princeton Developmental Center	\$18,313,000
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Personal Services:

Salaries and wages	(\$13,961,000)
Food in lieu of cash	(17,000)
Materials and Supplies	(3,091,000)
Services Other Than Personal	(762,000)
Maintenance and Fixed Charges	(305,000)

Special Purpose:

Compensation awards	(175,000)
Other special purpose	(2,000)

Division of Developmental Disabilities

In addition to the amount hereinabove for operation and support of educational institutions of the Division of Developmental Disabilities, such other sums as the Director of the Division of Budget and Accounting shall determine, provided in interdepartmental accounts for employee benefits, shall be considered as appropriated on behalf of institutions for the mentally retarded and available for matching Federal funds.

The State appropriation shall be based on ICF/MR revenues of \$87,000,000; provided that if the ICF/MR revenues exceed \$87,000,000 there will be placed in reserve a portion of the State appropriation equal to the excess amount of ICF/MR revenues, subject to the approval of the Director of the Division of Budget and Accounting.

*33 Supplemental Education and Training Programs**7560 Commission for the Blind and Visually Impaired*

11-7560	Habilitation and Rehabilitation	\$2,616,000
12-7560	Instruction and Community Programs . . .	4,050,000
99-7560	Management and Administrative Services . . .	1,513,000
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Total Appropriation, Commission for the Blind and Visually Impaired		\$8,179,000
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Personal Services:

Salaries and wages	(\$4,297,000)
Positions established from lump sum appropriation	(240,000)
Materials and Supplies	(191,000)
Services Other Than Personal	(504,000)
Maintenance and Fixed Charges	(118,000)
Special Purpose:	
Satellite office, Ocean county	(139,000)
Additional vocational rehabilitation matching funds	(536,000)

Compensation awards	(6,000)
Psychological counseling services ..	(100,000)
Grants:	
Services to rehabilitation clients ...	(457,000)
Educational services for children ..	(1,526,000)
Additions, Improvements and Equip-	
ment	(65,000)

50 Economic Planning, Development and Security

53 Economic Assistance and Security

7550 Division of Public Welfare

13-7550	Fiscal Control	\$3,042,000
14-7550	Quality Control	780,000
15-7550	Income Maintenance	2,913,000
99-7550	Management and Administrative Services	4,265,000

Total Appropriation, Division of Public	
Welfare	\$11,000,000

Personal Services:

Salaries and wages	(\$6,029,000)
Materials and Supplies	(74,000)
Services Other Than Personal	(2,355,000)
Maintenance and Fixed Charges	(233,000)

Special Purpose:

Work incentive program (State	
share)	(973,000)
For transfer to the Department of	
Labor for operation of wage re-	
porting program	(540,000)
Affirmative action and equal employ-	
ment opportunity program	(14,000)
Compensation awards	(7,000)
Automated child support enforce-	
ment program (State share)	(462,000)
General assistance automation	(307,000)
Additions, Improvements and Equip-	
ment	(6,000)

Receipts derived from counties and local governments for data processing services and the unexpended balance of such receipts as of June 30, 1985 are appropriated.

Any Federal funds received for the direct or indirect costs incurred by the Department of Labor for the operation of the wage reporting system shall be deposited in the General Fund.

Notwithstanding the provisions of C44:14-1 et seq., funds distributed pursuant to the County Welfare Per Capita Cost Limitation Act of 1981 shall be distributed without determining whether counties entitled to funds have an error rate above the Statewide average error rate.

The State appropriation shall be based upon a Federal financial participation rate of 58% ; provided, however, that if the Federal participation rate exceeds this percentage there will be placed in reserve a portion of the State appropriation equal to the amount of additional Federal funds, subject to the approval of the Director, Division of Budget and Accounting.

55 Related Social Services Programs

7570 Division of Youth and Family Services

16-7570	Initial Response/Case Management	\$46,879,000
17-7570	Substitute Care	6,224,000
18-7570	General Social Services	12,840,000
99-7570	Management and Administrative Services	9,727,000

Total Appropriation, Division of Youth and Family Services	<u>\$75,670,000</u>
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Personal Services:

Salaries and wages	(\$46,577,000)
Food in lieu of cash	(5,000)
Materials and Supplies	(665,000)
Services Other Than Personal	(1,943,000)
Maintenance and Fixed Charges	(1,233,000)

Special Purpose:

Expansion of caseload	(10,125,000)
Respite care demonstration program	(200,000)
Child assault prevention project ...	(300,000)
Model community support systems .	(100,000)
Public awareness and child educa- tion programs	(200,000)
Expansion of day care slots	(1,500,000)
Microfilm service charges	(100,000)
Affirmative action and equal employ- ment opportunity program	(50,000)
Compensation awards	(7,000)

Grants:

Crossroads program (Burlington Twp.)	(5,000)
Shelters for battered women	(600,000)
Social services for the homeless	(1,350,000)
Somerset Family Counseling Service	(50,000)
County Human Services Advisory Board—formula funding	(7,200,000)
Mercer County Group Home	(200,000)
Purchase of services	(2,300,000)
Expansion of adult protective services	(400,000)
Fisherman's Mark for child care and support services	(108,000)
Additions, Improvements and Equip- ment	(452,000)

On or before January 31, 1986 the Division of Youth and Family Services shall publish an annual report detailing the activities of the County Human Services Advisory Boards during calendar year 1985. The report shall indicate the total amount of funds made available to the Advisory Boards for allocation, listing all providers receiving funds and how much funds were awarded.

*70 Government Direction, Management and Control**76 Management and Administration**7500 Division of Management and Budget*

99-7500	Management and Administrative Services	\$13,300,000*
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Total Appropriation, Division of Management and Budget		\$13,300,000*
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Personal Services:

Commissioner	(\$70,000)
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Salaries and wages	(7,972,000)
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Positions transferred from other

Statewide programs	(392,000)
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Materials and Supplies	(166,000)
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Services Other Than Personal	(2,777,000)
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Maintenance and Fixed Charges	(496,000)
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Special Purpose:

Contract auditing	(300,000)
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Nursing scholarship program	(270,000)
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Crisis intervention/patients' rights staff training	(15,000)
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Affirmative action and equal employment opportunity program	(67,000)
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Grant diversion project	(20,000)
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AFDC homemaker/home health aide demonstration project—Title XIX	(328,000)
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Transfer to State Police for fingerprinting/background checks of job applicants	(250,000)
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Compensation awards	(7,000)
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Additions, Improvements and Equipment	(170,000)
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Notwithstanding P. L. 1984, c. 36, creating the N. J. Commission on Hunger, the sums hereinabove appropriated and the unexpended balance as of June 30, 1985 of the N. J. Commission on Hunger shall be made available through June 30, 1986.

*80 Special Government Services**83 Services to Veterans**7520 Division of Veterans' Services*

19-7520	Management and Field Services	\$5,225,000
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Total Appropriation, Division of Veterans' Services	\$5,225,000
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Personal Services:

Salaries and wages	(\$595,000)
Materials and Supplies	(5,000)
Services Other Than Personal	(28,000)
Maintenance and Fixed Charges	(15,000)

Special Purpose:

Establish and operate a third nursing facility	(2,646,000)
Expansion of field office services ...	(450,000)
Vietnam veterans' special services council	(200,000)
Establish and operate a veterans' cemetery	(531,000)
Agent Orange Commission	(225,000)
Vietnam Veterans' Outreach Program	(189,000)

Grants:

Veterans' orphans' fund—education grants	(33,000)
Blind veterans' allowances	(46,000)
Paraplegic and hemiplegic veterans' allowances	(237,000)
Association of Blind Veterans	(25,000)

*7525 New Jersey Memorial Home for Disabled**Soldiers at Menlo Park*

20-7525	Domiciliary and Treatment Services	\$5,538,000
98-7525	Physical Plant and Support Services	1,369,000

99-7525	Management and Administrative Services	1,071,000
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Total Appropriation, New Jersey Memorial Home for Disabled Soldiers at Menlo Park	\$7,978,000
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Personal Services:

Salaries and wages	(\$6,069,000)
Food in lieu of cash	(15,000)
Materials and Supplies	(1,132,000)
Services Other Than Personal	(448,000)
Maintenance and Fixed Charges	(73,000)

Special Purpose:

Compensation awards	(40,000)
Additions, Improvements and Equip- ment	(201,000)

*7530 New Jersey Memorial Home for Disabled Soldiers
at Vineland*

20-7530	Domiciliary and Treatment Services	\$4,789,000
98-7530	Physical Plant and Support Services	1,576,000
99-7530	Management and Administrative Services	940,000

Total Appropriation, New Jersey Memorial Home for Disabled Soldiers at Vineland	\$7,305,000
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Personal Services:

Salaries and wages	(\$5,649,000)
Food in lieu of cash	(7,000)
Materials and Supplies	(964,000)
Services Other Than Personal	(363,000)
Maintenance and Fixed Charges	(58,000)

Special Purpose:

Compensation awards	(60,000)
Additions, Improvements and Equip- ment	(204,000)

Total Appropriation, Department of Human Services	\$601,622,000*
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Balances on hand as of June 30, 1985 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 patient/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 purpose 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 shall first be charged to the State Lottery Fund.

58 DEPARTMENT OF INSURANCE

50 *Economic Planning, Development and Security*

52 *Economic Regulation*

01-3110	Licensing and Enforcement	\$2,784,000
02-3120	Actuarial Services	1,551,000
03-3130	Regulation of the Real Estate Industry . .	893,000
04-3140	Public and Regulatory Services	366,000
06-3160	Unsatisfied Claim and Judgment Fund . . .	755,000
99-3150	Management and Administrative Services	893,000
Total Appropriation, Economic Regulation .		<hr/> \$7,242,000 <hr/>

Personal Services:

Commissioner	(\$70,000)
Salaries and wages	(5,872,000)
Materials and Supplies	(157,000)
Services Other Than Personal	(911,000)
Maintenance and Fixed Charges	(152,000)

Special Purpose:

Microfilm service charges—	
Unsatisfied claims, judgments ...	(18,000)
Compensation awards	(15,000)
Other special purpose	(36,000)
Affirmative action and equal employment opportunity programs .	(7,000)
Additions, Improvements and	
Equipment	(4,000)

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

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

There is appropriated from receipts a sum in accordance with the limitations of C17:24-13, to defray the expenses of the Committee on Valuation of Securities of the National Association of Insurance Commissioners.

Receipts in excess of those anticipated and the unexpended balances as of June 30, 1985 of such receipts in excess of \$1,500,000 are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated to administer the New Jersey Insurance Fraud Prevention Act, C17:33A-1 et seq., such sums as prescribed by the act.

The amount hereinabove for unsatisfied claims is appropriated out of the Unsatisfied Claim and Judgment Fund and, in addition, there are appropriated out of such fund additional sums as may be necessary for the payment of claims under

C39:6-67, and for such additional costs as may be required to administer the program pursuant to C39:6-62 et seq.

The receipts derived pursuant to P. L. 1983, c. 141 et seq., in excess of \$1,000,000, and the unexpended balance as of June 30, 1985 are appropriated for the uninsured motorist program.

Total Appropriation, Department of Insurance	\$7,242,000
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62 DEPARTMENT OF LABOR

50 *Economic Planning, Development and Security*

51 *Economic Planning and Development*

18-4570 Planning and Research	\$586,000
99-4565 Management and Administrative Services	3,221,000

Total Appropriation, Economic Planning and Development	\$3,807,000
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Personal Services:

Commissioner	(\$70,000)
Salaries and wages	(1,511,000)
Positions established from lump sum appropriation	(67,000)
Materials and Supplies	(12,000)
Services Other Than Personal	(244,000)
Maintenance and Fixed Charges	(22,000)
Special Purpose:	
Data processing system	(1,813,000)
Affirmative action and equal employment opportunity program ..	(58,000)
Additions, Improvements and Equipment	(10,000)

The unexpended balance in the data processing system account as of June 30, 1985 is appropriated.

Of the amounts hereinabove for the data processing system account, an amount not to exceed \$1,600,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

52 Economic Regulation

11-4550	Promulgation and Licensing of Workplace Standards	\$566,000
12-4550	Enforcement of Workplace Standards . . .	4,183,000
Total Appropriation, Economic Regulation .		<u>\$4,749,000</u>

Personal Services:

Salaries and wages	(\$3,358,000)
Materials and Supplies	(65,000)
Services Other than Personal	(313,000)
Maintenance and Fixed Charges	(203,000)

Special Purpose:

Public Employees' Occupational Safety and Health Act, C34:6A-25 et seq.	(548,000)
Asbestos Removal Act	(75,000)
Carnival amusement ride safety advisory board	(1,000)
Safety Commission	(2,000)
On-site consultation (State share)	(140,000)
Mine Safety Training Act (State share)	(10,000)
Compensation awards	(11,000)
Additions, Improvements and Equipment	(23,000)

There are appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as are necessary for payments.

There are appropriated out of the Worker and Community Right to Know Fund such sums as are necessary to carry out the provisions of C34:5A-1 et seq.

53 Economic Assistance and Security

01-4510	Unemployment Insurance	\$1,375,000
03-4520	State Disability Insurance Plan	10,949,000
04-4520	Private Disability Insurance Plan	2,053,000

05-4525	Workers' Compensation	5,247,000
06-4530	Special Compensation Fund	967,000
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Total Appropriation, Economic Assistance and Security		\$20,591,000
		<hr/>

Personal Services:

Salaries and wages	(\$12,126,000)
Materials and Supplies	(655,000)
Services Other Than Personal	(1,131,000)
Maintenance and Fixed Charges	(391,000)

Special Purpose:

Set-off of individual liabilities program	(631,000)
Administration of wage reporting ..	(350,000)
Reimbursement to unemployment insurance for joint tax functions ..	(4,700,000)
Compensation awards	(60,000)
Workers' compensation case man- agement initiative	(500,000)
Additions, Improvements and Equipment	(47,000)

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

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

The State Treasurer is directed to transfer to the General Fund the sum of \$50,000 from the excess

in the Special Compensation Fund over the sum of \$1,250,000 accumulated as of June 30, 1985, pursuant to RS 34:15-94.

The amounts hereinabove for the unemployment insurance program classification are appropriated from the Unemployment Compensation Auxiliary Fund.

Funds are appropriated for the purpose of paying interest on Title XII advances made to State unemployment funds, subject to the approval of the Director of the Division of Budget and Accounting.

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	\$10,731,000
10-4545	Employment Development Services	4,781,000*
16-4555	Public Sector Labor Relations	1,859,000
17-4560	Private Sector Labor Relations	436,000
23-4538	Services for the Deaf	360,000

Total Appropriation, Manpower and Employment Services	\$18,167,000*
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Personal Services:

Board members (7)	(\$11,000)
Salaries and wages	(4,084,000)

Materials and Supplies	(64,000)
Services Other Than Personal	(654,000)
Maintenance and Fixed Charges	(64,000)
Special Purpose:	
Governor's committee to employ the handicapped	(75,000)
Services to clients (State share) ..	(2,788,000)
Sheltered workshop support	(5,250,000)
Sheltered workshop employment placement incentive program ...	(250,000)
Camden county employment consortium	(90,000)
Training grant (State share)	(4,000)
Work activity training center	(156,000)
Governor's employment and training program: Service Delivery Area allocation	(3,000,000)
Governor's employment and training program: Office of Customized Training allocation .	(1,000,000)
Services to deaf clients	(29,000)
Fair Lawn School for the Deaf	(125,000)
Advisory council on the deaf	(1,000)
Compensation awards	(1,000)
Grants:	
Customized training	(500,000)
Additions, Improvements and	
Equipment	(21,000)

The sum hereinabove for the vocational rehabilitation services program classification is available for the payment of obligations applicable to prior fiscal years.

Notwithstanding the provisions of C34:13A-1 et seq., the cost of fact-finding shall be borne equally by the public employer and the exclusive employee representative.

Of the amounts hereinabove for the vocational rehabilitation services program classification, an amount not to exceed \$2,210,000 shall be appropriated from the Unemployment Compensation Auxiliary Fund.

The amount hereinabove for the employment development services account shall be appropriated from the Unemployment Compensation Auxiliary Fund.

Total Appropriation, Department of Labor . . . \$47,314,000*

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 *Public Safety and Criminal Justice*

11 *Vehicular Safety*

01-1110	Licensing and Registration	\$16,875,000
02-1110	Vehicle Control and Driver Testing	23,755,000
03-1110	Driver Control	13,382,000
04-1140	Security Responsibility	5,232,000
05-1150	Licensing and Enforcement	79,000
89-1110	Revenue Collection Services	5,465,000
99-1110	Management and Administrative Services	6,412,000

Total Appropriation, Vehicular Safety \$71,200,000

Personal Services:

Salaries and wages	(\$31,776,000)
Positions established in lieu of	
appropriated revenue	(227,000)
Positions converted	(193,000)
Materials and Supplies	(5,643,000)
Services Other Than Personal	(15,480,000)
Maintenance and Fixed Charges	(1,022,000)

Special Purpose:

Microfilm services charges	(86,000)
Public inspection station expansion (	3,414,000)
Vehicle inspection annual program (	1,519,000)
Federal highway safety program—	
State match	(187,000)
Implementation of surcharge	
program	(7,800,000)
Uninsured motorist program	(1,000,000)
Drunk driver fund program	(40,000)
Microfilm service charges—	
Security responsibility	(48,000)

Photo Licensing	(350,000)
Customer service telephone center expansion	(908,000)
Affirmative action and equal employ- ment opportunity program	(8,000)
Compensation awards	(107,000)
Other Special Purpose	(249,000)
Additions, Improvements and Equip- ment	(1,143,000)

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, under RS 39:3-3 and RS 39:10-25, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the Boat Certification Fund such sums as may be necessary to defray the costs of administering and enforcing the provisions of C12:7A-1 et seq., the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for Security Responsibility shall be payable from receipts received from mutual associations and stock companies writing motor vehicle liability insurance within the State under C39:6-59, and any receipts in excess of the amount hereinabove are appropriated to defray additional costs of administration of the Security Responsibility program.

The unexpended balances in the federal highway safety program—State match account, including the accounts of the several departments, as of June 30, 1985, are appropriated for such highway safety projects.

Receipts derived from surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act—Merit Rating System Surcharge Program of 1982, C17:29A-33 et seq., in excess of \$7,800,000 are appropriated for the

purposes of the act. The unexpended balances as of June 30, 1985 in the Motor vehicles administrative expense account shall be used as partial repayment of a loan from the Unsatisfied Claim and Judgment Fund.

The receipts derived from drunk driving fines collected pursuant to Chapter 4 of Title 39 of the Revised Statutes, in excess of \$40,000, and the unexpended balance as of June 30, 1985 are appropriated for drunk driving enforcement.

The receipts in excess of the amount hereinabove for photo licensing, derived pursuant to C39:3-10g, are appropriated to administer the program.

12 Law Enforcement

06-1200	Patrol Activities and Crime Control	\$80,979,000
07-1200	Police Services and Public Order	12,353,000
08-1200	Emergency Services	695,000
09-1020	Criminal Justice	11,122,000
10-1040	Police Training Commission	434,000
11-1050	State Medical Examiner	2,216,000
23-1200	State Capitol Complex Security	3,039,000
24-1200	Marine Police Operations	4,099,000
99-1200	Management and Administrative Services	9,636,000
Total Appropriation, Law Enforcement		<u>\$124,573,000</u>

Personal Services:

Salaries and wages	(\$72,593,000)
Positions established from lump sum appropriation	(2,228,000)
Positions converted	(572,000)
Cash in lieu of maintenance	(9,258,000)
Materials and Supplies	(7,430,000)
Services Other Than Personal	(7,548,000)
Maintenance and Fixed Charges	(2,508,000)
Special Purpose:	
Medical-evacuation helicopter replacement	(1,195,000)

State Police Communications	
Network	(13,480,000)
Expenses of State Grand Jury	(215,000)
Medicaid fraud investigation—	
State match	(497,000)
State police recruit training	(809,000)
Affirmative action and equal employ-	
ment opportunity program	(160,000)
Compensation awards	(380,000)
Additions, Improvements and Equip-	
ment	(5,700,000)

There are appropriated out of the General Fund such additional amounts as may be required to carry out the provisions of the New Jersey Anti-trust Act, C56:9-1 et seq.; provided, however, that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances not to exceed \$500,000 as of June 30, 1985, in Patrol Activities and Crime Control, Police Services and Public Order, State Capitol Complex Security and Management and Administrative Services program classifications are appropriated for State Police recruit training.

Receipts in excess of \$583,000 derived from audits conducted to insure compliance with the Private Detective Act of 1939, C45:19-8 et seq., are appropriated to defray the cost of this activity.

Such sums as may be necessary are appropriated from the Special Fund for Civil Defense Volunteers for the purpose of C.App.A:9-57.1 et seq.

Of the amount hereinabove for Marine Police Operations, \$1,400,000 is payable out of receipts pursuant to the New Jersey Boat Act of 1962, C12:7-34.36 et seq.

The balance as of June 30, 1985 in the Spring Storm 1984 account is appropriated for the same purpose.

In addition to the amounts hereinabove to the Divisions of State Police and Criminal Justice and the Office of the State Medical Examiner, there are appropriated to the respective State departments and agencies such sums as may be received or receivable from any instrumentality or public authority for direct and indirect costs of all services furnished thereto, except as to such cost for which funds have been included in recommendations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided, however, that payments from such instrumentalities or authorities for employer contributions to the State Police and Public Employees' Retirement Systems shall not be appropriated and shall be paid into the General Fund.

Receipts derived from fees for solid and toxic waste haulers' and disposal operators' licenses pursuant to C13:1E-126 et al., are appropriated to the Division of State Police to defray the cost of administration of that act.

There are appropriated to the Division of State Police all receipts, or portions thereof, charged for the processing of noncriminal justice applications for fingerprint records and name search inquiries by the Federal Bureau of Investigation or the Division of State Police.

There are appropriated to the Division of State Police all registration fees, tuition fees, training fees, all receipts collected through division mess hall operations and all other fees received for reimbursement for attendance at courses conducted by Division of State Police personnel.

Receipts received pursuant to the assessment of electric utility companies under C26:2D-37 et seq. in an amount of \$1,761,000 together with the unexpended balance of such receipts as of June 30, 1985, are appropriated for nuclear emergency response; provided, however, that the expenditure

of these funds be approved by the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1985, in the Division of State Police, Missing Persons Unit, C52:17B-9.7, is appropriated for the same purpose.

The unexpended balance, not to exceed \$10,000, as of June 30, 1985 for the Crime Prevention Advisory Committee, is appropriated for the same purpose.

13 Special Law Enforcement Activities

17-1420	Election Law Enforcement	\$821,000
18-1430	Law Enforcement Planning	1,543,000
20-1450	Review and Enforcement of Ethical Standards	200,000
21-1400	Regulation of Alcoholic Beverages	1,330,000
22-1410	Regulation of Racing Activities	2,168,000
25-1470	N. J. Commission to Deter Criminal Activity	75,000
26-1471	Commission on Missing Persons	138,000
27-1480	State Athletic Control	426,000

Total Appropriation, Special Law Enforcement Activities	<u>\$6,701,000</u>
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Personal Services:

Salaries and wages	(\$3,559,000)
Positions established from lump sum appropriation	(210,000)
Positions converted	(126,000)
Materials and Supplies	(158,000)
Services Other Than Personal	(732,000)
Maintenance and Fixed Charges	(97,000)

Special Purpose:

Payment to members of the Election Law Enforcement Commission per diem amount	(30,000)
Action grants—(State match)	(600,000)
Administration of SLEPA	(193,000)

Speedy Trial Program, backlog reduction	(750,000)
N. J. Commission to Deter Criminal Activity	(75,000)
Commission on Missing Persons ...	(138,000)
Compensation awards	(8,000)
Additions, Improvements and Equip- ment	(25,000)

The unexpended balance as of June 30, 1985 for Law Enforcement Planning, including the accounts of the several departments, is appropriated for the same purposes; and any remaining balance in the administration of SLEPA account 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.

There are appropriated from amusement games control fees such sums as may be necessary to defray the cost of administering the provisions of C5:8-78 et seq., the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from receipts derived from racing activities an amount not to exceed \$128,000 for costs attributed to computerized licensing, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of C52:17B-151 et seq., the unexpended balances as of June 30, 1985 in the New Jersey Commission to Deter Criminal Activity—State match account are appropriated without a matching fund requirement to defray expenses of the public education effort.

The unexpended balances as of June 30, 1985, in the Commission on Missing Persons, C52:17B-9.9, account 1471-100-260010-50, are appropriated for the same purpose.

19 Central Planning, Direction and Management

88-1000	Central Library Services	\$385,000
99-1000	Management and Administrative Services	2,136,000

Total Appropriation, Central Planning, Direction and Management	\$2,521,000
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Personal Services:

Attorney General	(\$70,000)
Salaries and wages	(1,756,000)
Materials and Supplies	(253,000)
Services Other Than Personal	(303,000)
Maintenance and Fixed Charges	(84,000)

Special Purpose:

Affirmative action and equal employ- ment opportunity program	(55,000)
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There are appropriated out of the Veterans' Guaranteed Loan Fund created under C38:23B-1 such sums as may be necessary to pay for the administration thereof.

*70 Government Direction, Management and Control**74 General Government Services*

12-1010	Legal Services	\$8,423,000
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Total Appropriation, General Government Services	\$8,423,000
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Personal Services:

Salaries and wages	(\$6,939,000)
Materials and Supplies	(300,000)
Services Other Than Personal	(933,000)
Maintenance and Fixed Charges	(185,000)

Special Purpose:

Compensation awards ..	(40,000)
Additions, Improvements and Equip- ment	(26,000)

In addition to the amount hereinabove, there are appropriated such sums as may be received or receivable from any instrumentality or public au-

thority for direct or indirect costs of legal services furnished thereto, subject to the approval of the Director of the Division of Budget and Accounting.

80 Special Government Services

82 Protection of Citizens' Rights

14-1310	Consumer Affairs	\$3,217,000
15-1320	Board of Accountancy	545,000
15-1321	Board of Architects and Certified Landscape Architects	210,000
15-1322	Board of Dentistry	270,000
15-1323	Board of Mortuary Science	100,000
15-1324	Board of Professional Engineers and Land Surveyors	345,000
15-1325	Board of Medical Examiners	1,177,000
15-1326	Board of Nursing	968,000
15-1327	Board of Optometrists	101,000
15-1328	Board of Pharmacy	596,000
15-1329	Board of Veterinary Medical Examiners ..	94,000
15-1330	Board of Shorthand Reporting	17,000
15-1331	Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians ...	92,000
15-1332	Board of Beauty Culture Control	505,000
15-1333	Board of Professional Planners	104,000
15-1334	Board of Examiners of Electrical Contractors	229,000
15-1335	Board of Psychological Examiners	80,000
15-1336	Board of Examiners of Master Plumbers ..	200,000
15-1337	Board of Marriage Counselor Examiners ..	45,000
15-1338	Board of Barber Examiners	170,000
15-1339	Board of Public Movers and Warehousemen	102,000
15-1340	Board of Physical Therapy	80,000
15-1341	Audiology and Speech-Language Pathology Advisory Committee	70,000
16-1350	Protection of Civil Rights	2,664,000
19-1440	Violent Crimes Compensation	2,800,000
Total Appropriation, Protection of Citizens' Rights		<hr/> \$14,781,000 <hr/>

Personal Services:

Salaries and wages	(\$7,085,000)
Positions established from lump sum appropriation	(240,000)
Positions established in lieu of appropriated revenue	(134,000)
Positions converted	(31,000)
Materials and Supplies	(364,000)
Services Other Than Personal	(3,874,000)
Maintenance and Fixed Charges	(643,000)

Special Purpose:

Staff expansion of securities bureau (	280,000)
Hearing Aid Dispensers Examining Committee	(2,000)
Excessive fee review committee ... (	2,000)
Acupuncture examining board	(2,000)
Landscape architect examination and evaluation	(2,000)
Civil Rights violation penalties .... (	36,000)
Claims—victims of violent crimes .. (	2,000,000)
Compensation awards	(1,000)
Additions, Improvements and Equip- ment	(85,000)

Receipts derived from the assessment and recovery of costs of hearings conducted pursuant to the Consumer Fraud Act are appropriated for such purpose.

The amount hereinabove for each of the several State professional boards shall be provided from receipts of such boards and any receipts in excess of the amounts specifically provided to each of said boards are appropriated.

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 under C2C:43-3.1 and the unexpended balance as of June 30, 1985 of such receipts are appropriated for payment of claims of victims of violent crimes pursuant to C52:4B-1 et seq.; provided, however, that a sum

not to exceed \$700,000 shall be available for related administrative costs, including the victims' counseling service, C52:4B-25, and the claims adjudication program revised pursuant to P. L. 1983, c. 86, the fiscal management unit, P.L. 1982, c. 192, the public awareness program, C52:4B-24, and the revenue resources program, P.L. 1982, c. 164.

The amount hereinabove for Licensing and Enforcement is appropriated from receipts derived from the assessment of auto body repair facility license fees under C39:13-2.

Total Appropriation, Department of Law and Public Safety	\$228,199,000
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70 DEPARTMENT OF THE PUBLIC ADVOCATE

70 *Government Direction, Management and Control*

76 *Management and Administration*

99-8480 Management and Administrative Services	\$1,397,000
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Total Appropriation, Management and Administration	\$1,397,000
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Personal Services:

Commissioner	(\$70,000)
Salaries and wages	(995,000)
Materials and Supplies	(69,000)
Services Other Than Personal	(105,000)
Maintenance and Fixed Charges	(58,000)

Special Purpose:

Affirmative action and equal employment opportunity program	(46,000)
Microfilming services	(54,000)

80 *Special Government Services*

82 *Protection of Citizens' Rights*

01-8310 Mental Health Advocacy	\$1,438,000
02-8320 Public Interest Advocacy	636,000

03-8330	Citizens' Complaints and Dispute Settlement	700,000
04-8410	Trial Services to Indigents and Special Programs	22,448,000
05-8420	Appellate Services to Indigents	3,511,000
06-8430	Public Defender Administration	901,000
08-8350	Advocacy for the Developmentally Disabled	396,000
Total Appropriation, Protection of Citizens' Rights		<u>\$30,030,000</u>

Personal Services:

Salaries and wages	(\$22,493,000)
Materials and Supplies	(469,000)
Services Other Than Personal	(6,347,000)
Maintenance and Fixed Charges	(294,000)

Special Purpose:

Public Dispute Resolution Center ..	(70,000)
Expansion of child abuse representation	(94,000)
Advocacy for the developmentally disabled	(150,000)
Compensation awards	(80,000)
Additions, Improvements and Equipment	(33,000)

Receipts from rate counsel services and the unexpended balance as of June 30, 1985 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, 1985 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><u>\$31,427,000</u></u>
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74 DEPARTMENT OF STATE

30 *Educational, Cultural and Intellectual Development*37 *Cultural and Intellectual Development Services*

05-2530	Support of the Arts	\$9,577,000*
06-2535	Museum Services	1,679,000
07-2540	Development of Historical Resources ..	827,000
Total Appropriation, Cultural and Intellectual Development Services		<hr/> \$12,083,000* <hr/>

Personal Services:

Salaries and wages	(\$1,780,000)
Materials and Supplies	(112,000)
Services Other Than Personal	(157,000)
Maintenance and Fixed Charges	(46,000)

Special Purpose:

William Carlos Williams Center ..	(250,000)
Cultural projects	(8,465,000)
John Harms Regional Performing Arts Center	(120,000)
Council member expenses	(2,000)
Hunterdon Arts Center	(100,000*)
Acquisition of art and historical objects	(80,000)
Accreditation requirements, State Museum	(49,000)
Oral history program	(27,000)
William Livingston Papers	(58,000)
Folk life and ethnic history programs	(22,000)
Grants in New Jersey history	(200,000)
Afro-American history	(75,000)
History of the State House	(100,000)
Cathedral concert series	(100,000*)
Ethnic Heritage Museum	(250,000)
George Street Playhouse	(75,000*)
Compensation awards	(2,000)
Additions, Improvements and Equip- ment	(13,000)

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.

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

Of the amount hereinabove for cultural projects, an amount not to exceed \$50,000 may be used for administration purposes, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1985 in the School Pamphlet Series account is appropriated for the same purpose.

In any county not having a developed State park, the county shall be entitled to receive funds on a matching basis to provide programs comparable to those being funded by the New Jersey Arts Council in State parks.

70 Government Direction, Management and Control

74 General Government Services

2505 Office of the Secretary of State

01-2505	Administration	\$1,429,000*
08-2545	Records Management	1,113,000
09-2506	Commercial Recording	2,126,000

Total Appropriation, Office of the Secretary of State	<u>\$4,668,000*</u>
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Personal Services:

Secretary of State	(\$66,000)
Salaries and wages	(2,509,000)
Positions established from lump sum appropriation	(242,000)
Materials and Supplies	(155,000)
Services Other Than Personal	(928,000)
Maintenance and Fixed Charges	(62,000)

Special Purpose:

Voter registration	(225,000)
Voter declaration	(4,000)
Affirmative action and equal employ- ment opportunity program	(32,000)
Office of Ethnic Affairs	(100,000)
Central list program	(60,000)
Archival conservation program	(70,000)
Microfilm service charges	(132,000)
Additions, Improvements and Equip- ment	(83,000)

Receipts derived from the examination of voting machines by the Secretary of State and the unexpended balance as of June 30, 1985 of such receipts are appropriated for the costs of making such examinations.

Receipts from the over-the-counter service surcharge and the unexpended balance of such charge as of June 30, 1985 are appropriated for the costs of over-the-counter corporate service.

2515 Adjudication of Administrative Appeals

03-2515 Adjudication of Administrative Appeals	\$7,297,000
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Total Appropriation, Adjudication of Administrative Appeals	\$7,297,000
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Personal Services:

Salaries and wages	(\$4,869,000)
Positions established from lump sum appropriation	(478,000)
Materials and Supplies	(339,000)
Services Other Than Personal	(1,398,000)
Maintenance and Fixed Charges	(74,000)

Special Purpose:

Affirmative action and equal employ- ment opportunity program	(7,000)
Compensation Awards	(5,000)
Additions, Improvements and Equip- ment	(127,000)

Notwithstanding any law to the contrary, the salary of the Director of the Office of Administrative Law shall be established by the Civil Service Commission in the State Compensation Plan.

Receipts derived from the sale of publications by the Division of Administrative Procedure and the unexpended balance as of June 30, 1985 of such receipts are appropriated for the preparation, printing and distribution of such publications.

The Director of the Division of Budget and Accounting is empowered to transfer or credit as anticipated revenue to the General Fund from any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such department for their share of such costs.

Funds from the New Jersey Merit Rating System Surcharge account are appropriated for hearing costs for cases, in excess of 1,000, arising from the New Jersey Automobile Insurance Reform Act of 1982, C17:29A-33 et al., subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of State	\$24,048,000*
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78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*

61 *State Highway Facilities*

06-6100	Roadway and Bridge Maintenance	\$47,013,000
07-6110	Electrical Operations	14,833,000
08-6120	Physical Plant	5,934,000
09-6130	Equipment Maintenance and Operation ..	24,191,000
71-6200	Transportation Construction Engineering	25,383,000

Total Appropriation, State Highway Facilities	\$117,354,000
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Personal Services:

Salaries and wages (\$67,652,000)
 Materials and Supplies (13,807,000)
 Services Other Than Personal (5,023,000)
 Maintenance and Fixed Charges (17,430,000)

Special Purpose:

Roadway aesthetics improvement
 program (1,500,000)
 Traffic signals, signs, lighting and
 safety improvements (212,000)
 Traffic engineering retrieval system (100,000)
 Additions, Improvements and Equip-
 ment (11,630,000)

The unexpended balance as of June 30, 1985 in this
 account is appropriated.

The Department shall be permitted to transfer, in
 an amount as approved by the Director of the
 Division of Budget and Accounting, funds pre-
 viously appropriated for State highway projects,
 from the Transportation Rehabilitation and
 Improvement Fund created under P. L. 1979,
 c. 165 for planning, engineering, design, right-of-
 way acquisition or other costs related to the
 construction of projects financed from the Fund.

62 Public Transportation

04-6050	Railroad and Bus Operations	\$160,070,000
05-6070	Aeronautics	498,000

Total Appropriation, Public Transportation		<u>\$160,568,000</u>
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Personal Services:

Salaries and wages (\$432,000)
 Materials and Supplies (21,000)
 Services Other Than Personal (32,000)
 Maintenance and Fixed Charges (9,000)

Special Purpose:

Passenger service subsidies for bus
 operations (69,170,000)
 Administration of New Jersey
 Transit Corporation (16,100,000)

Reimbursement to bus companies for student reduced fare program ..	(900,000)
Reduced fare for motor bus transportation services to elderly and handicapped citizens	(8,700,000)
Promotion of public transit ridership	(1,400,000)
Passenger service subsidies for rail operation	(63,800,000)
Additions, Improvements and Equipment	(4,000)

Of the amount hereinabove appropriated for passenger subsidies for bus operations, \$70,000 will be made available for bus service to the elderly in Nutley and Belleville, Essex county.

Revenues derived from the New Jersey Airport Safety Act of 1983, C6:1-89 et seq., are hereby appropriated for those purposes intended.

64 Planning and General Management Support

02-6030	Planning	\$1,531,000
03-6040	Research and Demonstration	367,000
97-6020	Financial Management	4,810,000
98-6010	Employee and Support Services	5,472,000
99-6000	Management and Regulatory Services ..	4,758,000
Total Appropriation, Planning and General Management Support		<hr/> \$16,938,000 <hr/>

Personal Services:

Commissioner	(\$70,000)
Salaries and wages	(11,643,000)
Materials and Supplies	(295,000)
Services Other Than Personal	(2,690,000)
Maintenance and Fixed Charges	(160,000)

Special Purpose:

Comprehensive highway transportation planning studies	(20,000)
Public transportation and aviation planning	(150,000)

Metropolitan planning studies	(101,000)
Microfilm service charges	(76,000)
Affirmative action and equal employ- ment opportunity program	(435,000)
Compensation awards	(1,097,000)
Additions, Improvements and Equip- ment	(201,000)

Sums allocated by the Commissioner of Transportation for planning and research in the annual construction program are transferred or allocated to this account for expenditure.

The unexpended balances as of June 30, 1985 in the Planning and Research and Demonstration program classifications are appropriated.

The unexpended balance as of June 30, 1985, 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	\$294,860,000
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Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A-1 et seq. (emergency transportation tax act), as determined by the Director of the Division of Budget and Accounting, first shall be charged to the Transportation Fund established in such act.

Receipts from fees collected by the Department of Transportation in excess of those anticipated are appropriated.

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*

72 *Governmental Review and Oversight*

03-2015 Employee Relations and Collective Nego- tiations	\$546,000
05-2030 Budget Planning and Control	4,646,000

07-2040	Accounting and Financial Reporting	6,527,000
08-2045	Management of Technology	1,954,000

Total Appropriation, Governmental Review and Oversight	\$13,673,000
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Personal Services:

Salaries and wages	(\$8,513,000)
Materials and Supplies	(285,000)
Services Other Than Personal	(4,803,000)
Maintenance and Fixed Charges	(72,000)

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

73 Financial Administration

13-2070	Special Procedures and Investigations ..	\$8,341,000
14-2075	Tax Audit Services	15,049,000
15-2080	Processing and Administration	13,145,000
18-2125	Financial Management	966,000
19-2120	Management of State Investments	2,021,000

Total Appropriation, Financial Administration	\$39,522,000
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Personal Services:

Salaries and wages	(\$27,882,000)
Materials and Supplies	(1,130,000)
Services Other Than Personal	(8,320,000)
Maintenance and Fixed Charges	(893,000)

Special Purpose:

Out of State audits	(108,000)
Out of State office	(500,000)
Farmland act administration	(6,000)
Assessing officers conference	(50,000)
Compensation awards	(64,000)

Additions, Improvements and Equip- ment	(569,000)
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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 of the Revised Statutes 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 pursuant to 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 under C52:18-16.1.

There are appropriated, out of revenues derived from escheated property under the various

escheat acts, such sums as may be necessary to administer such acts and such sums as may be required for refunds.

There are appropriated from the investment earnings of general obligation bond proceeds such sums as may be necessary for the payment of debt service administrative costs.

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are appropriated for the purposes and from the sources defined in said acts.

74 General Government Services

09-2050	Purchasing and Inventory Management ..	\$4,158,000
10-2055	Physical Plant Operation and Maintenance	19,553,000
11-2060	Other Property Management Services ...	679,000
12-2065	Construction Management Services	3,966,000
21-2140	Management of Employee Benefits Programs	11,815,000
24-2061	Real Property Management	361,000
37-2061	Risk Management	1,117,000
Total Appropriation, General Government Services		<hr/> \$41,649,000 <hr/>

Personal Services:

Salaries and wages	(\$19,620,000)
Positions established from lump sum appropriation	(270,000)
Materials and Supplies	(6,003,000)
Services Other Than Personal	(5,562,000)
Maintenance and Fixed Charges	(546,000)
Special Purpose:	
Gubernatorial transition— Governor	(70,000)
Gubernatorial transition— Governor-elect	(200,000)
Justice Complex—services	(4,900,000)

Other capitol buildings—services . (	3,500,000)
Lease compliance . . . . . (	400,000)
Compensation awards . . . . . (	66,000)
Electrical transformer and other repairs to State House and Annex . . . . . (	450,000)
Additions, Improvements and Equipment . . . . . (	62,000)

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

Receipts from employee maintenance charges in excess of \$1,300,000 are appropriated for maintenance of employee housing; provided that a sum not to exceed \$120,000 shall be available for management of the program, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

The funds hereinabove for general services administration, physical plant operation and maintenance may be used to establish seven positions in the central plant engineering group and one position in the Statewide maintenance improvement program.

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

There are appropriated, out of receipts derived from service fees billed to political subdivisions for the operating costs of the cooperative pur-

chasing program, such sums as may be necessary to administer and operate the above purchasing activity.

The unexpended balances in the networking of data centers account as of June 30, 1985 are appropriated for the same purpose.

2050-321-09 State Purchase Fund

The unexpended balance in the State Purchase Fund as of June 30, 1985, and the reimbursements thereto, are appropriated for the purpose of making payments for purchases under 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.

2064-443-62, 444-66 State Cafeterias

The unexpended balances in the State cafeteria accounts as of June 30, 1985 and receipts obtained from cafeteria operations are appropriated for the improvement and extension of cafeteria services and facilities pursuant to C52:18A-19.6.

76 Management and Administration

01-2005	Federal Liaison Activities	\$100,000
98-2006	Public Contracts Affirmative Action Office	551,000
99-2000	Management and Administrative Services	2,247,000
Total Appropriation, Management and Administration		<hr/> \$2,898,000 <hr/>

Personal Services:

State Treasurer	(\$70,000)
Salaries and wages	(2,146,000)
Materials and Supplies	(104,000)
Services Other Than Personal	(338,000)
Maintenance and Fixed Charges	(102,000)

Special Purpose:

Federal Liaison Office—

Washington, D.C.	(100,000)
Affirmative action and equal employment opportunity program .	(20,000)
Compensation awards	(2,000)
Additions, Improvements and Equipment	(16,000)

Fees collected on behalf of the public contracts affirmative action program and the unexpended balance as of June 30, 1985 of such fees are appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

There are appropriated out of the Worker and Community Right to Know Fund such sums as may be necessary to carry out the provisions of C34:5A-1 et seq.

Total Appropriation, Department of the Treasury	\$97,742,000
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90 MISCELLANEOUS EXECUTIVE COMMISSIONS

40 *Community Development and Environmental Management*43 *Environmental Quality*9130 *Interstate Sanitation Commission*

03-9130 Interstate Sanitation Commission	\$325,000
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Total Appropriation, Interstate Sanitation Commission	\$325,000
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Special Purpose:

Expenses of Commission	(\$325,000)
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9140 Delaware River Basin Commission

02-9140 Delaware River Basin Commission	\$473,000
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Total Appropriation, Delaware River Basin Commission	\$473,000
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Special Purpose:

Expenses of Commission	(\$473,000)
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*44 Hazardous and Toxic Pollution Control**9160 Northeast Interstate Low-Level Radioactive Waste Commission*

The unexpended balance as of June 30, 1985 in the account for the expenses of the Commission is appropriated.

*60 Transportation Services**61 State Highway Facilities**9120 Delaware River Joint Toll Bridge Commission*

07-9120 Delaware River Joint Toll Bridge Commission	\$2,246,000
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Total Appropriation, Delaware River Joint Toll Bridge Commission	\$2,246,000
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Personal Services:

Salaries and wages	(\$1,419,000)
Materials and Supplies	(87,000)
Services Other Than Personal	(228,000)
Maintenance and Fixed Charges	(48,000)

Special Purpose:

Other special purpose	(30,000)
Additions, Improvements and Equipment	(434,000)

70 *Government Direction, Management and Control*72 *Governmental Review and Oversight*9150 *New Jersey Commission on Capital Budgeting and Planning*

08-9150	New Jersey Commission on Capital Budgeting and Planning	\$230,000
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Total Appropriation, New Jersey Commission on Capital Budgeting and Planning ..	\$230,000
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Special Purpose:

Expenses of Commission	(\$230,000)
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Total Appropriation, Miscellaneous Executive Commissions	\$3,274,000
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94 INTER-DEPARTMENTAL ACCOUNTS

70 *Government Direction, Management and Control*74 *General Government Services*9400 *Property Rentals, Insurance and Other Services*

01-9400	Property Rentals	\$72,150,000
02-9400	Insurance and Other Services	10,031,000

Total Appropriation, Property Rentals, Insurance and Other Services	\$82,181,000
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Maintenance and Fixed Charges

Rent:

Buildings and grounds	(\$70,601,000)
Richard J. Hughes Justice Complex	(9,743,000)
New Jersey Building Authority ...	(16,306,000)

Less:

Direct charges and charges to non-State fund sources	(24,500,000)
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Special Purpose:

Excess liability insurance master policy	(350,000)
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Tort Claims Liability Fund,	
NJS 59:12-1	(2,000,000)
Radio and television advertising	
and promotion	(600,000)
Advertising and promotion	(7,081,000)

The Director of the Division of Budget and Accounting is empowered to allocate to any State agency occupying space in any State-owned building, equitable charges for the rental of such space, to include but not be limited to the costs of operation and maintenance thereof, and the amounts so charged shall be credited to the General Fund; and, to the extent that such charges exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General Fund, the required additional appropriation shall be made out of such other fund.

Receipts derived from direct charges and charges to non-State fund sources are appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding any other provision of law, and except as hereinafter provided, no lease for the rental of any office or building shall be executed without the prior written consent of the State Treasurer, the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly.

The unexpended balance as of June 30, 1985 in the Master Lease Program Fund is appropriated for the same purpose.

The unexpended balance as of June 30, 1985 in the New Jersey Building Authority account is appropriated for the same purpose.

The unexpended balance as of June 30, 1985 in the Tort Claims Liability Fund account created by NJS 59:12-1 is appropriated for the same purpose.

There are appropriated such additional sums as may be required to pay tort claims under NJS 59:12-1, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove for advertising and promotion shall be allocated by the Director of the Division of Budget and Accounting for advertising and promotion in the economic development, international trade and travel and tourism programs.

The amount hereinabove for the Tort Claims Liability Fund under 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, 1985 in the Inter-departmental accounts for automobile insurance are appropriated as a reserve for payment of retroactive premiums, or for reallocation to departments based on loss experience.

The unexpended balance as of June 30, 1985 in the Self Insurance Fund is appropriated for the same purpose.

The sum hereinabove shall be available for payment of obligations applicable to prior fiscal years.

9410 Employee Benefits

03-9410 Employee Benefits	\$515,521,000
Total Appropriation, Employee Benefits ...	\$515,521,000

Special Purpose:

Heath Act	(\$30,000)
Veterans' Act	(60,000)
Miscellaneous special acts	(9,000)
Annuity for Governors' Widows ..	(8,000)
Judicial Retirement System	(7,700,000)
Prison Officers' Pension Fund	(2,420,000)

Public Employees' Retirement	
System	(110,086,000)
Social Security tax	(140,000,000)
State Police Retirement System ..	(20,400,000)
Police and Firemen's Retirement	
System, C43:16A-1 et seq.	(8,732,000)
Police and Firemen's Retirement	
System (P. L. 1979, c. 109)	(6,601,000)
Pension Adjustment Act	(30,792,000)
Employer contributions, alternate	
benefit program	(22,230,000)
Pension and noncontributory group	
life insurance benefit payments	
to Teachers' Pension and	
Annuity Fund for higher	
education and State employee	
members	(5,051,000)
Dental care program, shared cost ..	(9,400,000)
State employees' health benefits ..	(127,000,000)
Prescription drug program	(14,100,000)
Unemployment insurance—	
Employer liability	(4,352,000)
Temporary disability insurance ...	(3,050,000)
Vision care	(1,500,000)
Minimum Pension Benefit Act	(2,000,000)

Of the sum hereinabove, upon application to the Director of the Division of Budget and Accounting, an annuity of \$4,000 shall be paid to the widow of any person, now deceased, who was elected and served as Governor of the State; provided such widow was the wife of such person for all or part of the period during which he served as Governor; and provided, further, that this shall not apply to any widow receiving a pension granted under RS 43:8-2, and continued by RS 43:7-1 et seq., RS 43:8-1 et seq. and RS 43:8-8 et seq.

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, 1986 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, 1985 through the date of such payment.

Such additional sums as may be required for Social Security tax, unemployment compensation liability 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 the prescription drug program is based upon a copayment of \$3.50 for each eligible prescription.

Of the amount 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 Fund upon reimbursement from local public employers.

Of the amount appropriated for Social Security tax, \$1,550,808 shall first be charged to funds received from the federal government as general revenue sharing.

9420 State Contingency Fund

04-9420	State Contingency Fund	\$29,125,000
	Total Appropriation, State Contingency Fund	<u>\$29,125,000</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 nonsalaried board members and others for whom official reception shall be beneficial to the State	(\$2,000,000)
Continuation and expansion of data processing systems	(21,100,000)
Contingencies, including fuel, food and services	(1,500,000)
Minority Opportunity Enhancement Fund	(500,000)
Productivity improvements	(50,000)
Compensation awards	(100,000)
Restoration to Emergency Services Fund	(2,000,000)
Three Mile Island—New Jersey contribution	(1,875,000)

The unexpended balance as of June 30, 1985 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.

The unexpended balance as of June 30, 1985 in the continuation and expansion of data processing systems account is appropriated for the same purpose.

Unless otherwise indicated, the above amounts may be allotted by the Director of the Division of

Budget and Accounting to the various departments and agencies.

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	\$134,400,000
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Total Appropriation, Salary and Other Benefits		\$134,400,000
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Special Purpose:

Unused accumulated sick leave payments	(\$4,400,000)
Salary and benefits increases	(130,000,000)

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

The State Treasurer, the President of the Civil Service Commission and the Director of the Division of Budget and Accounting shall establish rules and regulations governing salary ranges and rates of pay. The implementation of such rules and regulations shall be made effective at the beginning of the biweekly pay period nearest July 1, 1985 or thereafter as determined by such rules and regulations, with timely notification of such rules and regulations 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.

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

Total Appropriation, Inter-Departmental Accounts	\$761,227,000
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JUDICIAL BRANCH

98 THE JUDICIARY

10 *Public Safety and Criminal Justice*

15 *Judicial Services*

01-9710	Supreme Court	\$2,386,000
02-9715	Superior Court—Appellate Division	7,047,000
03-9720	Civil Courts	\$18,198,000
04-9725	Criminal Courts	7,502,000
05-9730	Family Part of the Superior Court	7,730,000
06-9735	Municipal Courts	388,000
07-9740	Probation Services	2,920,000
08-9745	Court Reporting	7,582,000
09-9750	Legal and Professional Services	608,000
10-9755	Information Services	4,516,000
11-9760	Field Operations	1,010,000
12-9765	Management and Administration	3,818,000

Total Appropriation, Judicial Services	\$63,705,000
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Personal Services:

Chief Justice	(\$80,000)
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Associate Justices (6 @ \$78,000) ..	(468,000)	
Judges (338)	(17,347,000)	
Salaries and wages	(25,414,000)	
New positions	(393,000)	
Positions established from lump sum appropriation	(6,510,000)	
Positions converted	(162,000)	
Materials and Supplies	(1,658,000)	
Services Other Than Personal	(6,400,000)	
Maintenance and Fixed Charges	(302,000)	
Special Purpose:		
Juvenile Delinquency Disposition		
Commission	(300,000)	
Rules development	(150,000)	
Criminal Disposition Commission ..	(190,000)	
Family crisis intervention	(225,000)	
Affirmative action and equal em- ployment opportunity program ..	(80,000)	
Compensation awards	(59,000)	
Child support and paternity program (State share)	(277,000)	
Intensive supervision program	(1,100,000)	
Community Services Program	(650,000)	
Computerized County Jail Information System	(201,000)	
Speedy Trial Program, case processing improvement	(500,000)	
Automobile arbitration	(1,100,000)	
Additions, Improvements and Equipment	(139,000)	
Total Appropriation, Judiciary		<u><u>\$63,705,000</u></u>

The unexpended balance as of June 30, 1985 in this account is appropriated.

Receipts from charges to the Superior Court Trust Fund, Clients' Security Fund, Ethics Financial Committee and the Board of Trial Attorney Certification and Attorney Regulation Fund for services provided to those funds are appropriated.

Total Appropriation, Direct State Services \$3,306,529,000*

STATE AID

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

50 *Economic Planning, Development and Security*51 *Economic Planning and Development—State Aid*

20-2800	Economic Development	\$1,641,000
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Total Appropriation, Department of Commerce and Economic Development ...		<u>\$1,641,000</u>
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State Aid:

Property Tax Reserve Fund
requirements under C12:11A-20 . (\$1,641,000)

There are appropriated such additional sums as may be certified to the Governor by the South Jersey Port Corporation as necessary to meet the requirements of the Debt Service Reserve Fund under C12:11A-14 and the Property Tax Reserve Fund under C12:11A-20, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 *Community Development and Environmental Management*41 *Community Development Management—State Aid*

02-8020	Housing Services	\$7,100,000
04-8030	Local Government Services	107,752,000*
06-8015	Uniform Construction Code	46,000

Total Appropriation, Community Development Management		<u>\$114,898,000*</u>
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State Aid:

Prevention of homelessness (\$3,000,000)
Revolving Housing Development
and Demonstration Grant Fund . (500,000)
Relocation assistance (600,000)
Neighborhood preservation, P. L.
1975, c. 248 and c. 249 (3,000,000)

Municipal aid pursuant to	
C52:27D-178 et seq.	(40,143,000)
Safe and clean neighborhoods	(25,711,000)
Safe and clean neighborhoods:	
expansion of police services,	
subject to the enactment of	
enabling legislation	(25,000,000)
Aid to depressed rural centers	(518,000)
County welfare equalization	(15,000,000)
Tax collectors' training	(50,000)
Municipal finance officers' training.	(50,000)
Municipal memberships in building	
code association	(46,000)
Special assistance—Borough of	
Lawnside	(90,000)
Payment to City of Newark to raze	
vacant buildings	(500,000)
Payment to Trenton to raze vacant	
buildings	(150,000)
Payment to Camden to raze vacant	
buildings	(200,000)
Special aid to Scotch Plains	(200,000*)
Gloucester City economic study ...	(90,000)
Special aid to Middlesex county—	
John E. Toolan Kiddie Keep	
Well Camp	(50,000)

Of the sum available for prevention of homelessness, a sum not to exceed \$200,000 may be used for administration.

Of the sum hereinabove for neighborhood preservation, a sum not to exceed \$400,000 may be used for administration and technical assistance of the program, and up to \$300,000 for matching on a 50/50 basis for the administrative costs of the Federal Small Cities block grant.

The unexpended balance, not to exceed \$100,000, as of June 30, 1985 in the relocation assistance account is appropriated.

The amount hereinabove for relocation assistance shall be available to municipalities qualifying for

assistance; provided, however, that each recipient municipality match its grant with an equal amount, except for those municipalities exempted by rules and regulations promulgated by the department. This amount also may be used by qualifying municipalities for the relocation of fire victims, with no local matching funds required.

Of the sum available in the Revolving Housing Development and Demonstration Grant Fund, a sum not to exceed \$100,000 may be used for administrative and technical assistance.

Notwithstanding the provisions of C52:27D-165, the amount hereinabove for aid to depressed rural centers shall be distributed in the same amounts and to the same municipalities which received such aid in calendar year 1984.

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.

Notwithstanding the provisions of C44:14-1 et seq., funds distributed pursuant to the County Welfare Per Capita Cost Limitation Act of 1981 shall be distributed without determining whether counties entitled to funds have an error rate above the Statewide average error rate.

Notwithstanding the provisions of C52:27D-118.1 et seq., \$4,500,000 of the amount hereinabove for safe and clean neighborhoods shall be allocated equally to each municipality whose population is in excess of 75,000 which received such aid in calendar year 1984; provided further, however, that each recipient municipality match its allocation with an equal amount; provided further, however, that an 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), C52:27BB-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 NJS 40A:2-8 and any tax anticipation notes issued pursuant to NJS 40A:4-64 by such municipality. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of a written notification by the Director of the Division of Local Government Services that the municipality does not have sufficient funds available for prompt payment of principal 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.

50 Economic Planning, Development and Security

55 Related Social Services Programs—State Aid

05-8050	Human Resources	\$5,338,000*
08-8060	Programs for the Aging	1,728,000
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Total Appropriation, Related Social Services Programs		\$7,066,000*
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State Aid:

State Legal Services	(\$850,000)
Recreation for the handicapped ...	(250,000)
New Jersey Youth Corps	(1,500,000)
Office of Hispanic Affairs	(1,025,000)
Special Olympics	(225,000)
Cultural development for ethnic groups	(120,000)
County offices on aging	(420,000)
Older Americans Act (State share) .	(1,208,000)
Senior Outreach	(100,000)
International Youth Organization .	(150,000*)

Grant to Perth Amboy YMHA for senior citizen van	(35,000)
Grant to New Brunswick YMCA ..	(20,000)
Grant to Trenton follow-through program	(280,000)
Grant to Parsippany-Troy Hills senior transit	(78,000)
Grant to Ozanam Shelter	(75,000)
Grant to Newark Fresh Air Fund ..	(150,000)
Grant to Plainfield Community Center	(160,000)
United Vailsburg Service Organization	(70,000*)
Grant to South Ward Boys' Club ..	(150,000)
Grant to North Ward Center	(200,000)

70 Government Direction, Management and Control

76 Management and Administration—State Aid

99-8070 Management and Administrative Services	\$3,870,000
Total Appropriation, Management and Administration	<u>\$3,870,000</u>

State Aid:

Hackensack Meadowlands

Development Commission:

Municipal Committee	(\$100,000)
Debt Service	(420,000)
Commission Operations	(2,850,000)
Special Projects—Capital	(500,000)

Notwithstanding the provisions of C5:10-6, all funds received by the State from the New Jersey Sports and Exposition Authority shall be deposited in the General Fund and only the amount hereinabove is appropriated for the Hackensack Meadowlands Development Commission.

Such amounts necessary for the payment of principal and interest for outstanding notes are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

If receipts from the New Jersey Sports and Exposition Authority are less than the amount hereinabove, the State Treasurer may, at his discretion, consider such difference to be a loan from the General Fund to be repaid at such interest rate as the Treasurer may establish.

Total Appropriation, Department of Community Affairs	\$125,834,000*
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34 DEPARTMENT OF EDUCATION

30 *Educational, Cultural and Intellectual Development*

31 *Direct Educational Services and Assistance—State Aid*

02-5120 Non-Public School Aid	\$24,719,000
03-5120 Miscellaneous Grants-in-Aid	19,882,000*
04-5064 Adult and Continuing Education	5,220,000
07-5065 Special Education	9,946,000
07-5120 Special Education	15,750,000

Total Appropriation, Direct Educational Services and Assistance	\$75,517,000*
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State Aid:

Aid to nonpublic education	(\$4,741,000)
Nonpublic nutrition aid	(397,000)
Nonpublic handicapped aid	(7,316,000)
Nonpublic auxiliary services aid ...	(12,009,000)
Nonpublic auxiliary services aid— transportation	(256,000)
Emergency fund	(200,000)
Public School Safety Act	(2,500,000)
Educational Information and Resource Center	(575,000)
Payments for institutionalized children—Unknown district of residence	(371,000)
Program for disruptive students ..	(1,000,000)
Master teacher program	(1,200,000)
Governor's scholars program	(750,000)
Aid for asbestos	(10,000,000)

Urban Initiative:

Computer literacy and training . .	(228,000)
Alternative programs for disruptive pupils	(600,000)
Pupil attendance improvement program	(400,000)
Operation school renewal component	(742,000)
Broad based component	(700,000)
Magnet school programs:	
Montclair public schools	(505,000)
Bayonne public schools	(111,000)
Evening school for the foreign born .	(253,000)
High school equivalency	(1,463,000)
Adult education	(1,137,000)
Adult literacy	(2,367,000)
Projects for handicapped infants .	(9,946,000)
County special services districts . .	(15,750,000)

The unexpended balances as of June 30, 1985 in the computer literacy and training, the alternative programs for disruptive students and the pupil attendance improvement program accounts are appropriated for the same purposes.

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.

The unexpended balance as of June 30, 1985 in the aid for asbestos account is appropriated for the same purpose.

33 Supplemental Education and Training Programs—State Aid

20-5062	General Vocational Education Programs .	\$7,146,000
20-5120	General Vocational Education Programs .	8,094,000

Total Appropriation, Supplemental Education and Training Programs	\$15,240,000
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State Aid:

District and regional vocational education	(\$2,000,000)
Schools of industrial education	(21,000)
Vocational education	(4,500,000)
National Guard cooperative education	(125,000)
Work-study program	(500,000)
Local vocational aid	(8,094,000)

34 Educational Support Services—State Aid

30-5063	General Academic Education	\$500,000
36-5120	Pupil Transportation Services	132,209,000
37-5120	School Nutrition	6,993,000
38-5120	Facilities Planning and School Building Aid	103,308,000
39-5095	Teachers' Pension and Annuity Assistance	575,317,000

Total Appropriation, Educational Support Services	\$818,327,000
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State Aid:

Maxi-grant program	(\$500,000)
Computerized bus scheduling	(250,000)
Transportation aid	(131,959,000)
State school lunch aid	(6,993,000)
School building aid debt service	(23,521,000)
School building aid	(79,787,000)
Teachers' Pension and Annuity Fund	(291,682,000)
Social Security tax	(194,800,000)
Pension Adjustment Act	(87,335,000)
Minimum pension for pre-1955 retirees	(1,500,000)

The amount appropriated hereinabove for Transportation aid shall be used to reimburse school districts for approved transportation expenses based upon costs incurred in the 1983-1984 school year.

Of the amount hereinabove for transportation aid, an amount equal to the total earnings on investments of the School Fund shall first be charged to such Fund.

The unexpended balance as of June 30, 1985 in the school building aid debt service account is appropriated for the same purpose.

The sum in the Pension Adjustment Act account shall be available for the payment of such increase applicable to the prior fiscal year.

The unexpended balance not to exceed \$1,000,000 as of June 30, 1985 in the Pension Adjustment Act account is appropriated.

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, 1986 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, 1985 through the date of such payment.

Such interest as may be required to be paid on account of delayed payments to the Teachers' Pension and Annuity Fund is appropriated and shall be first charged to investment earnings.

The sum in the Social Security tax account shall be available for the payment of such tax applicable to the prior fiscal year.

37 Cultural and Intellectual Development Services—State Aid

51-5070 Library Services	\$13,215,000
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Total Appropriation, Cultural and Intellectual Development Services	\$13,215,000
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State Aid:

Per capita library aid	(\$7,817,000)
Area library aid	(2,383,000)
Research library aid	(400,000)
Emergency aid/incentive grants ..	(200,000)
Library construction incentive aid .	(1,000,000)
Library network	(1,415,000)

Total Appropriation, Department of Education	\$922,299,000*
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The unexpended balances as of June 30, 1985 in the State Aid accounts, not to exceed \$650,000, 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 shall first be charged to the State Lottery Fund.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

*40 Community Development and Environmental Management**42 Natural Resource Management—State Aid*

05-4850 Water Supply and Watershed Management	\$375,000*
15-4890 Marine Lands Management	245,000

Total Appropriation, Natural Resource Management	\$620,000*
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State Aid:

Clifton flood control grant	(\$75,000)
Lake Matawan/Lake Lefferts dam repairs	(300,000)

Borough of Keansburg for not more
than 50% of the cost of operation
and maintenance of hurricane and
beach control structures(140,000)

Shore Protection Grant to Bradley
Beach(105,000)

There is appropriated from the Shore Protection
Bond Act of 1983, P. L. 1983, c. 356, the sum of
\$500,000 for costs attributable to planning and
administration of the shore protection program.

Unexpended balances as of June 30, 1985 in the
storm damage for coastal towns account are ap-
propriated for the same purpose.

43 *Environmental Quality—State Aid*

07-4850	Water Monitoring and Planning	\$450,000
08-4855	Water Enforcement	8,200,000*
09-4860	Public Wastewater Facilities	15,000,000

Total Appropriation, Environmental Quality	<u>\$23,650,000*</u>
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State Aid:

Lake Management	(\$450,000)
Clean drinking water program ...	(8,200,000*)
Sewerage facilities construction program (federal match)	(15,000,000)

44 *Hazardous and Toxic Pollution Control—State Aid*

19-4815	Spill Prevention, Response and Site Cleanup	\$15,000
23-4910	Waste Management	500,000

Total Appropriation, Hazardous and Toxic Pollution Control	<u>\$515,000</u>
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State Aid:

Reimbursement to Township of Montclair	(\$15,000)
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Implementation and demonstration
grants to solid waste management
districts (500,000)

The unexpended balances as of June 30, 1985 in the
Major Hazardous Waste Facilities Siting Act—
Grants to Municipalities and Major Hazardous
Waste Facilities Siting Act—Training accounts
are appropriated.

The unexpended balance as of June 30, 1985 in the
implementation and demonstration grants to solid
waste management districts account is appro-
priated.

Of the sum hereinabove for implementation and
demonstration grants to solid waste management
districts, an amount not to exceed \$24,000 is allo-
cated for purposes of auditing such grants.

45 Recreational Resource Management—State Aid

10-4865	Marina Operations	\$150,000
12-4875	Parks Management	325,000
21-4895	Navigation Aids	2,000,000
Total Appropriation, Recreational Resource Management		<u>\$2,475,000</u>

State Aid:

Renovation of Pine Beach Piers ..	(\$150,000)
Restoration of the Holcombe- Jimison Historical Farmstead ..	(25,000)
Restoration of the Ocean Grove Auditorium	(250,000)
Restoration of the Long Branch Historical Museum	(15,000)
Grant in aid to Monmouth Museum, Lincroft	(20,000)
Grant to Adam Bucky James Com- munity Center	(15,000)

Dredging of inland waterways—
 State aid to counties and municipalities, 100% grants for maintenance dredging projects(2,000,000)

The unexpended balance, not to exceed \$1,000,000, as of June 30, 1985 in the dredging of inland waterways account is appropriated.

The unexpended balance as of June 30, 1985 in the Deal Lake silt retention and bank stabilization account is appropriated.

46 Environmental Planning and Administration—State Aid

99-4800 Management and Administrative Services	\$4,249,000
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Total Appropriation, Environmental Planning and Administration	\$4,249,000
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State Aid:

Payments in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes(\$1,330,000)

Reimbursements and loans to the boroughs of Pennington and Hopewell for interest and debt service costs under C58:25-9 ... (149,000)

Administration, planning and development activities of the Pine-lands Commission(1,500,000)

County environmental health(870,000)

Mosquito control, research, administration and operations(400,000)

The unexpended balances as of June 30, 1985 in the mosquito control, research, administration and operations and the payment in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes accounts are appropriated.

The amount hereinabove for mosquito control, research, administration and operations shall be available to the State Mosquito Control Commission, provided, however, that an amount not to exceed \$111,000 shall be available to the Department of Environmental Protection for the administration and coordination of such programs.

Receipts derived from the rental of property acquired under C58:21A-1 et seq.; C58:21B-1 et seq.; P. L. 1971, c. 165; P. L. 1974, c. 102 and P. L. 1978, c. 118, and the unexpended balance as of June 30, 1985, of such receipts are appropriated for payments in lieu of taxes on properties and for maintenance of properties.

Total Appropriation, Department of Environmental Protection	\$31,509,000*
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46 DEPARTMENT OF HEALTH

20 *Physical and Mental Health*

21 *Health Services—State Aid*

02-4220 Local and Community Health Services ..	\$7,869,000
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Total Appropriation, Health Services	\$7,869,000
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State Aid:

Community health services(\$6,039,000)

Special grants for the expansion of
infant mortality reduction pro-
grams(1,830,000)

The capitation is set at 62.5 cents for the year ending June 30, 1986 for the purposes prescribed in C26:2F-1 et seq.

Funds appropriated for expansion of infant mortality services shall be spent based on a plan approved by the State Commissioner of Health.

Total Appropriation, Department of Health	\$7,869,000
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50 DEPARTMENT OF HIGHER EDUCATION

30 *Educational, Cultural and Intellectual Development*36 *Higher Educational Services—State Aid*5400 *Office of the Chancellor*

06-5400 Aid to County Colleges	\$87,015,000*
Total Appropriation, Office of the Chancellor	<u>\$87,015,000*</u>

State Aid:

Operational costs	(\$75,563,000*)
Debt service under C18A:64A-22.1 (	2,700,000)
Employer contributions—alternate benefit program	(6,850,000)
Computers in curricula	(585,000)
Technical engineering education ..	(1,317,000)

Total Appropriation, Department of Higher Education	<u>\$87,015,000*</u>
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The unexpended balance as of June 30, 1985 in this account is appropriated.

No moneys in excess of \$71,563,000 provided for State Aid for operational costs to county colleges shall be distributed to a county college, if the moneys contributed by a county government for the operation of the college are reduced below the level initially certified for fiscal year 1986 by the county board of school estimate pursuant to NJS 18A:64A-17.

Of the amount hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine shall first be charged to the State Lottery.

24 DEPARTMENT OF HUMAN SERVICES

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

08-7700	Community Services	\$25,000,000
Total Appropriation, Division of Mental Health and Hospitals		\$25,000,000

State Aid:

Support of patients in county mental
hospitals (\$25,000,000)

The sums hereinabove shall be available for pay-
ments 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	\$552,306,000*
Total Appropriation, Division of Medical Assistance and Health Services		\$552,306,000*

State Aid:

Payments for medical assistance
recipients (State share) (\$545,481,000*)

Payments for medically needy
recipients (State share) (6,825,000)

All funds recovered under C30:4D-1 et seq. during
the fiscal year ending June 30, 1986 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 recipi-
ents of other jurisdictions, as established by

interstate agreements, which represent the State share of medical assistance are appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments of medical assistance.

The State appropriation is based on a federal financial participation rate of 48.09%; provided, however, that if the federal financial participation rate exceeds this percentage, there will be placed in reserve a portion of the State appropriation equal to the amount of additional federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of C44:7-76 et seq., the medical assistance to the aged program is eliminated; provided, however, that necessary medical services shall be available to those enrolled in the program as of June 30, 1982, until such time that those persons no longer require medical care or are eligible for alternative programs.

From the sums appropriated hereinabove for payments to medically needy recipients, 20% is allocated for the administration of this program, subject to the approval of the Director of the Division of Budget and Accounting.

No copayment or other form of cost sharing shall be imposed on any individual eligible for medical assistance except as mandated by federal law as a condition of federal financial participation.

50 Economic Planning, Development and Security

53 Economic Assistance and Security—State Aid

7550 Division of Public Welfare

15-7550	Income Maintenance	\$271,230,000*
Total Appropriation, Division of Public Welfare		<hr/>
		\$271,230,000*
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State Aid:

Payments to municipalities for cost of general assistance (State share)	(\$59,992,000)
Payments for dependent children assistance, regular segment (State share)	(173,544,000)
Payments for emergency assistance (State share)	(1,546,000)
Payments for supplemental security income (State share)	(21,113,000)
Payments for dependent children assistance, unemployment of father (State share)	(9,307,000)
Payments for dependent children assistance, insufficient employment of parents (State share) ..	(5,728,000)

The net State share of reimbursements and the net balances remaining after full payment of sums due the federal government of all funds recovered under RS 44:7-14, C44:10-4 et seq., C30:4B-1 et seq., and C44:13-1 et seq. during the fiscal year ending June 30, 1986 are appropriated.

Receipts from State administered municipalities during the fiscal year ending June 30, 1986 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 under 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 of the Division of Budget and Accounting.

The funds hereinabove appropriated for a 5% grant increase to recipients of Aid to Families with Dependent Children and General Assistance recipients are necessary to offset the increase in energy costs low income persons have been subject to in recent years. Such funds may only be used to assist public assistance recipients in meeting their energy costs and are to be distributed to public assistance recipients in the most administratively efficient manner in accord with all applicable federal and State laws and regulations.

55 Related Social Services Programs—State Aid

7570 Division of Youth and Family Services

16-7570	Initial Response/Case Management	\$458,000
17-7570	Substitute Care	37,953,000
18-7570	General Social Services	8,384,000
Total Appropriation, Division of Youth and Family Services		<u>\$46,795,000</u>

State Aid:

Initial response	(\$458,000)
Substitute family care	(18,626,000)
Family support services	(8,384,000)
Maintenance to children residing in institutions	(18,760,000)
Community based alternative programs	(426,000)
DYFS supervised juveniles in need of supervision	(141,000)

Funds recovered under C30:4C-1 et seq., during the fiscal year ending June 30, 1986, are appropriated.

Of the amount hereinabove appropriated for substitute family care, the Division of Youth and Family Services may expend up to \$225,000 for the recruitment of foster and adoptive families; provided, however, that a plan for recruitment and training first 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 of the Division of Budget and Accounting.

Total Appropriation, Department of Human Services	\$895,331,000*
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74 DEPARTMENT OF STATE

30 *Educational, Cultural and Intellectual Development*

37 *Cultural and Intellectual Development Services—State Aid*

06-2535 Museum Services	\$1,226,000
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Total Appropriation, Department of State ..	\$1,226,000
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State Aid:

Operational Grant for Newark

Museum	(\$1,126,000)
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Powhatan-Lenape Nation Museum .	(100,000)
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78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*

62 *Public Transportation—State Aid*

72-6210 Construction of Public Transportation Facilities

72 *Grade Crossing Projects*

The unexpended balance as of June 30, 1985 in this account is appropriated.

63 Local Highway Facilities—State Aid

80-6220	County and Municipal Aid	\$1,700,000
Total Appropriation, Local Highway Facilities		<u>\$1,700,000*</u>

State Aid:

County and municipal aid for
lighting(1,700,000)

The unexpended balance as of June 30, 1985 in this
account is appropriated.

Capital construction funds are available for allot-
ment by the Commissioner of Transportation,
subject to the approval of the Director of the
Division of Budget and Accounting.

Amounts hereinabove are available for capital con-
struction projects as the Commissioner of Trans-
portation 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 im-
provements to streets and roads providing access
to State facilities within the capital city without
local participation.

Total Appropriation, Department of Transportation	<u>\$1,700,000*</u>
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82 DEPARTMENT OF THE TREASURY

*70 Government Direction, Management and Control**75 State Subsidies and Financial Aid—State Aid*

28-2077	County Boards of Taxation	\$659,000
29-2088	Locally Provided Services	14,225,000*
30-2081	Railroad Property Taxes	793,000
31-2082	Business Personal Property Tax Replace- ment	158,704,000

35-2087	Consolidated Police and Firemen's Pension Fund	5,024,000
36-2081	Municipal Purposes Tax Assistance Program	60,000,000*

Total Appropriation, State Subsidies and Financial Aid	\$239,405,000*
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Personal Services:

County Tax Board members (69) .. (\$659,000)

State Aid:

Payments to municipalities for ser-
vices to State-owned property .. (13,500,000*)

Payments to municipalities to re-
place property tax on business
personalty (158,704,000)

Pinelands Municipal Property Tax
Stabilization Fund (650,000)

Payments to municipalities pursuant
to Municipal Purposes Tax Assis-
tance Program under C54:1-46 et
seq. (60,000,000*)

Tuition payments for local
assessors (75,000)

State contribution to Consolidated
Police and Firemen's Pension
Fund (5,024,000)

Payments to municipalities in lieu
of Railroad Property Tax pur-
suant to C54:29A-1 et seq. (793,000)

Notwithstanding the provisions of C54:10A-3 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, 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 C54:10B-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.

There are appropriated from taxes collected from certain insurance companies, pursuant to the insurance tax act, so much as may be required for payment to the local taxing districts pursuant to C54:18A-1 et seq.

The sum appropriated hereinabove for Payments to Municipalities in Lieu of Railroad Property Tax shall be paid only to those municipalities in which Class II railroad property owned by New Jersey Transit Corporation is located, the provisions of C54:29A-1 et seq. notwithstanding.

The amount hereinabove appropriated for payments to municipalities for services to State-owned property shall be apportioned and distributed without regard to the provisions of C54:4-2.2e1.

Of the amount appropriated above for payments to municipalities for services to State-owned property, a sum of \$500,000 shall be paid to the City of Camden, in addition to any other amounts appropriated therein for the City of Camden, as payment in lieu of taxes to the city for the State correctional facility under construction in that city and the \$500,000 shall be paid and included in the amounts otherwise payable on November 1, 1985.

Of the sum appropriated for payments to municipalities for services to State-owned property, \$7,993,200 shall be distributed on November 1, 1985 to qualified municipalities.

There are appropriated so much of the proceeds of taxes on fire insurance premiums, received or receivable, as may be required for payment to the

New Jersey Firemen's Home and the New Jersey Firemen's Association under RS 54:17-4.

The unexpended balance as of June 30, 1985 from the taxes collected pursuant to C54:30A-16 et seq. and C54:30A-49 et seq. shall lapse.

Notwithstanding the provisions of C54:30A-24.1 and C54:30A-61.1, the payments to municipalities from the proceeds of the public utilities franchise and gross receipts taxes during calendar year 1985 shall be \$685 million and the payments due in June, 1986 shall be limited to \$105 million; provided that amounts collected in excess of those sums shall be anticipated as revenue for general State purposes.

Total Appropriation, Department of the Treasury	\$239,405,000*
Total Appropriation, State Aid	\$2,313,829,000*

Whenever any county, municipality or school district entitled to receive State aid from appropriations made herein withholds funds from State agencies entitled to payment for services, the Director of the Division of Budget and Accounting is authorized to withhold State aid payments to such county, municipality or school district and transfer same as payment for funds so withheld.

Any qualifying State aid appropriation, or part thereof, made from the General Fund may be transferred and recorded as an appropriation from the Property Tax Relief Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unrestricted fund balance in the Property Tax Relief Fund, as determined by the State Treasurer, is sufficient to support such expenditure.

Notwithstanding any other statute which establishes a payment date for any State aid hereinabove appropriated, the State Treasurer is authorized to pay to any municipality, on or before December 31, 1985, an amount not exceeding the additional State aid to which it would be entitled prior to June 30, 1986. Such payment shall be made only upon written notification of the Director of the Division of Local Government Services in the Department of Community Affairs and the approval of the State Treasurer, not later than December 31, 1985, and shall be paid solely from funds hereinabove appropriated for distribution to that municipality for which a payment date falling on or after January 1, 1986 is fixed by statute.

CAPITAL CONSTRUCTION

01 LEGISLATURE

70 Government Direction, Management and Control

71 Legislative Activities

The unexpended balance as of June 30, 1985 in this account is appropriated.

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

42 Natural Resource Management

Capital Project:

Laboratory equipment (\$222,000)

Total Appropriation, Department of
Agriculture \$222,000

26 DEPARTMENT OF CORRECTIONS

10 *Public Safety and Criminal Justice*19 *Central Planning, Direction and Management*16 *Detention and Rehabilitation*

Capital Projects:

State Prison, Rahway	
Facility Renovations	(\$1,500,000)
State Prison, Leesburg	
Re-roof Medium Unit	(1,700,000)
Administration Building addition ..	(300,000)
Correctional Institution for Women, Clinton	
Renovate infirmary	(500,000)
Youth Correctional Institution, Bordentown	
Sewage treatment plant	(500,000)
Youth Correctional Institution, Annandale	
Sewage treatment plant, Stokes	
Forest Unit	(300,000)
Roof, window and other renova- tions	(2,000,000)
Replace electrical system	(1,200,000)
Fire egress and stairwell enclosure	(400,000)
Perimeter security system	(500,000)
Training School for Boys, Skillman	
Roof replacement	(1,200,000)
Newark House	
Facility renovations	(600,000)
Total Appropriation, Department of Corrections	<u>\$10,700,000</u>

The unexpended balance as of June 30, 1985 in this account is appropriated.

30 DEPARTMENT OF DEFENSE

10 *Public Safety and Criminal Justice*14 *Military Services*

Capital Projects:

Hackettstown Armory,	
Addition and alterations	(\$360,000)
Washington Armory,	
Addition and alterations	(38,000)
Fort Dix Regional Training Center .	(47,000)
Deferred maintenance	(819,000)
Renovations and improvements	(657,000)
Total Appropriation, Department of	
Defense	\$1,921,000

The unexpended balance as of June 30, 1985 in this account is appropriated.

34 DEPARTMENT OF EDUCATION

30 *Educational, Cultural and Intellectual Development*32 *Operation and Support of Educational Institutions*5011 *Marie H. Katzenbach School for the Deaf*

Capital Projects:

Replace high pressure boiler	(\$125,000)
Barrier-free renovations	(45,000)
Lower lake dam replacement	(200,000)
Painting and masonry repairs	(100,000)
Roof replacement	(250,000)

The unexpended balance as of June 30, 1985 in this account is appropriated.

37 *Cultural and Intellectual Development Services*5070 *Division of the State Library*

Capital Projects:

Library for the Blind and Handi- capped—Replace shelving	(\$943,000)
Remodel State Library	(859,000)

The unexpended balance as of June 30, 1985 in this account is appropriated.

Total Appropriation, Department of Education	\$2,522,000
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38 DEPARTMENT OF ENERGY

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

4050 New Jersey Public Broadcasting Authority

Capital Project:

Purchase and replacement of
equipment (\$1,840,000)

Total Appropriation, Department of Energy	\$1,840,000
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The unexpended balance as of June 30, 1985 in this account is appropriated.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

Capital Projects:

Union Lake dam repair (\$2,500,000)

Major maintenance, Fish, game and
wildlife (300,000)

Wesley Lake cleanup (100,000)

Takanassee Lake cleanup (100,000)

Nienstedt Island erosion control ... (60,000)

The unexpended balance as of June 30, 1985 in this account is appropriated.

44 Hazardous and Toxic Pollution Control

Capital Projects:

Toxic Waste Cleanup (\$150,000,000)

45 Recreational Resource Management

Capital Projects:

Major maintenance and improve-
 ment program (\$1,175,000)
 Grant to Cape May County to
 restore lighthouse (50,000)

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.

Of the amount hereinabove appropriated for major maintenance and improvement program, \$350,000 shall be made available to Waterloo Village.

The unexpended balance as of June 30, 1985 in this account is appropriated.

*45 Recreational Resource Management**4876 Palisades Interstate Park Commission*

Capital Project:

Parkway improvements (\$400,000)

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, 1985, are appropriated for capital projects and plans, and maintenance.

Funds hereinabove shall be provided as the State share for Federal aid highway projects.

The unexpended balance as of June 30, 1985 in this account is appropriated.

46 Environmental Planning and Administration

Capital Projects:

Mosquito Commission
 Mosquito control, State parks (\$245,000)
 Replace equipment (125,000)

The unexpended balance as of June 30, 1985 in this
 account is appropriated.

Total Appropriation, Department of
 Environmental Protection \$155,055,000*

*46 DEPARTMENT OF HEALTH**20 Physical and Mental Health**21 Health Services*

Capital Project:

Laboratory equipment (\$2,000,000)

Total Appropriation, Department of Health . \$2,000,000

The unexpended balance as of June 30, 1985 in this
 account is appropriated.

*50 DEPARTMENT OF HIGHER EDUCATION**30 Educational, Cultural and Intellectual Development**36 Higher Educational Services**5400 Office of the Chancellor*

Capital Project:

Renewal and replacement projects . (\$12,000,000)

The unexpended balance as of June 30, 1985 in this
 account is appropriated.

5494 State College Construction

The unexpended balance as of June 30, 1985 in this
 account is appropriated.

5600 Rutgers, The State University

The unexpended balance as of June 30, 1985 in this account is appropriated.

5630 University of Medicine and Dentistry of New Jersey

The unexpended balance as of June 30, 1985 in this account is appropriated.

5640 New Jersey Institute of Technology

The unexpended balance as of June 30, 1985 in this account is appropriated.

Total Appropriation, Department of Higher Education	\$12,000,000*
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54 DEPARTMENT OF HUMAN SERVICES

*70 Government Direction, Management and Control**76 Management and Administration*

Capital Project:

Improve physical security of
institutional perimeters (\$1,200,000)

The unexpended balance as of June 30, 1985 in this account is appropriated.

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

Capital Project:

Upgrade food service facilities (\$670,000)

The unexpended balance as of June 30, 1985 in this account is appropriated.

*30 Educational, Cultural and Intellectual Development**32 Operation and Support of Educational Institutions**7600 Division of Developmental Disabilities*

Capital Project:

Upgrade food service facilities (\$1,000,000)

The unexpended balance as of June 30, 1985 in this
account is appropriated.

*33 Supplemental Education and Training Programs**7560 Commission for the Blind and Visually Impaired*

The unexpended balance as of June 30, 1985 in this
account is appropriated.

*50 Economic Planning, Development and Security**55 Related Social Services Programs**7570 Division of Youth and Family Services*

Capital Project:

Cedar Grove Residential Center,
multipurpose building (\$700,000)

*80 Special Government Services**83 Services to Veterans**7520 Division of Veterans' Services*

The unexpended balance as of June 30, 1985 in this
account is appropriated.

Total Appropriation, Department of Human
Services

\$3,570,000

60 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 *Public Safety and Criminal Justice*11 *Vehicular Safety*

Capital Projects:

Deferred Maintenance (\$775,000)

DMV Master Plan:

Lane construction, emission control equipment, and HVAC system improvements (9,180,000)

Handicapped accessibility (346,000)

The unexpended balance as of June 30, 1985 in this account is appropriated.

12 *Law Enforcement*

Capital Projects:

State Police

Deferred maintenance (\$495,000)

Improve facilities for female troopers (112,000)

Marine Police

Ocean County facility (254,000)

The unexpended balance as of June 30, 1985 in this account is appropriated.

19 *Central Planning, Direction and Management*

The unexpended balance as of June 30, 1985 in this account is appropriated.

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

Capital Project:

Volumetric laboratory—Weights and Measures Complex (\$150,000)

The unexpended balance as of June 30, 1985 in this account is appropriated.

Total Appropriation, Department of Law and
Public Safety \$11,312,000

74 DEPARTMENT OF STATE

70 *Government Direction, Management and Control*74 *General Government Services*

The unexpended balance as of June 30, 1985 in this account is appropriated.

78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*61 *State Highway Facilities*

Capital Project:

Transportation Trust Fund

Account (\$153,000,000)

The unexpended balance as of June 30, 1985 in this account is appropriated.

From the amount hereinabove 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.

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A-1 et seq., the 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.

Receipts representing the State share from the rental or lease of property, and the unexpended balances as of June 30, 1985 of such receipts are appropriated for maintenance or improvement of transportation property, equipment and facilities.

The sum provided hereinabove for the Transportation Trust Fund Account shall be provided from revenues received from motor fuel taxes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution, from increases in fees charged for commercial motor vehicles, and that \$25 million shall be provided from funds received or receivable from the various transportation oriented authorities; provided, however, that any amount in addition to the funds anticipated, pursuant to C27:1B-1 et al., from these sources is appropriated.

The department shall be permitted to transfer funds in the amount as approved by the Director of the Division of Budget and Accounting from the Capital Construction accounts to Direct State Services for highway maintenance.

In addition to the amount hereinabove for State highway facilities, such other sums as the Director of the Division of Budget and Accounting shall determine, provided in interdepartmental accounts for employee benefits, shall be considered as appropriated on behalf of State highway construction and transportation construction engineering and be available for matching federal funds.

62 Public Transportation

The unexpended balance as of June 30, 1985 in this account is appropriated.

Total Appropriation, Department of Transportation	\$153,000,000
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There are appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority, \$323,500,000* for the following:

<i>Highway Projects</i>
Betterments

New Jersey State Library

Other Projects

Physical Plant Construction . . .
Rail Freight Facilities, Im-
provements and Acquisition .
Local Interstate Substitution
Projects
Local Rural Projects
State Aid in Lieu of Urban
System Funds
Municipal Aid
Local Aid bridge rehabilitation

The unexpended balances as of June 30, 1985 of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated.

Sums received from the Transportation Trust Fund Authority are appropriated for programs or projects, or both, approved for financing by the Authority and shall be expended only as prescribed in this act and upon the approval of the Director of the Division of Budget and Accounting and the Governor.

From the amount hereinabove for the New Jersey Transportation Trust Fund Authority there are allocated such amounts as the Commissioner of Transportation may determine with the approval of the Director of the Division of Budget and Accounting, for personal services by contract, or in lieu thereof, by State employees for planning, engineering, design, research, construction, right-of-way acquisition or other costs related to the construction program.

In order that there be flexibility in the handling of appropriations out of the New Jersey Transportation Trust Fund Authority, the department may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any appropriation to any other appropriation. If the Director of the Division of Budget and Accounting shall consent thereto, he shall transmit

the request to the Subcommittee on Transfers of the Joint Appropriations Committee for its approval or disapproval and return to the Director of the Division of Budget and Accounting. If within 20 working days of the receipt of the request, the Subcommittee does not disapprove the request and so informs the director, the request shall be deemed to be approved.

82 DEPARTMENT OF THE TREASURY

*70 Governmental Direction, Management and Control**74 General Government Services*

Capital Projects:

Capitol Complex

Deferred maintenance	(\$8,500,000)
Fire Safety Code compliance	(6,000,000)
Labor and Industry Building	(1,750,000)
Taxation Building	(1,366,000)
Justice Complex	(200,000)
Landscaping	(200,000)
Mill Hill Tax Center	(124,000)
Kelsey Building	(60,000)
Records Storage Center	
Building repairs	(100,000)
New water tower	(224,000)
Beneficial Insect Rearing Facility ..	(250,000)

Other Projects:

Hazardous material removal pro- gram, Statewide	(11,900,000)
Fire safety standards, Statewide ..	(7,902,000)
Planning and maintenance improve- ments, Statewide	(350,000)

Total Appropriation, Department of the Treasury	<u>\$38,926,000</u>
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The unexpended balance as of June 30, 1985 in this account is appropriated.

90 MISCELLANEOUS EXECUTIVE COMMISSIONS

40 *Community Development and Environmental Management*43 *Environmental Quality*9140 *Delaware River Basin Commission*

Capital Project:

Amortization of multipurpose dams. (\$2,000)

70 *Government Direction, Management and Control*72 *Governmental Review and Oversight*9150 *New Jersey Commission on Capital Budgeting and Planning*

The unexpended balance as of June 30, 1985 in this
account is appropriated.

Total Appropriation, Miscellaneous Execu- tive Commissions	\$2,000
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Total Appropriation, Capital Construction ..	\$393,070,000*
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Funds derived from the sale of any lands and
buildings or proceeds from the sale of all fill
material held by a department are appropriated
for demolition, acquisition of land, rehabilitation
or improvement of existing facilities and con-
struction of new facilities for use by that depart-
ment, subject to the approval of the Director of
the Division of Budget and Accounting.

DEBT SERVICE

10 DEPARTMENT OF AGRICULTURE

70 *Government Direction, Management and Control*76 *Management and Administration*

99-3370 Interest on Bonds	\$447,000
99-3370 Redemption of Bonds	450,000

Total Appropriation, Department of Agriculture	\$897,000
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Special Purpose:

Interest on Bonds:

Farmland Preservation Bonds
pursuant to P. L. 1981, c. 276 . (\$447,000)

Redemption of Bonds:

Farmland Preservation Bonds
pursuant to P. L. 1981, c. 276 . (450,000)

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

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

99-2910 Interest on Bonds \$435,000

Total Appropriation, Department of Com-
merce and Economic Development \$435,000

Special Purpose:

Interest on Bonds:

Community Development Bonds pursuant to
P. L. 1981, c. 486 \$435,000

22 DEPARTMENT OF COMMUNITY AFFAIRS

70 *Government Direction, Management and Control*76 *Management and Administration*

99-8070 Interest on Bonds \$1,581,000

99-8070 Redemption of Bonds 1,198,000

Total Appropriation, Department of Com-
munity Affairs \$2,779,000

Special Purpose:

Interest on Bonds:

State Housing Assistance Bonds
pursuant to P. L. 1968, c. 127 . (\$295,000)

State Mortgage Assistance Bonds
pursuant to P. L. 1976, c. 94 . (992,000)

State Mortgage Assistance Re-
funding Bonds pursuant to
P. L. 1985, c. 74 (\$364,000)

Redemption of Bonds:

State Housing Assistance Bonds
pursuant to P. L. 1968, c. 127 .. (600,000)
State Mortgage Assistance Bonds
pursuant to P. L. 1976, c. 94 (540,000)
State Mortgage Assistance Re-
funding Bonds pursuant to P. L.
1985, c. 74 (58,000)

26 DEPARTMENT OF CORRECTIONS

10 *Public Safety and Criminal Justice*

19 *Central Planning, Direction and Management*

99-7000	Interest on Bonds	\$19,704,000
99-7000	Redemption of Bonds	9,001,000
		<hr/>
	Total Appropriation, Department of Corrections	\$28,705,000
		<hr/> <hr/>

Special Purpose:

Interest on Bonds:

State Institution Construction
Bonds pursuant to PL 1960,
c. 156 (\$40,000)
New Jersey Institutions Construc-
tion Bonds pursuant to PL 1964,
c. 144 (126,000)
Public Buildings Construction
Bonds pursuant to PL 1968,
c. 128 (583,000)
Institutions Construction Bonds
pursuant to PL 1976, c. 93 (2,220,000)
Institutional Construction Bonds
pursuant to PL 1978, c. 79 (1,580,000)
Public Purpose Buildings Con-
struction Bonds pursuant to PL
1980, c. 119 (3,554,000)

Correctional Facilities Construction Bonds pursuant to PL 1982, c. 120	(9,722,000)
Institutions Construction Refunding Bonds pursuant to PL 1985, c. 74	(568,000)
Institutional Construction Refunding Bonds pursuant to PL 1985, c. 74	(929,000)
Public Purpose Buildings Refunding Bonds pursuant to PL 1985, c. 74	(382,000)
Redemption of Bonds:	
State Institution Construction Bonds pursuant to PL 1960, c. 156	(188,000)
New Jersey Institutions Construction Bonds pursuant to PL 1964, c. 144	(1,200,000)
Public Buildings Construction Bonds pursuant to PL 1968, c. 128	(871,000)
Institutions Construction Bonds pursuant to PL 1976, c. 93	(1,177,000)
Institutional Construction Bonds pursuant to PL 1978, c. 79	(653,000)
Public Purpose Buildings Construction Bonds pursuant to PL 1980, c. 119	(2,802,000)
Correctional Facilities Construction Bonds pursuant to PL 1982, c. 120	(1,895,000)
Institutions Construction Refunding Bonds pursuant to PL 1985, c. 74	(90,000)
Institutional Construction Refunding Bonds pursuant to PL 1985, c. 74	(52,000)
Public Purpose Buildings Refunding Bonds pursuant to PL 1985, c. 74	(73,000)

34 DEPARTMENT OF EDUCATION

30 *Educational, Cultural and Intellectual Development*35 *Education Administration and Management*

99-5095	Interest on Bonds	\$1,735,000
99-5095	Redemption of Bonds	4,002,000
Total Appropriation, Department of Education		<u>\$5,737,000</u>

Special Purpose:

Interest on Bonds:

Public Buildings Construction Bonds pursuant to PL 1968, c. 128	(\$756,000)
State Facilities for Handicapped Bonds pursuant to PL 1973, c. 149	(578,000)
Institutional Construction Bonds pursuant to PL 1978, c. 79	(200,000)
Institutional Construction Re- funding Bonds pursuant to PL 1985, c. 74	(201,000)

Redemption of Bonds:

Public Buildings Construction Bonds pursuant to PL 1968, c. 128	(1,128,000)
State Facilities for Handicapped Bonds pursuant to PL 1973, c. 149	(2,700,000)
Institutional Construction Bonds pursuant to PL 1978, c. 79	(142,000)
Institutional Construction Re- funding Bonds pursuant to PL 1985, c. 74	(32,000)

38 DEPARTMENT OF ENERGY

30 *Educational, Cultural and Intellectual Development*37 *Cultural and Intellectual Development Services*

99-4050	Interest on Bonds	\$206,000
99-4050	Redemption of Bonds	308,000
		<hr/>
Total Appropriation, Cultural and Intellectual Development Services		\$514,000
		<hr/>

Special Purpose:

Interest on Bonds:

Public Buildings Construction Bonds pursuant to PL 1968, c. 128	(\$206,000)
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Redemption of Bonds:

Public Buildings Construction Bonds pursuant to PL 1968, c. 128	(308,000)
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40 *Community Development and Environmental Management*42 *Natural Resource Management*

99-4030	Interest on Bonds	\$1,428,000
99-4030	Redemption of Bonds	1,070,000
		<hr/>
Total Appropriation, Natural Resource Management		\$2,498,000
		<hr/>

Special Purpose:

Interest on Bonds:

Energy Conservation Bonds pur- suant to PL 1980, c. 68	(\$1,428,000)
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Redemption of Bonds:

Energy Conservation Bonds pur- suant to PL 1980, c. 68	(1,070,000)
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Total Appropriation, Department of Energy	<u><u>\$3,012,000</u></u>
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42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 *Community Development and Environmental Management*46 *Environmental Planning and Administration*

99-4800	Interest on Bonds	\$49,742,000
99-4800	Redemption of Bonds	38,467,000
Total Appropriation, Department of Environmental Protection		<u>\$88,209,000</u>

Special Purpose:

Interest on Bonds:

Water Development Bonds pursuant to PL 1958, c. 35	(\$98,000)
State Recreation and Conservation Land Acquisition Bonds pursuant to PL 1961, c. 46	(212,000)
Water Conservation Bonds pursuant to PL 1969, c. 127	(7,237,000)
State Recreation and Conservation Land Acquisition Bonds pursuant to PL 1971, c. 165	(2,801,000)
State Recreation and Conservation Land Acquisition and Development Bonds pursuant to PL 1974, c. 102	(7,069,000)
Clean Waters Bonds pursuant to PL 1976, c. 92	(6,065,000)
Beaches and Harbors Bonds pursuant to PL 1977, c. 208	(2,242,000)
Emergency Flood Control Bonds pursuant to PL 1978, c. 78	(808,000)
State Land Acquisition and Development Bonds pursuant to PL 1978, c. 118	(5,022,000)
Natural Resources Bonds pursuant to PL 1980, c. 70	(5,692,000)
Water Supply Bonds pursuant to PL 1981, c. 261	(2,654,000)
New Jersey Green Acres Bonds pursuant to PL 1983, c. 354 ..	(1,772,000)

Shore Protection Bonds pursuant to PL 1983, c. 356	(1,130,000)
State Land Acquisition and Development Refunding Bonds pursuant to PL 1985, c. 74	(3,662,000)
State Recreation and Conservation Land Acquisition and Development Refunding Bonds pursuant to PL 1985, c. 74	(3,096,000)
Water Supply Refunding Bonds pursuant to PL 1985, c. 74	(182,000)
Redemption of Bonds:	
Water Development Bonds pursuant to PL 1958, c. 35	(1,000,000)
State Recreation and Conservation Land Acquisition Bonds pursuant to PL 1961, c. 46	(1,000,000)
Water Conservation Bonds pursuant to PL 1969, c. 127	(10,925,000)
State Recreation and Conservation Land Acquisition Bonds pursuant to PL 1971, c. 165	(5,280,000)
State Recreation and Conservation Land Acquisition and Development Bonds pursuant to PL 1974, c. 102	(5,580,000)
Clean Waters Bonds pursuant to PL 1976, c. 92	(4,350,000)
Beaches and Harbors Bonds pursuant to PL 1977, c. 208	(1,150,000)
Emergency Flood Control Bonds pursuant to PL 1978, c. 78	(600,000)
State Land Acquisition and Development Bonds pursuant to PL 1978, c. 118	(2,150,000)
Natural Resources Bonds pursuant to PL 1980, c. 70	(2,625,000)
Water Supply Bonds pursuant to PL 1981, c. 261	(1,250,000)
New Jersey Green Acres Bonds pursuant to PL 1983, c. 354	(505,000)

Shore Protection Bonds pursuant to PL 1983, c. 356	(950,000)
State Land Acquisition and De- velopment Refunding Bonds pursuant to PL 1985, c. 74	(580,000)
State Recreation and Conserva- tion Land Acquisition and De- velopment Refunding Bonds pursuant to PL 1985, c. 74	(493,000)
Water Supply Refunding Bonds pursuant to PL 1985, c. 74	(29,000)

46 DEPARTMENT OF HEALTH

20 *Physical and Mental Health*25 *Health Administration*

99-4210 Interest on Bonds	\$36,000
99-4210 Redemption of Bonds	53,000
Total Appropriation, Department of Health	<u>\$89,000</u>

Special Purpose:

Interest on Bonds:

Public Buildings Construction Bonds pursuant to PL 1968, c. 128	(\$36,000)
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Redemption of Bonds:

Public Buildings Construction Bonds pursuant to PL 1968, c. 128	(53,000)
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50 DEPARTMENT OF HIGHER EDUCATION

30 *Educational, Cultural and Intellectual Development*36 *Higher Educational Services*

99-5400 Interest on Bonds	\$16,698,000
99-5400 Redemption of Bonds	24,870,000
Total Appropriation, Department of Higher Education	<u>\$41,568,000</u>

Special Purpose:

Interest on Bonds:

State Higher Education Construction Bonds pursuant to PL 1964, c. 142	(\$286,000)
Public Buildings Construction Bonds pursuant to PL 1968, c. 128	(5,561,000)
Higher Education Construction Bonds pursuant to PL 1971, c. 164	(5,050,000)
Medical Education Facilities Bonds pursuant to PL 1977, c. 235	(5,106,000)
Jobs, Science and Technology Bonds pursuant to PL 1984, c. 99	(695,000)

Redemption of Bonds:

State Higher Education Construction Bonds pursuant to PL 1964, c. 142	(3,000,000)
Public Buildings Construction Bonds pursuant to PL 1968, c. 128	(8,310,000)
Higher Education Construction Bonds pursuant to PL 1971, c. 164	(8,800,000)
Medical Education Facilities Bonds pursuant to PL 1977, c. 235	(4,000,000)
Jobs, Science and Technology Bonds pursuant to PL 1984, c. 99	(760,000)

54 DEPARTMENT OF HUMAN SERVICES

70 *Government Direction, Management and Control*76 *Management and Administration*

99-7500	Interest on Bonds	\$13,633,000
99-7500	Redemption of Bonds	13,163,000
Total Appropriation, Department of Human Services		<u>\$26,796,000</u>

Special Purpose:

Interest on Bonds:

State Institutions Construction	
Bonds pursuant to PL 1960,	
c. 156	(\$67,000)
New Jersey Institutions	
Construction Bonds pursuant	
to PL 1964, c. 144	(293,000)
Public Buildings Construction	
Bonds pursuant to PL 1968,	
c. 128	(2,128,000)
Institutions Construction Bonds	
pursuant to PL 1976, c. 93	(1,717,000)
Institutional Construction Bonds	
pursuant to PL 1979, c. 70	(1,813,000)
Public Purpose Buildings	
Construction Bonds pursuant	
to PL 1980, c. 119	(4,503,000)
Human Services Facilities	
Construction Bonds pursuant	
to PL 1984, c. 157	(232,000)
Institutions Construction	
Refunding Bonds pursuant to	
PL 1985, c. 74	(525,000)
Institutional Construction	
Refunding Bonds pursuant to	
PL 1985, c. 74	(1,827,000)
Public Purpose Buildings	
Construction Refunding Bonds	
pursuant to PL 1985, c. 74	(528,000)

Redemption of Bonds:

State Institutions Construction	
Bonds pursuant to PL 1960,	
c. 156	(313,000)
New Jersey Institutions	
Construction Bonds pursuant	
to PL 1964, c. 144	(2,800,000)
Public Buildings Construction	
Bonds pursuant to PL 1968,	
c. 128	(3,180,000)
Institutions Construction Bonds	
pursuant to PL 1976, c. 93	(1,022,000)
Institutional Construction Bonds	
pursuant to PL 1978, c. 79	(1,284,000)
Public Purpose Buildings	
Construction Bonds pursuant	
to PL 1980, c. 119	(3,850,000)
Human Services Facilities	
Construction Bonds pursuant	
to PL 1984, c. 157	(255,000)
Institutions Construction	
Refunding Bonds pursuant to	
PL 1985, c. 74	(84,000)
Institutional Construction	
Refunding Bonds pursuant to	
PL 1985, c. 74	(291,000)
Public Purpose Buildings	
Construction Refunding Bonds	
pursuant to PL 1985, c. 74	(84,000)

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

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

99-1050	Interest on Bonds	\$278,000
99-1050	Redemption of Bonds	120,000
Total Appropriation, Department of Law and Public Safety		<u>\$398,000</u>

Special Purpose:

Interest on Bonds:

Institutional Construction Bonds
pursuant to PL 1978, c. 79 (\$139,000)

Institutional Construction
Refunding Bonds pursuant to
PL 1985, c. 74 (139,000)

Redemption of Bonds:

Institutional Construction Bonds
pursuant to PL 1978, c. 79 (98,000)

Institutional Construction
Refunding Bonds pursuant to
PL 1985, c. 74 (22,000)

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Services

64 Planning and General Management Support

61 State Highway Facilities

99-6000	Interest on Bonds	\$32,990,000
99-6000	Redemption of Bonds	30,154,000

Sub-Total Appropriation, State Highway Facilities	\$63,144,000
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Special Purpose:

Interest on Bonds:

Highway Improvement and
Grade Crossing Elimination
Bonds pursuant to PL 1930,
c. 228 (\$29,000)

State Transportation Bonds
pursuant to PL 1968, c. 126 ... (13,353,000)

Transportation Rehabilitation
and Improvement Bonds
pursuant to PL 1979, c. 165 ... (14,574,000)

Bridge Rehabilitation and
Improvement Bonds pursuant
to PL 1983, c. 363 (1,162,000)

Transportation Rehabilitation and Improvement Refunding Bonds pursuant to PL 1985, c. 74	(3,872,000)
Redemption of Bonds:	
Highway Improvement and Grade Crossing Elimination Bonds pursuant to PL 1930, c. 228	(250,000)
State Transportation Bonds pursuant to PL 1968, c. 126 ...	(20,254,000)
Transportation Rehabilitation and Improvement Bonds pursuant to PL 1979, c. 165 ...	(8,679,000)
Bridge Rehabilitation and Improvement Bonds pursuant to PL 1983, c. 363	(320,000)
Transportation Rehabilitation and Improvement Refunding Bonds pursuant to PL 1985, c. 74	(651,000)

62 Public Transportation

99-6000 Interest on Bonds	\$14,305,000
99-6000 Redemption of Bonds	13,261,000
Sub-Total Appropriation, Public Transportation	<u>\$27,566,000</u>

Special Purpose:

Interest on Bonds:	
State Transportation Bonds pursuant to PL 1968, c. 126 ...	(\$6,069,000)
Transportation Rehabilitation and Improvement Bonds pursuant to PL 1979, c. 165 ...	(5,854,000)
Transportation Rehabilitation and Improvement Refunding Bonds pursuant to PL 1985, c. 74	(2,382,000)

Redemption of Bonds:

State Transportation Bonds pursuant to PL 1968, c. 126 ... (9,206,000)	
Transportation Rehabilitation and Improvement Bonds pursuant to PL 1979, c. 165 ... (3,665,000)	
Transportation Rehabilitation and Improvement Refunding Bonds pursuant to PL 1985, c. 74 (390,000)	
Total Appropriation, Department of Transportation	<u>\$90,710,000</u>

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*73 *Financial Administration*

99-2070 Interest on and Redemption of Bonds ...	<u>\$6,000,000</u>
Total Appropriation, Department of the Treasury	<u>\$6,000,000</u>

Special Purpose:

For payment of interest on and redemption of future bond sales . (\$6,000,000)	
Total Appropriation, Debt Service	<u>\$295,335,000</u>

Such sums as may be necessary for payment of interest or principal, or both, due from the issuance of any bonds authorized under the several bond acts of the State, are appropriated and shall first be charged to the earnings from the investment of such bond proceeds.

There are appropriated from the investment earnings of general obligation bond proceeds such sums as may be necessary for the payment of debt service administrative costs.

FEDERAL FUNDS

DEPARTMENT OF AGRICULTURE

*Community Development and Environmental Management**42 Natural Resource Management*

01-3310	Animal Disease Control	\$26,000
02-3320	Plant Pest and Disease Control	628,000
		<hr/>
Total Appropriation, Natural Resource Management		\$654,000
		<hr/>

Special Purpose:

Cooperative gypsy moth suppression	(\$600,000)
Brucellosis eradication	(26,000)
Plant pest survey and detection program	(28,000)

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

06-3360	Marketing Services	\$35,000
07-3360	Commodity Distribution	1,578,000
		<hr/>
Total Appropriation, Economic Planning and Development		\$1,613,000
		<hr/>

Special Purpose:

Bridgeton clerical assistance	(\$8,000)
Food distribution administrative expense fund	(78,000)
Jobs bill	(1,500,000)
Peach market news project	(27,000)

52 Economic Regulation

05-3350	Other Commodity Regulation	\$45,000
		<hr/>
Total Appropriation, Economic Regulation .		\$45,000
		<hr/>

Special Purpose:

Cooperative inspection service (\$45,000)

Total Appropriation, Department of
Agriculture \$2,312,000

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

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

20-2800 Economic Development \$84,000

Total Appropriation, Economic Planning
and Development \$84,000

Special Purpose:

Small business minority
representative program (\$84,000)

Total Appropriation, Department of
Commerce and Economic Development . . . \$84,000

DEPARTMENT OF COMMUNITY AFFAIRS

*Community Development and Environmental Management**41 Community Development Management*

02-8020 Housing Services \$41,665,000

Total Appropriation, Community
Development Management \$41,665,000

Special Purpose:

Moderate rehabilitation housing
assistance (\$764,000)Rental assistance for low income
families (3,507,000)

Small cities block grant program . . (9,641,000)

Housing voucher demonstration
project (1,449,000)

Rental rehabilitation—Section 8 . . . (1,007,000)

State Aid and Grants:

Moderate rehabilitation housing assistance	(3,066,000)
Rental assistance for low income families	(22,231,000)

*Economic Planning, Development and Security**55 Related Social Services Programs*

05-8050 Human Resources	\$21,261,000
08-8060 Programs for the Aging	27,744,000

Total Appropriation, Related Social Services Programs	<u>\$49,005,000</u>
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Special Purpose:

Community recreation in-service education system	(\$68,000)
Purchase of legal services	(1,437,000)
Older Americans Act—Title III ...	(974,000)
Food distribution—Title VII	(3,500,000)
New Jersey advocacy assistance programs	(50,000)
Title IV-A training—Aging	(137,000)
Supplemental crisis intervention program—Administration	(30,000)
Home energy assistance program ..	(495,000)

State Aid and Grants:

Older Americans Act—Title III ...	(23,083,000)
Weatherization assistance program	(4,956,000)
Community services block grant ...	(9,900,000)
Supplemental crisis intervention program—Administration	(570,000)
Home energy assistance program ..	(3,805,000)

Total Appropriation, Department of Community Affairs	<u><u>\$90,670,000</u></u>
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DEPARTMENT OF CORRECTIONS

*Public Safety and Criminal Justice**16 Detention and Rehabilitation**7025 System-Wide Program Support*

12-7025	Institutional Program Support	\$228,000
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Total Appropriation, System-Wide program Support		\$228,000
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Special Purpose:

Social services block grant	(\$228,000)
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7040 State Prison, Trenton

10-7040	Education Program	\$31,000
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Total Appropriation, State Prison, Trenton .		\$31,000
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Special Purpose:

ECIA, Chapter I	(\$31,000)
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7050 State Prison, Rahway

10-7050	Education Program	\$10,000
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Total Appropriation, State Prison, Rahway .		\$10,000
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Special Purpose:

ECIA, Chapter I	(\$5,000)
Vocational education grant—Basic .	(5,000)

7065 Southern State Correctional Facility

10-7065	Education Program	\$37,000
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Total Appropriation, Southern State Correctional Facility		\$37,000
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Special Purpose:

Vocational education program improvement and support—Basic .	(\$23,000)
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ECIA, Chapter I, State institutions
 —Delinquent (7,000)
 Chapter II block grant (7,000)

7070 Mid-State Correctional Facility

10-7070 Education Program \$10,000

Total Appropriation, Mid-State
 Correctional Facility \$10,000

Special Purpose:

ECIA, Chapter I, Education
 program (\$5,000)
 Chapter II block grant (5,000)

7080 Correctional Institution for Women, Clinton

10-7080 Education Program \$84,000

Total Appropriation, Correctional
 Institution for Women, Clinton \$84,000

Special Purpose:

ECIA, Chapter I (\$29,000)
 Vocational education grant—Basic. (55,000)

7090 Adult Diagnostic and Treatment Center, Avenel

10-7090 Education Program \$6,000

Total Appropriation, Adult Diagnostic
 and Treatment Center, Avenel \$6,000

Special Purpose:

ECIA, Chapter I (\$6,000)

7110 Youth Reception and Correction Center, Yardville

10-7110 Education Program \$214,000

Total Appropriation, Youth Reception and
 Correction Center, Yardville \$214,000

Personal Services:

Salaries and wages (\$214,000)

7120 Youth Correctional Institution, Bordentown

10-7120	Education Program	\$59,000
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Total Appropriation, Youth Correctional Institution, Bordentown		\$59,000
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Personal Services:

Salaries and wages	(\$59,000)
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7130 Youth Correctional Institution, Annandale

10-7130	Education Program	\$164,000
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Total Appropriation, Youth Correctional Institution, Annandale		\$164,000
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Personal Services:

Salaries and wages	(\$164,000)
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7210 Training School for Boys, Skillman

10-7210	Education Program	\$301,000
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Total Appropriation, Training School for Boys, Skillman		\$301,000
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Personal Services:

Salaries and wages	(\$301,000)
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7220 Training School for Boys, Jamesburg

10-7220	Education Program	\$335,000
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Total Appropriation, Training School for Boys, Jamesburg		\$335,000
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Personal Services:

Salaries and wages	(\$335,000)
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7225 Juvenile Medium Security Center

10-7225	Education Program	\$131,000
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Total Appropriation, Juvenile Medium Security Center		\$131,000
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Personal Services:

Salaries and wages	(\$131,000)
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*18 Juvenile Correctional Services**7270 Juvenile Community Programs*

12-7270	Residential Care	\$384,000
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Total Appropriation, Juvenile Community Programs		\$384,000
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Personal Services:

Salaries and wages	(\$384,000)
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19 Central Planning, Direction and Management

02-7000	Program Operations Support	\$30,000
99-7000	Management and Administrative Services	45,000

Total Appropriation, Central Planning, Direction and Management		\$75,000
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Special Purpose:

Juvenile alcoholic offenders' treatment	(\$30,000)
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Central Administration, Chapter I, ECIA	(45,000)
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Total Appropriation, Department of Corrections		\$2,069,000
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DEPARTMENT OF DEFENSE

*Public Safety and Criminal Justice**14 Military Services*

01-3600	National Guard Training, Operations and Administration	\$300,000
02-3600	Management of National Guard Installations	4,203,000
Total Appropriation, Military Services		<u>\$4,503,000</u>

Special Purpose:

Training and equipment pool sites . (	\$613,000)	
Army facilities—service contract .. (	1,217,000)	
Atlantic City Air Base—service contract .....	(	794,000)
McGuire Air Force Base—service contract .....	(	955,000)
ANG Sec. Agree.—A.C. ....	(	298,000)
ANG Sec. Agree.—McGuire .....	(	45,000)
National Guard communication services .....	(	300,000)
Firefighter/crash rescue service agreement—Atlantic City .....	(	281,000)
Total Appropriation, Department of Defense		<u><u>\$4,503,000</u></u>

DEPARTMENT OF EDUCATION

*Educational, Cultural and Intellectual Development**31 Direct Educational Services and Assistance*

03-5120	Miscellaneous Grants-in-Aid	\$12,505,000
04-5064	Adult and Continuing Education Programs	3,754,000
05-5066	Bilingual Education	1,409,000
06-5066	Compensatory Education	110,326,000

07-5065	Special Education Programs	4,162,000
07-5120	Special Education Programs	38,719,000

Total Appropriation, Direct Educational Services and Assistance	\$170,875,000
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Personal Services:

Salaries and wages	(\$3,341,000)
Employee benefits	(831,000)
Materials and Supplies	(11,000)
Services Other Than Personal	(93,000)
Maintenance and Fixed Charges	(9,000)

Special Purpose:

Adult basic education program	(269,000)
Adult basic education program:	
For allocation or reallocation to other agencies or programs ...	(313,000)
Transition program for refugee children, Administration	(3,000)
ECIA, Chapter I, Administration ..	(101,000)
ESEA, Title VI (handicapped), Administration	(417,000)
Bilingual education, SEA project— Coordination for technical assistance	(36,000)
Refugee resettlement program	(756,000)
ECIA, Chapter I, Handicapped (Miscellaneous Grants-in-Aid) ..	(819,000)
ECIA, Chapter I, Handicapped (Miscellaneous Grants-in-Aid): For allocation or reallocation to other agencies or programs ..	(68,000)
Migrant education: For allocation or reallocation to other agencies or programs	(1,094,000)
Migrant educational program— Administration	(145,000)
Implementation—Pre-school handi- capped	(101,000)
Pre-school incentive grant— Administration	(84,000)

State Aid and Grants:

Education block grant—Chapter II	
—programmatic	(11,618,000)
ECIA, Chapter I, LEA	
disadvantaged	(106,525,000)
ECIA, Chapter I, State institutions,	
Handicapped	(766,000)
Migrant education programmatic ..	(1,464,000)
Adult basic education programmatic	(2,275,000)
Transition program for refugee	
children	(242,000)
Pre-school incentive grant	(775,000)
ESEA, Title VI (handicapped)	(38,719,000)

32 Operation and Support of Educational Institutions

12-5011	Educational Institutions for the	
	Handicapped	\$543,000
13-5010	Newark Skills Center	80,000
12-5012	Millburn Regional School for the	
	Handicapped	66,000
12-5013	Regional Day Schools for the	
	Handicapped	95,000
12-5014	Morris Regional School for the	
	Handicapped	134,000
12-5019	Winslow Regional School for the	
	Handicapped	46,000
15-5010	Project COED	54,000
12-5021	Hudson Regional School for the	
	Handicapped	35,000
Total Appropriation, Operation and Support		
of Educational Institutions		<u>\$1,053,000</u>

Personal Services:

Salaries and wages	(\$63,000)
Materials and Supplies	(17,000)

Special Purpose:

Deaf-blind program	(130,000)
Vocational education—Program im-	
provement and supportive service	(29,000)
Vocational education program	(128,000)

Vocational assessment and guidance (	22,000)
ECIA, Chapter I, State institutions	
—Handicapped	(263,000)
ESEA, Title VI—Handicapped	(284,000)
Vocational education—Regional	
schools	(92,000)
Additions, Improvements and Equip-	
ment	(25,000)

33 Supplemental Education and Training Programs

20-5062 General Vocational Education \$17,258,000

Total Appropriation, Supplemental Educa-
tion and Training Programs \$17,258,000

Personal Services:

Salaries and wages	(\$1,200,000)
Employee benefits	(300,000)
Materials and Supplies	(20,000)
Services Other Than Personal	(115,000)
Maintenance and Fixed Charges	(5,000)

Special Purpose:

Veterans' readjustment benefits	(240,000)
Vocational education—Basic grants	
—Administration	(692,000)
Consumer and useful homemaking:	
For allocation or reallocation to	
other agencies or programs	(200,000)
Vocational education—Basic grants:	
For allocation or reallocation to	
other agencies or programs	(715,000)
Vocational education—Improvement	
and support: For allocation or	
reallocation to other agencies or	
programs	(162,000)
Career education—Research and	
development	(389,000)

State Aid and Grants:

Consumer and useful homemaking	
programmatic	(677,000)

Vocational education—Basic grants	
—programmatic	(12,508,000)
Additions, Improvements and Equip-	
ment	(35,000)

34 Educational Support Services

30-5063	General Academic Education	\$2,087,000
33-5067	Service to Local Districts	840,000
33-5068	Service to Local Districts	54,000
34-5067	Equal Educational Opportunities	1,045,000
37-5120	School Nutrition Programs	85,900,000

Total Appropriation, Educational Support	
Services	<u>\$89,926,000</u>

Personal Services:

Salaries and wages	(\$2,545,000)
Employee benefits	(646,000)
Materials and Supplies	(56,000)
Services Other Than Personal	(231,000)
Maintenance and Fixed Charges	(23,000)

Special Purpose:

ECIA, Chapter II—Block grant—	
Administration	(57,000)
Education for economic security act	
(General academic education) ...	(1,343,000)
Race desegregation	(49,000)
Child nutrition—Administration ...	(240,000)
Vocational education—Services to	
local districts	(35,000)
Child nutrition program—Summer—	
Administration	(75,000)
Child nutrition—Nutrition education	
training program	(5,000)
ESEA, Title VI—Handicapped	(24,000)
Civil rights—National origin	
desegregation	(55,000)
Sex desegregation	(42,000)

State Aid and Grants:

Child nutrition programs—	
programmatic	(80,000,000)
Child nutrition summer—program-	
matic	(4,500,000)

35 Education Administration and Management

42-5120 School Finance and Auditing	\$1,886,000
99-5090 Management and Administrative Services	746,000
99-5095 Management and Administrative Services	1,103,000

Total Appropriation, Education Administra-	
tion and Management	<u>\$3,735,000</u>

Personal Services:

Salaries and wages	(\$887,000)
Employee benefits	(222,000)
Services Other Than Personal	(3,000)
Maintenance and Fixed Charges	(16,000)

Special Purpose:

Child nutrition—Audit contract ..	(48,000)
Common core data survey	(17,000)
ECIA, Chapter II—Administration ..	(1,217,000)
ESEA, Title VI—Handicapped	(35,000)
Education for economic security act	
(School finance and auditing)	(1,290,000)

37 Cultural and Intellectual Development Services

51-5070 Library Services	<u>\$3,322,000</u>
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Total Appropriation, Cultural and Intellec-	
tual Development Services	<u>\$3,322,000</u>

Personal Services:

Salaries and wages	(\$681,000)
Employee benefits	(169,000)
Materials and Supplies	(15,000)
Services Other Than Personal	(251,000)
Maintenance and Fixed Charges	(10,000)

Special Purpose:

LSCA Title I	(151,000)	
LSCA Title II	(706,000)	
LSCA Title III	(101,000)	
Public library services—		
Programmatic	(100,000)	
LSCA Title I: For allocation or reallocation to other agencies or programs	(50,000)	
State Aid and Grants:		
LSCA Title III	(175,000)	
Public library services—		
Programmatic	(913,000)	
Total Appropriation, Department of Education		\$286,169,000

DEPARTMENT OF ENERGY

*Community Development and Environmental Management**42 Natural Resource Management*

05-4030 Energy Resource Management	\$4,673,000
Total Appropriation, Natural Resource Management	\$4,673,000

Special Purpose:

State energy conservation program . (	\$753,000)	
Energy extension service	(240,000)	
Amoco oil overcharge fund	(614,000)	
HUD solar bank	(458,000)	
Institutional conservation pro- gram—schools and hospitals	(108,000)	
Section 155—Oil overcharge fund .. (	2,500,000)	
Total Appropriation, Department of Energy		\$4,673,000

The funds hereinabove appropriated from the Amoco oil overcharge fund shall be expended for the following federally approved programs: Fleet efficiency—\$337,000; Drunk driving enforcement

—\$197,000; Emergency gasoline models—\$20,000; Fuel oil contamination—\$30,000; and Heating oil cooperatives—\$30,000. Heating oil cooperative funds shall be allocated to community action agencies.

The funds hereinabove appropriated for Section 155—Oil overcharge fund are to be expended as follows:

(1) 20% for programs authorized under Part A of the Energy Conservation and Existing Buildings Act of 1976, 42 U.S.C. 6861 et seq.;

(2) 20% for programs authorized under Part D of Title III of the Energy Policy and Conservation Act (relating to primary and supplemental State energy conservation programs), 42 U.S.C. 6321 et seq.;

(3) 20% for programs authorized under Part G of Title III of Energy Policy and Conservation Act (relating to energy conservation for schools and hospitals), 42 U.S.C. 6371 et seq.;

(4) 20% for programs authorized under the National Energy Extension Service Act, 42 U.S.C. 7001 et seq.; and

(5) 20% for programs authorized under the Low-Income Home Energy Assistance Act of 1981, 42 U.S.C. 8621 et seq.

However, the use of funds for hospitals under (3) above shall be limited to government operated hospitals including psychiatric hospitals and developmental centers and acute care general hospitals which are unable to obtain financing for energy conservation programs in the capital markets, subject to federal approval; the use of funds on behalf of programs funded by (5) above is to be reviewed by the Department of Human Services in its capacity as the primary recipient of such funds and shall complement Low-Income Home Energy Assistance expenditures, for example, energy conservation projects affecting public housing authorities.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Community Development and Environmental Management**42 Natural Resource Management*

05-4840	Water Supply and Flood Plain Management	\$500,000
11-4870	Forest Resource Management	315,000
13-4880	Hunters' and Anglers' License Fund	3,429,000
14-4885	Shellfish and Marine Fisheries Management	572,000
15-4890	Marine Lands Management	4,000,000
Total Appropriation, Natural Resource Management		<hr/> \$8,816,000 <hr/>

Special Purpose:

Water supply—safe drinking water . (	\$480,000)
Hunters' and Anglers' license fund . (	1,450,000)
Rural community fire protection program	(36,000)
Forest resource management—	
Cooperative forest fire control .. (	175,000)
Consolidated forest management .. (	61,000)
Marine fisheries enforcement	(45,000)
Striped bass monitoring	(27,000)
Marine fisheries coordination	(60,000)
Shellfish research and inventory .. (	85,000)
Fisheries management council	(25,000)
Marine fisheries technical assistance (	58,000)
Marine fish life histories study	(69,000)
Northeast regional biomass program (	30,000)
Beach-dune restoration	(2,000,000)
Wildlife restoration and additional safe drinking water program	(1,520,000)
Endangered species E-1-6	(16,000)
Trapper education project	(18,000)
Marine fisheries investment and management F-15-R-22	(75,000)
Coastal zone implementation 3rd year	(2,000,000)

Hunter safety training	(400,000)
Gypsy moth suppression	(13,000)
Anadromous herring run restoration	(17,000)
National recreational fishing survey (	54,000)
Resource planning and acquisition . (	74,000)
Economics of recreational fishing .. (	19,000)
Habitat development and maintenance	(9,000)

The \$1,520,000 in wildlife restoration and additional safe drinking water program funds hereinabove appropriated shall be expended as follows: Personal services—\$1,119,000; Materials and supplies—\$4,000; Services other than personal—\$141,000; Special Purpose—\$246,000; and Additions, improvements and equipment—\$10,000. Of the \$1,520,000, \$1,500,000 shall be used for wildlife restoration and \$20,000 shall be used for the safe drinking water program.

43 *Environmental Quality*

02-4825	Air Pollution Control	\$3,600,000
07-4850	Water Monitoring and Planning	2,004,000
08-4855	Water Enforcement	1,750,000
09-4860	Public Wastewater Facilities	5,035,000
22-4861	Water Quality Management	1,000,000
Total Appropriation, Environmental Quality		<u>\$13,389,000</u>

Special Purpose:

Air pollution maintenance program . (	\$3,350,000)
Water pollution control program .. (	1,750,000)
Construction grants program	(5,000,000)
Statewide pre-treatment program .. (	1,000,000)
Publicly-owned treatment works	
training grant	(35,000)
Underground injection control .... (	100,000)
Monitoring and Planning—205J ... (	1,000,000)
Air and water pollution control	
program	(454,000)
Weequahic Lake restoration	(700,000)

The \$454,000 in air and water pollution program funds hereinabove appropriated shall be expended as follows: Personal services—\$181,000; Services other than personal—\$257,000; and Special Purpose—\$16,000. Of the \$454,000, \$204,000 shall be used to restore Lake Hopatcong by implementing Phase I of the EPA-funded diagnostic feasibility study and \$250,000 shall be used for air pollution control programs.

44 Hazardous and Toxic Pollution Control

04-4835	Pesticide Control	\$152,000
19-4815	Spill Prevention, Response and Site Cleanup	35,000,000
23-4910	Hazardous Waste	3,800,000
Total Appropriation, Hazardous and Toxic Pollution Control		<u>\$38,952,000</u>

Special Purpose:

Pesticide technology	(\$20,000)
Resource conservation recovery act—hazardous waste	(2,700,000)
Additional RCRA hazardous waste funds	(1,100,000)
Cooperative pesticide enforcement	(132,000)
Superfund grants	(35,000,000)

The \$1,100,000 in additional RCRA hazardous waste funds hereinabove appropriated shall be expended as follows: Personal services—\$105,000; Materials and supplies—\$5,000; Services other than personal—\$945,000; Special Purpose—\$25,000; and Additions, improvements and equipment—\$20,000.

45 Recreational Resource Management

12-4875	Parks Management	\$892,000
Total Appropriation, Recreational Resource Management		<u>\$892,000</u>

Special Purpose:

Historic preservation program ... (\$422,000)

Survey and planning operational/

State administration (282,000)

State Aid and Grants:

Survey and planning operational .. (188,000)

The \$422,000 in historic preservation program funds hereinabove appropriated shall be expended as follows: Personal services—\$139,000; Materials and supplies—\$12,000; Services other than personal—\$3,000; Maintenance and fixed charges—\$7,000; Special Purpose—\$33,000; State aid and grants—\$225,000; and Additions, improvements and equipment—\$3,000. Of the \$422,000, \$274,000 is for support of the historic preservation program operated by the Office of New Jersey Heritage and \$148,000 is for survey and planning activities concerning the preservation and restoration of historic sites.

46 Environmental Planning and Administration

99-4800 Management and Administrative Services \$3,100,000

Total Appropriation, Environmental

Planning and Administration \$3,100,000

Special Purpose:

Historic conservation and

recreation service (\$2,000,000)

Grant status monitoring system .. (100,000)

Purchases and acquisitions of
development and recreation

areas (1,000,000)

Total Appropriation, Department of

Environmental Protection \$65,149,000

46 DEPARTMENT OF HEALTH

*Physical and Mental Health**21 Health Services*

01-4215	Vital Statistics	\$152,000
02-4220	Local and Community Health Services ...	47,790,000
03-4230	Health Services Contracts	2,625,000
04-4240	Narcotic and Drug Abuse Control	6,753,000
05-4250	Alcoholism Control	4,419,000
08-4280	Diagnostic Services	176,000
09-4290	Clinical Laboratory Services	42,000

Total Appropriation, Health Services	<u>\$61,957,000</u>
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Personal Services:

Salaries and wages (\$7,472,000)

Employee benefits (1,829,000)

Materials and Supplies (25,000)

Special Purpose:

Supplemental food program—W.I.C. (26,857,000)

Food inspection program (27,000)

Nutrition facilities inspection (16,000)

Maternal and child health block
grant (5,517,000)

Vital statistics (37,000)

Health services contracts (411,000)

Tuberculosis control program (76,000)

Health insurance benefits (3,000)

Perinatal services (48,000)

Family planning program—Title X. (1,748,000)

Vocational education activities—
narcotic and drug abuse control .. (81,000)Alcohol, drug abuse and mental
health block grant—narcotic
and drug abuse control (5,406,000)

Diagnostic services (18,000)

Venereal disease program (275,000)

State Aid and Grants:

Migrant dental health (126,000)

Preventive health services block grant (Local and community health services)	(1,729,000)
Social services block grant—family planning	(1,835,000)
Energy assistance block grant—maternal and child health services	(496,000)
Social services block grant—alcoholism services	(835,000)
Supplemental food program—W.I.C.	(4,800,000)
Alcohol demonstration program in Medicare and Medicaid	(34,000)
Alcohol, drug abuse, and mental health block grant—alcoholism services	(2,256,000)
The \$275,000 in venereal disease program funds hereinabove appropriated shall be expended as follows: Salaries and wages—\$150,000; Employee benefits—\$38,000; Materials and supplies—\$49,000; Services other than personal—\$2,000; and State aid and grants—\$36,000.	

22 Health Planning and Evaluation

06-4260 Health Facilities Evaluation	\$1,533,000
07-4270 Health Planning and Resource Development	498,000
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Total Appropriation, Health Planning and Evaluation	\$2,031,000
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Personal Services:	
Salaries and wages	(\$1,120,000)
Employee benefits	(281,000)
Special Purpose:	
Certification for Titles XVIII and XIX eligibility	(52,000)
Other special purpose—Titles XVIII and XIX eligibility	(578,000)

The \$578,000 in other special purpose—Titles XVIII and XIX eligibility funds hereinabove appropriated shall be expended as follows: Salaries and wages—\$366,000; Employee benefits—\$90,000; Materials and supplies—\$3,000; Services other than personal—\$8,000; Maintenance and fixed charges—\$15,000; and special purpose certification for Titles XVIII and XIX eligibility—\$96,000.

Total Appropriation, Department of Health.	\$63,988,000
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DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

04-5400	Student Financial Support Services	\$2,000,000
05-5400	Student Financial Assistance Administration	6,372,000
99-5400	Management and Administrative Services	2,199,000
Total Appropriation, Office of the Chancellor		\$10,571,000

Personal Services:

Salaries and wages	(\$2,853,000)
Employee benefits	(655,000)
Materials and Supplies	(230,000)
Services Other Than Personal	(2,269,000)
Maintenance and Fixed Charges	(192,000)

Special Purpose:

Hispanic leadership training program	(4,000)
Student loan administrative cost deduction and allowance	(467,000)
State Aid and Grants:	
Vocational education	(1,864,000)
State student incentive grant program	(2,000,000)
Additions, Improvements and Equipment	(37,000)

5500 Glassboro State College

11-5500	Instruction	\$253,000
16-5500	Student Services	3,668,000
Total Appropriation, Glassboro State College		<u>\$3,921,000</u>

Personal Services:

Salaries and wages	(\$865,000)
Employee benefits	(28,000)
Materials and Supplies	(6,000)
Services Other Than Personal	(30,000)

Special Purpose:

National direct student loan	
program	(500,000)
Pell grant program	(2,000,000)
Indo-Chinese refugee assistance	
program	(6,000)
Cooperative education	
administration program	(52,000)

State Aid and Grants:

Supplemental educational	
opportunity grant—initial	(434,000)

5510 Jersey City State College

11-5510	Instruction	\$232,000
12-5510	Sponsored Research	77,000
15-5510	Academic Support	1,000
16-5510	Student Services	3,594,000

Total Appropriation, Jersey City State	
College	<u>\$3,904,000</u>

Personal Services:

Salaries and wages	(\$158,000)
Employee benefits	(37,000)
Materials and Supplies	(5,000)
Services Other Than Personal	(19,000)

Special Purpose:

Pell grant program	(2,800,000)
College work-study program	(450,000)
Supplemental educational	
opportunity grant—initial	(79,000)

Supplemental educational opportunity grant—continuing ..	(42,000)
National direct student loan program	(220,000)
Nursing loan program	(3,000)
Adult basic education	(85,000)
Veterans' cost of instruction	(2,000)
Additions, Improvements and Equipment	(4,000)

5520 Kean College of New Jersey

11-5520	Instruction	\$55,000
15-5520	Academic Support	1,000
16-5520	Student Services	2,872,000

Total Appropriation, Kean College of New Jersey	\$2,928,000
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Personal Services:	
Salaries and wages	(\$365,000)
Special Purpose:	
Pell grant program	(1,900,000)
National direct student loan program	(365,000)
Supplemental educational opportunity grant—initial	(155,000)
Supplemental educational opportunity grant—continuing ..	(85,000)
Project base bilingual and special education	(55,000)
College library resource program ..	(1,000)
Veterans' cost of instruction program	(2,000)

5530 The William Paterson College of New Jersey

12-5530	Sponsored Programs and Research	\$122,000
16-5530	Student Services	2,545,000

Total Appropriation, The William Paterson College of New Jersey	\$2,667,000
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Special Purpose:

Supplemental educational opportunity grant—Initial year . (\$70,000)
Supplemental educational opportunity grant—Renewal year . . . . . (	100,000)
Pell grant program . . . . . (	1,850,000)
National direct student loan program . . . . . (	150,000)
College work-study program . . . . . (	350,000)
Veterans' cost of instruction grant . (	1,000)
Nursing student loans . . . . . (	24,000)
Bilingual education program . . . . . (	122,000)

5540 *Montclair State College*

12-5540	Sponsored Programs and Research	\$670,000
16-5540	Student Services	3,339,000

Total Appropriation, Montclair State College	<u>\$4,009,000</u>
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Special Purpose:

Supplemental educational opportunity grant—initial (\$154,000)
Pell grant program . . . . . (	2,200,000)
College work-study program . . . . . (	310,000)
National direct student loan program . . . . . (	675,000)
Upward bound program . . . . . (	175,000)
Comprehensive education program . (	210,000)
Cooperative education demonstration project . . . . . (	210,000)
Professional development activities for New Jersey Chapter of Amer- ican Industrial Arts Student As- sociation . . . . . (	15,000)
Vocational education— Improvement and support . . . . . (	60,000)

5550 Trenton State College

12-5550	Sponsored Programs and Research	\$144,000
16-5550	Student Services	3,018,000

Total Appropriation, Trenton State College	<u>\$3,162,000</u>
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Personal Services:

Salaries and wages	(\$92,000)
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Special Purpose:

Pell grant program	(1,670,000)
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College work-study program	(187,000)
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Supplemental educational opportunity grant—initial	(40,000)
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Supplemental educational opportunity grant—continuing ..	(51,000)
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Alcoholism program	(19,000)
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Cooperative education	(15,000)
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Fellowship agreement	(1,000)
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Chapter I—Parent/Infant program	(15,000)
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Vocational education—Improvement and support	(2,000)
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State Aid and Grants:

National direct student loan program	(1,000,000)
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Nursing student loans	(70,000)
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5560 Ramapo College of New Jersey

15-5560	Academic Support	\$1,000
16-5560	Student Services	1,751,000

Total Appropriation, Ramapo College of New Jersey	<u>\$1,752,000</u>
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Special Purpose:

National direct student loan program	(\$100,000)
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College work-study program	(220,000)
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Special services for disadvantaged students	(80,000)
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Cooperative education program . . .	(150,000)
College library resource program .	(1,000)
Supplemental cooperative education program	(1,000)
Supplemental educational opportunity grant—initial	(100,000)
State Aid and Grants:	
Pell grant program	(1,100,000)

5570 Richard Stockton State College

12-5570	Sponsored Programs and Research	\$14,000
16-5570	Student Services	1,911,000
Total Appropriation, Richard Stockton State College		<u>\$1,925,000</u>

Personal Services:

Salaries and wages	(\$160,000)
Services Other Than Personal	(6,000)

Special Purpose:

NEA-PAC Audience development and program enrichment	(5,000)
Small business administration	(3,000)
Veterans' cost of instruction	(1,000)

State Aid and Grants:

Pell grant program	(1,600,000)
National direct student loan program	(90,000)
Supplemental educational opportunity grant—initial	(30,000)
Supplemental educational opportunity grant—continuing . .	(30,000)

Total Appropriation, Department of Higher Education	<u><u>\$34,839,000</u></u>
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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	\$11,125,000
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Total Appropriation, Division of Mental Health and Hospitals		\$11,125,000
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Personal Services:

Salaries and wages	(\$821,000)
Employee benefits	(193,000)
Materials and Supplies	(6,000)
Services Other Than Personal	(15,000)

Special Purpose:

Community services	(78,000)
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State Aid and Grants:

Mental health block grant services ..	(10,012,000)
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*24 Special Medical Services**7540 Division of Medical Assistance and Health Services*

21-7540	Health Services Administration and Management	\$29,874,000
22-7540	General Medical Services	551,222,000

Total Appropriation, Division of Medical Assistance and Health Services		\$581,096,000
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Personal Services:

Salaries and wages	(\$10,427,000)
Materials and Supplies	(95,000)
Services Other Than Personal	(3,920,000)
Maintenance and Fixed Charges	(770,000)

Special Purpose:

Health services administration and management		(2,039,000)
Payments to fiscal agents		(9,252,000)
Eligibility determination		(732,000)
Professional standard review organization—utilization review ..		(1,472,000)

Alcoholism services project	(146,000)
Health facilities rate setting	(395,000)
Health facilities inspections	(451,000)
Compensation awards	(52,000)
Affirmative action and equal em- ployment opportunity program ..	(18,000)
State Aid and Grants:	
Medical assistance	(522,922,000)
Medical assistance—DEFRA reserve	(11,000,000)
Payments for medically needy recipients	(17,300,000)
Additions, Improvements and Equipment	(105,000)

The funds hereinabove appropriated for medical assistance—DEFRA reserve shall only be available if the medical assistance appropriation is insufficient to maintain the Medicaid program in effect on July 1, 1985, subject to the approval of the Director of the Division of Budget and Accounting in consultation with the Legislative Budget Officer.

Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

01-7600	Purchased Residential Care	\$23,481,000
02-7600	Social Supervision and Consultation	5,844,000
03-7600	Adult Activities	12,411,000
99-7600	Management and Administrative Services	9,884,000

Total Appropriation, Division of Develop- mental Disabilities	<u>\$51,620,000</u>
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Personal Services:

Salaries and wages	(\$12,185,000)
Employee benefits	(35,000)
Materials and Supplies	(20,000)
Services Other Than Personal	(36,000)
Maintenance and Fixed Charges	(20,000)

Special Purpose:

Retroactive ICF-MR/ICF-MR

waiver adjustments(9,601,000)

State Aid and Grants:

Developmental disabilities—

Retroactive grant(990,000)

Intermediate care facilities—mental

retardation (purchased residential
care)(8,099,000)

Community care waiver (purchased

residential care)(9,650,000)

Adult activities services—social

services block grant(709,000)

Intermediate care facilities—mental

retardation (adult activities) ... (8,233,000)

Developmental disabilities(945,000)

Day care services(950,000)

Citizen advocacy program(62,000)

Work-study training program for

caseworkers(85,000)

The \$9,601,000 in retroactive ICF-MR/ICF-MR waiver adjustment funds hereinabove appropriated shall be expended as follows: Salaries and wages—\$2,618,000; Special Purpose—Community care waiver (Management and administrative services)—\$73,000; and State aid and grants—ICF/MR (Purchased residential care)—\$5,450,000 and ICF/MR (Social supervision and consultation)—\$1,460,000.

7610 Green Brook Regional Center

05-7610	Residential Care and Habilitation	\$1,728,000
06-7610	Health Services	462,000
07-7610	Education and Training	296,000
98-7610	Physical Plant and Support Services	606,000
99-7610	Management and Administrative Services	409,000

Total Appropriation, Green Brook Regional
Center

\$3,501,000

Personal Services:

Salaries and wages(\$3,501,000)

7620 Vineland Developmental Center

05-7620	Residential Care and Habilitation	\$6,195,000
06-7620	Health Services	3,252,000
98-7620	Physical Plant and Support Services	667,000
99-7620	Management and Administrative Services	781,000

Total Appropriation, Vineland Developmental Center	\$10,895,000
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Personal Services:

Salaries and wages (\$10,895,000)

7630 North Jersey Developmental Center

05-7630	Residential Care and Habilitation	\$3,071,000
06-7630	Health Services	1,627,000
98-7630	Physical Plant and Support Services	361,000
99-7630	Management and Administrative Services	601,000

Total Appropriation, North Jersey Developmental Center	\$5,660,000
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Personal Services:

Salaries and wages (\$5,660,000)

7640 Woodbine Developmental Center

05-7640	Residential Care and Habilitation	\$5,053,000
06-7640	Health Services	1,068,000
98-7640	Physical Plant and Support Services	941,000
99-7640	Management and Administrative Services	531,000

Total Appropriation, Woodbine Developmental Center	\$7,593,000
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Personal Services:

Salaries and wages (\$7,593,000)

7650 New Lisbon Developmental Center

05-7650	Residential Care and Habilitation	\$7,044,000
06-7650	Health Services	2,129,000

98-7650	Physical Plant and Support Services	1,089,000
99-7650	Management and Administrative Services	425,000

Total Appropriation, New Lisbon Developmental Center	\$10,687,000
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Personal Services:

Salaries and wages(\$10,687,000)

7660 Woodbridge Developmental Center

05-7660	Residential Care	\$6,878,000
06-7660	Health Services	628,000
98-7660	Physical Plant and Support Services	208,000
99-7660	Management and Administrative Services	962,000

Total Appropriation, Woodbridge Develop- mental Center	\$8,676,000
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Personal Services:

Salaries and wages(\$8,676,000)

7670 Hunterdon Developmental Center

05-7670	Residential Care and Habilitation	\$3,100,000
06-7670	Health Services	805,000
98-7670	Physical Plant and Support Services	950,000
99-7670	Management and Administrative Services	752,000

Total Appropriation, Hunterdon Develop- mental Center	\$5,607,000
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Personal Services:

Salaries and wages(\$5,607,000)

7680 Edward R. Johnstone Training and Research Center

05-7680	Residential Care and Habilitation	\$185,000
06-7680	Health Services	123,000

98-7680	Physical Plant and Support Services	22,000
99-7680	Management and Administrative Services	49,000

Total Appropriation, Edward R. Johnstone Training and Research Center	\$379,000
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Personal Services:

Salaries and wages (\$379,000)

7690 North Princeton Developmental Center

05-7690	Residential Care and Habilitation	\$3,413,000
06-7690	Health Services	443,000
98-7690	Physical Plant and Support Services	271,000
98-7690	Management and Administrative Services	434,000

Total Appropriation, North Princeton Developmental Center	\$4,561,000
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Personal Services:

Salaries and wages (\$4,561,000)

*33 Supplemental Education and Training Programs**7560 Commission for the Blind and Visually Impaired*

11-7560	Habilitation and Rehabilitation	\$8,480,000
99-7560	Management and Administrative Services	1,482,000

Total Appropriation, Commission for the Blind and Visually Impaired	\$9,962,000
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Personal Services:

Salaries and wages (\$2,768,000)

Materials and Supplies (90,000)

Services Other Than Personal (530,000)

Maintenance and Fixed Charges (406,000)

Special Purpose:

New rehabilitation center (2,707,000)

Compensation awards (4,000)

State Aid and Grants:

Vocational rehabilitation—direct

services (3,336,000)

Additions, Improvements and Equip-

ment (121,000)

*Economic Planning, Development and Security**53 Economic Assistance and Security**7550 Division of Public Welfare*

13-7550	Fiscal Control	\$3,511,000
14-7550	Quality Control	1,475,000
15-7550	Income Maintenance	449,394,000
99-7550	Management and Administrative Services	29,683,000

Total Appropriation, Division of Public Welfare	\$484,063,000
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Personal Services:

Salaries and wages	(\$1,739,000)
Materials and Supplies	(8,000)
Services Other Than Personal	(232,000)
Maintenance and Fixed Charges	(237,000)

Special Purpose:

Public welfare administration	(343,000)
Food stamp program	(23,000,000)
Food stamp program—division operations	(2,421,000)
Supplemental security income	(8,000,000)
Title XIX medical assistance—county operations	(9,800,000)
Title XIX medical assistance—division operations	(1,201,000)
Work incentive program	(1,500,000)
Automated child support enforcement program	(9,920,000)
Implementation of family assistance management information system (	11,223,000)
Refugee resettlement	(100,000)
Child support and paternity program—division operations ...	(2,735,000)
Low income energy assistance block grant—division operations	(1,399,000)
Refugee resettlement program	(1,400,000)
Social services block grant	(22,840,000)
Child support and paternity program	(9,899,000)

Dependent children assistance	
administration	(42,500,000)
Dependent children assistance	(256,998,000)
Low income energy assistance	
administration	(4,292,000)
Low income energy assistance	(68,433,000)
Work incentive program	(3,840,000)
Additions, Improvements and Equip-	
ment	(3,000)

55 Related Social Services Programs

7570 Division of Youth and Family Services

16-7570	Initial Response/Case Management	\$12,336,000
17-7570	Substitute Care	9,961,000
18-7570	General Social Services	48,401,000
99-7570	Management and Administrative Services	9,889,000*

Total Appropriation, Division of Youth and Family Services	<hr/> \$80,587,000* <hr/>
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Personal Services:

Salaries and wages	(\$14,923,000)
Employee benefits	(641,000)
Materials and Supplies	(302,000)
Services Other Than Personal	(4,487,000)
Maintenance and Fixed Charges	(4,244,000)

Special Purpose:

Title IV-B child welfare services ..	(825,000)
Compensation awards	(85,000)

State Aid and Grants:

Medicaid payment for children in institutions	(1,200,000)
Restricted grants	(721,000)
Title IV-E	(4,667,000)
Title IV-B child welfare services ..	(1,337,000)
General social services	(900,000)
Social services block grant—	
Purchase of service contracts	(36,244,000)
Low income energy assistance	(2,836,000)
Cuban-Haitian entrant program .	(6,892,000)

Additions, Improvements and Equip-
ment (283,000)

Of the \$6,892,000 in Cuban-Haitian entrant program funds hereinabove appropriated, \$1,252,000 shall be allocated as follows: Essex County—\$139,000; Hudson County—\$927,000; and Union County—\$186,000.

Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget

99-7500 Management and Administrative Services \$30,106,000

Total Appropriation, Division of Manage- ment and Budget	\$30,106,000
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Personal Services:

Salaries and wages	(\$190,000)
Employee benefits	(8,977,000)
Materials and Supplies	(21,000)
Services Other Than Personal	(716,000)

Special Purpose:

Medical assistance administration ..	(2,565,000)
Rehabilitation act, section 120	(50,000)
Title IV-C Work incentive program (	30,000)
Social services block grant	(1,315,000)
Food stamp administration	(45,000)
Library services and construction act, Title I	(50,000)
Public assistance administration ..	(90,000)
Vocational education basic grant ..	(231,000)
Vocational education—Program improvement and support	(35,000)
ECIA, Chapter 2 block grant	(37,000)
Migrant educational program— Administration	(80,000)
ECIA, Chapter I State institu- tions—Handicapped	(2,496,000)
Deaf-blind training grant Title VI-C (	702,000)

Grant diversion project	(207,000)
Intermediate care facilities—	
mental retardation	(3,024,000)
Federal indirect cost recoveries	(3,879,000)
State Aid and Grants:	
AFDC homemaker/home health and	
demonstration project—Title XIX	(5,366,000)

80 Special Government Services

83 Services to Veterans

7520 Division of Veterans' Services

19-7520 Management and Field Services	\$7,000,000
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Total Appropriation, Division of Veterans' Services	\$7,000,000
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Special Purpose:

Veterans' Administration nursing	
home construction grants	(\$7,000,000)

Total Appropriation, Department of Human Services	\$1,313,118,000*
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A pro rata share of all Low Income Energy Assistance Block grant funds received by the Department of Human Services shall be allocated immediately upon receipt to the Departments of Community Affairs and Health to enable these departments to implement programs funded by this block grant.

DEPARTMENT OF LABOR

Economic Planning, Development and Security

51 Economic Planning and Development

18-4570 Planning and Research	\$4,744,000
99-4565 Management and Administrative Services	30,055,000

Total Appropriation, Economic Planning and Development	\$34,799,000
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Personal Services:

Salaries and wages	(\$20,031,000)
Employee benefits	(5,207,000)
Materials and Supplies	(331,000)
Services Other Than Personal	(6,452,000)
Maintenance and Fixed Charges	(1,810,000)
Special Purpose:	
Finance and controller	(418,000)
Occupational informational coordinating program	(11,000)
Management and administration ..	(121,000)
Planning and research	(80,000)
OSH 200-S Survey	(2,000)
Internal audits and fraud	(14,000)
Vocational education—Improvement and support	(40,000)
Additions, Improvements and Equip- ment	(282,000)

52 Economic Regulation

12-4550	Enforcement of Workplace Standards ...	\$1,297,000
Total Appropriation, Economic Regulation .		<u>\$1,297,000</u>

Personal Services:

Salaries and wages	(\$874,000)
Employee benefits	(211,000)
Materials and Supplies	(17,000)
Services Other Than Personal	(94,000)
Maintenance and Fixed Charges	(61,000)
Special Purpose:	
OSHA on-site consultation	(28,000)
Mine safety educational program ..	(2,000)
Additions, Improvements and Equip- ment	(10,000)

53 Economic Assistance and Security

01-4510	Unemployment Insurance	\$46,242,000
02-4515	Disability Determination	26,900,000
Total Appropriation, Economic Assistance and Security		<u>\$73,142,000</u>

Personal Services:	
Salaries and wages	(\$34,971,000)
Employee benefits	(9,092,000)
Materials and Supplies	(582,000)
Services Other Than Personal	(10,396,000)
Maintenance and Fixed Charges	(5,664,000)
Special Purpose:	
Unemployment insurance	(796,000)
Old age and survivors' insurance—	
Disability determination	(2,175,000)
Compensation awards	(15,000)
State Aid and Grants:	
Old age and survivors' insurance—	
Disability determination	(9,335,000)
Additions, Improvements and Equip-	
ment	(116,000)

54 Manpower and Employment Services

07-4535	Vocational Rehabilitation	\$25,309,000
08-4540	Work Incentive Program	4,163,000
09-4545	Employment Services	24,438,000
10-4545	Employment Development Services	77,392,000

Total Appropriation, Manpower and Employment Services	\$131,302,000
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Personal Services:	
Salaries and wages	(\$27,449,000)
Employee benefits	(7,125,000)
Materials and Supplies	(280,000)
Services Other Than Personal	(2,982,000)
Maintenance and Fixed Charges	(3,140,000)
Special Purpose:	
Rehabilitation in-service training ..	(44,000)
Vocational rehabilitation services ..	(10,918,000)
Employment services	(463,000)
Work incentive program	(74,000)
Rehabilitation of supplemental	
security income beneficiaries	(150,000)
Vocational rehabilitation refunds ..	(750,000)

Job Training Partnership Act— Title II-B, Summer youth employment and training program	(25,000,000)	
Job Training Partnership Act— Title III, Dislocated workers	(4,000,000)	
Job Training Partnership Act— Administration pool	(64,000)	
State Aid and Grants:		
Job Training Partnership Act— Title II-A—Training services for the disadvantaged	(45,500,000)	
Work activity centers	(464,000)	
Independent living program	(300,000)	
Employment services	(2,000,000)	
Work incentive program	(553,000)	
Additions, Improvements and Equipment	(46,000)	
Total Appropriation, Department of Labor .		<u>\$240,540,000</u>

DEPARTMENT OF LAW AND PUBLIC SAFETY

*Public Safety and Criminal Justice**11 Vehicular Safety*

03-1110 Driver Control	\$5,961,000
Total Appropriation, Vehicular Safety	<u>\$5,961,000</u>

State Aid and Grants:	
Alcohol incentive grant	(\$1,320,000)
Federal highway safety program . .	(4,641,000)

The \$1,320,000 in alcohol incentive grant funds hereinabove appropriated are to be allocated to qualifying State agencies, counties and municipalities as approved in the New Jersey Alcohol Incentive Grant Plan, pursuant to 23 U.S.C. 408.

12 Law Enforcement

08-1020	Emergency Services	\$3,110,000
09-1020	Criminal Justice	2,200,000
24-1200	Marine Police Operations	350,000

Total Appropriation, Law Enforcement	<u>\$5,660,000</u>
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Personal Services:

Salaries and wages (\$300,000)

Special Purpose:

State of New Jersey improvement
grant (25,000)
Radiological systems maintenance . (136,000)
National shelter survey (54,000)
Emergency operating center (900,000)
Nuclear civil protection planning .. (180,000)
Warning and communication (90,000)
Emergency management training
and education (119,000)
Boating safety (350,000)
Emergency management
assistance program (1,506,000)
Radiological defense officer project. (59,000)
Medicaid fraud unit (1,900,000)
Maintenance and services (41,000)

13 Special Law Enforcement Activities

18-1430	Law Enforcement Planning	\$3,467,000
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Total Appropriation, Special Law Enforcement Activities	<u>\$3,467,000</u>
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State Aid and Grants:

Juvenile justice administration
and grants (\$1,300,000)
Justice assistance act—Grants (2,167,000)

New Jersey State Library

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

16-1350	Protection of Civil Rights	\$530,000
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Total Appropriation, Protection of Citizens' Rights	\$530,000
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Special Purpose:

New charge resolution project (\$388,000)
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Age discrimination project	(85,000)
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Fair housing assistance program .. (57,000)
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Total Appropriation, Department of Law and Public Safety	\$15,618,000
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DEPARTMENT OF THE PUBLIC ADVOCATE

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

08-8350	Advocacy for the Developmentally Disabled	\$889,000
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Total Appropriation, Protection of Citizens' Rights	\$889,000
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Personal Services:

Salaries and wages	(\$639,000)
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Special Purpose:

Clients' assistance project	(178,000)
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Advocacy for the developmentally disabled	(72,000)
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Total Appropriation, Department of the Public Advocate	\$889,000
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The \$72,000 in advocacy for the developmentally disabled funds hereinabove appropriated shall be expended as follows: Salaries and wages—\$44,000; Employee benefits—\$11,000; Materials and Supplies—\$1,000; Services Other Than Personal—\$12,000; and Maintenance and Fixed Charges—\$3,000.

DEPARTMENT OF STATE

37 Cultural and Intellectual Development Services

05-2530	Support of the Arts	\$528,000
06-2535	Museum Services	106,000
07-2540	Development of Historical Resources	69,000

Total Appropriation, Cultural and Intellectual Development Services	\$703,000
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Personal Services:

Salaries and wages (\$522,000)

Special Purpose:

National Endowment for the
Humanities for "America
Discovers the World" Project .. (106,000)

National historical publication
commission (40,000)

NEH Papers of William
Livingston (29,000)

NEA artists in education grant ... (6,000)

Total Appropriation, Department of State .. \$703,000

DEPARTMENT OF TRANSPORTATION

*Transportation Services**61 State Highway Facilities*

10-6200	Federal Aid Interstate Highway Projects .	\$135,000,000
12-6200	Resurfacing	34,200,000
15-6200	Interstate Transfer Program Funds— NJ/NY Metro Area	38,250,000
20-6200	Federal Aid Urban System Highway Projects	30,000,000
25-6200	Federal Aid Consolidated Primary Highway Projects	51,000,000
30-6200	Federal Aid Rural Highway Projects	7,500,000
40-6200	Federal Aid Bridge and Highway Safety Projects	32,000,000

41-6200	High Hazard	5,400,000
43-6200	Rail Highway Crossing	2,700,000

Total Appropriation, State Highway Facilities	\$336,050,000
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Special Purpose:

Interstate highway projects	(\$135,000,000)
Interstate resurfacing	(34,200,000)
Interstate transfer program fund ..	(38,250,000)
Urban systems	(30,000,000)
Consolidated primary projects ...	(51,000,000)
Rail highway crossing	(2,700,000)
Rural secondary highway projects ..	(7,500,000)
Local aid bridge reconstruction ..	(32,000,000)
High hazard locations—Federal ..	(5,400,000)

62 Public Transportation

05-6070	Aeronautics	\$17,000,000
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Total Appropriation, Public Transportation ..	\$17,000,000
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Special Purpose:

Airport fund	(\$17,000,000)
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64 Planning and General Management Support

02-6030	Planning	\$9,657,000
03-6040	Research and Demonstration	1,425,000

Total Appropriation, Planning and General Management Support	\$11,082,000
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Special Purpose:

Metropolitan planning studies	(\$3,916,000)
Planning and payroll research	(5,141,000)
New Jersey Statewide public transportation grant (NJ 09-8007)	(600,000)
Research—Federal payroll	(1,425,000)

Total Appropriation, Department of Transportation	\$364,132,000
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THE JUDICIARY

*Public Safety and Criminal Justice**15 Judicial Services*

04-9725	Criminal Courts	\$198,000
05-9730	Family Part of the Superior Court	399,000
07-9740	Probation Services	\$17,326,000
Total Appropriation, Judicial Services		<u>\$17,923,000*</u>
Personal Services:		
	Salaries and wages	(\$17,326,000)
Special Purpose:		
	Automated child support	
	enforcement	(399,000)
	Effect of sentences on subsequent	
	criminal behavior	(198,000)
Total Appropriation, The Judiciary		<u>\$17,923,000*</u>
Total Appropriation, Federal Funds		<u><u>\$2,507,379,000*</u></u>

Notwithstanding any State law to the contrary, no State agency shall accept or expend any federal funds except as appropriated in this act.

In addition to the federal funds hereinabove appropriated, there are appropriated the following funds, subject to allotment by the Director of the Division of Budget and Accounting: emergency disaster aid funds; pass-through grants to political subdivisions of the State over which the State is not permitted to exercise discretion in the use or distribution of the funds and for which no State matching funds are required, except, for the purpose of this section, federal funds received by one executive agency that are ultimately expended by another executive agency shall not be considered pass-through grants; grants to State colleges, Rutgers, The State University, the University of Medicine and Dentistry of New Jersey, and the New Jersey Institute of Technology for research or other scholarly ac-

tivity not related to expansion of course curricula; and Basic Educational Opportunity Grants (Pell Grants) in excess of the amount specifically appropriated, provided, however, that the Director of the Division of Budget and Accounting notify the Legislative Budget Officer of such additional grants; and all other grants of \$200,000 or less which have been awarded competitively.

For the purposes of this section: "political subdivisions of the State" means counties, municipalities, school districts, or agencies thereof, county or municipal authorities, regional authorities or districts other than interstate authorities or districts; "discretion" refers to any action in which an agency may determine either the amount of funds to be allocated or who receives the allocation; and "grants" refer to one-time, or time limited awards, which are received pursuant to submission of a grant application in competition with other grant applications.

The accounts receivable balances as of June 30, 1985, of federal funds are reestablished and appropriated for the same purposes, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting, who shall inform the Legislative Budget Officer by September 1, 1985 of accounts receivable balances which are established and reappropriated.

The unexpended balances as of June 30, 1985, of federal funds are appropriated for the same purpose. The Director of the Division of Budget and Accounting shall inform the Legislative Budget Officer by September 1, 1985 of any unexpended balances which are reappropriated.

The Director of the Division of Budget and Accounting shall promulgate and enforce uniform accounting procedures applicable to all State agencies receiving and expending federal funds.

Total Appropriation, General Fund \$8,816,142,000*

PROPERTY TAX RELIEF FUND

DIRECT STATE SERVICES

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*73 *Financial Administration*

15-2080	Processing and Administration	\$21,755,000
Total Appropriation, Financial Administration		\$21,755,000

Special Purpose:

Administrative costs of the
collection of the gross income tax. (\$17,343,000)
Administrative costs of paying
homestead exemptions (4,412,000)

The amount hereinabove is appropriated from the
Property Tax Relief Fund.

In addition to the amounts hereinabove, there are
appropriated such additional sums as may be re-
quired for collection of the gross income tax and
the administration of the homestead exemption
act, the expenditure of which shall be subject to
the approval of the Director of the Division of
Budget and Accounting.

Total Appropriation, Department of the Treasury	\$21,755,000
Total Appropriation, Direct State Services .	\$21,755,000

STATE AID

34 DEPARTMENT OF EDUCATION

30 *Educational, Cultural and Intellectual Development*31 *Direct Educational Services and Assistance—State Aid*

01-5120	General Formula Aid	\$1,346,113,000
05-5120	Bilingual Education	26,363,000

06-5120	Compensatory Education	104,966,000
07-5120	Special Education	228,326,000
Total Appropriation, Direct Educational Services and Assistance		<u>\$1,705,768,000</u>

State Aid:

Current expense equalization aid	(\$1,346,113,000)
Bilingual education aid	(26,363,000)
Compensatory education aid ...	(104,966,000)
Special education aid	(228,326,000)

34 Educational Support Services—State Aid

36-5120	Pupil Transportation Services	\$23,232,000
Total Appropriation, Educational Support Services		<u>\$23,232,000</u>

State Aid:

Transportation aid	(\$23,232,000)
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The amount appropriated hereinabove for transportation aid shall be used to reimburse school districts for approved transportation expenses based upon costs incurred in the 1983-1984 school year.

Total Appropriation, Department of Education	<u>\$1,729,000,000</u>
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The amount hereinabove is appropriated from the Property Tax Relief Fund.

Any appropriation or part thereof made from the Property Tax Relief Fund is transferred and recorded as an appropriation from the General Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*75 *State Subsidies and Financial Aid—State Aid*

32-2071	Revenue Sharing	\$50,000,000
33-2076	Homestead Exemptions	296,000,000
34-2078	Reimbursement—Senior/Disabled Citizens' and Veterans' Property Tax Exemptions	52,600,000
Total Appropriation, State Subsidies and Financial Aid		<hr/> \$398,600,000 <hr/>

State Aid:

Distribution of revenue sharing funds to qualifying municipalities	(\$50,000,000)
Payments to homeowners for homestead exemptions	(296,000,000)
State reimbursement to municipalities for senior/ disabled citizens' property tax exemptions	(27,900,000)
State reimbursement for veterans' property tax exemptions	(24,700,000)

The amount hereinabove is appropriated from the
Property Tax Relief Fund.

In addition to the amount hereinabove, there are
appropriated from the Property Tax Relief Fund
such additional sums as may be required for
State reimbursement to municipalities for the
senior/disabled citizens' and veterans' property
tax exemptions and for additional payments to
homeowners qualifying for homestead exemp-
tions.

Notwithstanding the provisions of C54A:10-4, the
amount of revenue sharing paid by the State to
municipalities for the calendar year 1985 shall be
the same amount which was paid during calendar
year 1984.

Total Appropriation, Department of the Treasury	\$398,600,000
Total Appropriation, State Aid	\$2,127,600,000
Total Appropriation, Property Tax Relief Fund	\$2,149,355,000

Any appropriation or part thereof made from the Property Tax Relief Fund may be transferred and recorded as any appropriation from the General Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

CASINO CONTROL FUND

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 *Public Safety and Criminal Justice*

13 *Special Law Enforcement Activities*

30-1460 Gaming Enforcement	\$28,555,000
Total Appropriation, Special Law Enforcement Activities	\$28,555,000

Personal Services:

Salaries and wages	(\$14,958,000)
Cash in lieu of maintenance	(718,000)
Employee benefits	(4,096,000)
Materials and Supplies	(1,067,000)
Services Other Than Personal	(3,913,000)
Maintenance and Fixed Charges	(2,244,000)
Special Purpose:	
Compensation awards	13,000)
Indirect costs	(900,000)
Additions, Improvements and Equipment	(646,000)

The amount hereinabove for Gaming Enforcement is appropriated from the Casino Control Fund.

In addition to the amount hereinabove for Gaming Enforcement, there are appropriated from the Casino Control Fund such additional sums as may be required for Gaming Enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Law and Public Safety	\$28,555,000
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82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*

73 *Financial Administration*

25-2095 Administration of Casino Gambling	\$19,374,000
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Total Appropriation, Financial Administration	\$19,374,000
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Personal Services:

Chairman and Commissioners	(\$343,000)
Salaries and wages	(11,773,000)
New positions	(139,000)
Employee benefits	(3,050,000)
Materials and Supplies	(318,000)
Services Other Than Personal	(2,019,000)
Maintenance and Fixed Charges	(1,177,000)

Special Purpose:

Compensation awards	(1,000)
Other special purpose	(496,000)
Additions, Improvements and Equipment	(58,000)

The amount hereinabove for Administration of Casino Gambling is appropriated from the Casino Control Fund.

In addition to the amount hereinabove for Administration of Casino Gambling, there are appropriated from the Casino Control Fund such additional sums as may be required for operation of the Casino Control Commission, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of the Treasury	\$19,374,000
Total Appropriation, Casino Control Fund ..	\$47,929,000

CASINO REVENUE FUND

DIRECT STATE SERVICES

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 *Community Development and Environmental Management*

41 *Community Development Management*

12-8025 Boarding House Regulation and Assistance	\$1,000,000
Total Appropriation, Community Development Management	\$1,000,000

Special Purpose:

Boarding House Rental Assistance Fund (\$1,000,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

50 *Economic Planning, Development and Security*

55 *Related Social Services Programs*

08-8060 Programs for the Aging	\$700,000
Total Appropriation, Economic Planning, Development and Security	\$700,000

Special Purpose:

Congregate housing support

services (\$700,000)

The amount hereinabove is appropriated from the
Casino Revenue Fund.

Total Appropriation, Department of
Community Affairs \$1,700,000

54 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health*24 *Special Health Services*7540 *Division of Medical Assistance and Health Services*

21-7540 Health Services Administration and
Management \$231,000

24-7540 Pharmaceutical Assistance to the Aged
and Disabled 39,872,000

Total Appropriation, Special Health
Services \$40,103,000

Personal Services:

Salaries and wages (\$791,000)

Employee benefits (173,000)

Materials and Supplies (15,000)

Services Other Than Personal (182,000)

Maintenance and Fixed Charges (88,000)

Special Purpose:

Payments to fiscal agents (PAAD) . (515,000)

Expansion of PAAD (1,223,000)

Compensation awards (1,000)

Other special purpose (114,000)

Grants:

Pharmaceutical assistance to the
aged and disabled, C30:4D-21 (36,972,000)

Additions, Improvements and Equip-
ment (29,000)

The amount hereinabove is appropriated from the
Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for claims.

All funds recovered under C30:4D-1 et seq. during the fiscal year ending June 30, 1986 are appropriated.

Notwithstanding the provisions of C30:4D-21, effective August 1, 1985 any single resident of this State who is either a recipient of federal Social Security Disability Insurance benefits or 65 years of age and over, whose annual income is less than \$13,250, or any married resident whose annual income combined with that of his spouse is less than \$16,250, shall be eligible for "Pharmaceutical Assistance to the Aged and Disabled" if he is not otherwise qualified for assistance under C30:4D-21 et seq.

50 Economic Planning, Development and Security

53 Economic Assistance and Security

7540 Division of Medical Assistance and Health Services

28-7540 Lifeline Programs	\$75,013,000
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Total Appropriation, Economic Assistance and Security	\$75,013,000
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Personal Services:

Salaries and wages	(\$2,238,000)
Employee benefits	(515,000)
Materials and Supplies	(56,000)
Services Other Than Personal	(607,000)
Maintenance and Fixed Charges	(321,000)

Special Purpose:

Payments to fiscal agents	(48,000)
Expansion of Lifeline Programs ..	(716,000)
Compensation awards	(6,000)
Other special purpose	(377,000)

Grants:

Payments for lifeline credits	(46,586,000)
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Payments for tenants' lifeline
 assistance rebates (23,527,000)
 Additions, Improvements and Equip-
 ment (16,000)

The amount hereinabove is appropriated from the
 Casino Revenue Fund.

In addition to the amount hereinabove, there are
 appropriated from the Casino Revenue Fund such
 additional sums as may be required for payments
 to persons qualifying for lifeline programs.

Total Appropriation, Department of Human Services	\$115,116,000
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Total Appropriation, Direct State Services— Casino Revenue Fund	\$116,816,000
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STATE AID

54 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health*

24 *Special Health Services*

22-7540 General Medical Services	\$25,986,000
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State Aid:

Payments for medical assistance
 recipients (State share) (\$17,561,000)
 Payments for Medically Needy
 recipients (8,425,000)

The amount hereinabove is appropriated from the
 Casino Revenue Fund.

In addition to the amount hereinabove, there are ap-
 propriated from the Casino Revenue Fund such
 additional sums as may be required for claims,
 subject to the approval of the Director of the
 Division of Budget and Accounting.

From the sums appropriated hereinabove for payments to medically needy recipients, such sums as necessary are allocated for the administration of this program, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Human Services	\$25,986,000
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78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*

62 *Public Transportation—State Aid*

04-6050 Railroad and Bus Operations	\$11,458,000
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State Aid:

Transportation assistance for senior
citizens and disabled residents . . . (\$11,458,000)

The amount hereinabove is appropriated from the
Casino Revenue Fund.

Total Appropriation, Department of Transportation	\$11,458,000
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82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*

75 *State Subsidies and Financial Aid—State Aid*

34-2076 Reimbursement—Senior and Disabled Citizens' Property Tax Exemptions . . .	\$17,900,000
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Total Appropriation, State Subsidies and Financial Aid	\$17,900,000
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State Aid:

Reimbursements to municipalities
for senior citizens' and disabled
citizens' property tax exemptions. (\$17,900,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for reimbursements to municipalities qualifying for such payments or reimbursements.

Total Appropriation, Department of the Treasury	\$17,900,000
Total Appropriation, State Aid—	
Casino Revenue Fund	\$55,344,000
Total Appropriation, Casino Revenue Fund .	\$172,160,000

GUBERNATORIAL ELECTIONS FUND

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 *Public Safety and Criminal Justice*

13 *Special Law Enforcement Activities*

17-1420 Election Law Enforcement	\$3,000,000
Total Appropriation, Gubernatorial Elections Fund	\$3,000,000

Special Purpose:

Public financing of the gubernatorial election (\$3,000,000)

The amount hereinabove for Public financing of the gubernatorial primary and general elections is appropriated from the Gubernatorial Elections Fund.

The unexpended balance as of June 30, 1985 in the Gubernatorial Elections Fund is appropriated.

In addition to the amount hereinabove, there are appropriated from the Gubernatorial Elections Fund such additional sums as may be required for payments to additional persons qualifying for public funds; provided, however, that should the amount available in the Gubernatorial Elections Fund be insufficient to support such appropriation, there is appropriated from the General Fund, as a loan to the Gubernatorial Elections Fund, such sums as may be required.

Grand Total Appropriation, All Funds . . \$11,188,586,000*

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, 1985 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, 1985 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 the appropriations provided in this act.

4. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, sums required to satisfy receivables previously established from which non-reimbursable costs and ineligible expenditures have been incurred.

5. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, from Federal or other non-State sources amounts not to exceed the cost of services necessary to document and support retroactive claims.

6. There are appropriated such sums as may be required for the collection of debts owed to the State, subject to the approval of the Director of the Division of Budget and Accounting.

7. The unexpended balances as of June 30, 1985 in the accounts of the several departments and agencies heretofore appropriated or established in the category of additions, improvements, and equipment are appropriated.

8. Unless otherwise provided, balances remaining as of June 30, 1985 in accounts of appropriations enacted subsequent to April 1, 1985 are appropriated.

9. In order that there be flexibility in the handling of appropriations, any department or agency 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 or among a State Aid, Direct State Services, Capital Construction or a Debt Service account, except as hereinafter provided. Such application shall be made only during the current year for which the appropriation was made. If the Director of the Division of Budget and Accounting shall consent thereto, he shall place the amount transferred to the credit of the item designated and notify the Legislative Budget Officer upon the effective date thereof. Cumulative transfers or allotments in excess of \$200,000 from or to any account and any transfer or allotment, regardless of amount, to or from a line item in the category of accounts identified as Grant or Special Purpose, other than those in the category of Salary and Other Benefits and the Special Purpose appropriation to the Governor under the State Contingency Fund for emergency or necessity, both in the Interdepartmental Accounts, shall be transmitted to the Legislative Budget Officer for his approval or disapproval and returned to the Director of the Division of Budget and Accounting within 10 working days. In all cases where, by the provisions of this act, a request for transfer or allotment of any funds, or any other action, requires approval of the Legislative Budget Officer, the request shall be deemed to be approved by the Legislative Budget Officer, if, within 20 working days of the physical receipt of the request, the Legislative Budget Officer does not disapprove the request and so inform the requesting officer. Except as otherwise provided, no sum

appropriated for any capital improvement shall be used for maintenance or for any temporary purpose except extraordinary snow removal and extraordinary transportation maintenance. However, any item of capital improvement may be transferred to any other item of capital improvement. Transfers or allotments between or among State Aid, Direct State Services, Capital Construction, or Debt Service accounts may be made only if approved by the Legislative Budget Officer at the direction of the Subcommittee on Transfers of the Joint Appropriations Committee. The Subcommittee on Transfers of the Joint Appropriations Committee is empowered to review all transfers submitted to the Legislative Budget Officer and may direct said Legislative Budget Officer to approve or disapprove any such transfer.

10. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and he is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget 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.

11. The Director of the Division of Budget and Accounting is empowered and it shall be his duty in the disbursement of funds for payment of expenses classified as employee benefits, debt service, rent, leased telephone, motor pool, insurance, postage, and compensation awards to credit or transfer to the Department of the Treasury, or to the General Fund, as applicable, from any other department, branch or non-State fund source out of funds appropriated thereto, such sums as may be required to cover the costs of such payment attributable to such other department, branch

or non-State fund source as the Director of the Division of Budget and Accounting shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

12. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate detail the facts thereof, and reasons therefor, attested by the signature of said Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursements and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Legislative Budget Officer, upon the effective date of such ruling.

13. The Director of the Division of Budget and Accounting is empowered to establish revolving and dedicated funds as required. Notice of the establishment of such funds shall be transmitted to the Legislative Budget Officer, upon the effective date thereof.

14. The Governor is empowered to direct the State Treasurer to transfer from any State department to any other State department such sums as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage, disaster, or for flood loss expenses for State owned structures to comply with Federal insurance administration requirements.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. Unless otherwise provided, federal grant and project receipts representing reimbursement for agency and central support services, indirect and administrative costs, as determined by the Director of the Division of Budget and Accounting, shall be transmitted to the Department of the Treasury for credit to the General Fund; provided, however, that a portion of the indirect and administrative cost recoveries received which are in excess of the amount anticipated may be reclassified into a dedicated account and returned to State departments and agencies, as determined by the Director of the Division of Budget and Accounting, who shall notify the Legislative Budget Officer of the amount of such funds returned, the departments or agencies receiving such funds

and the purpose for which such funds will be used, within ten (10) working days of any such transaction. Such receipts shall be forwarded to the Director of the Division of Budget and Accounting upon completion of the project or at the end of the fiscal year, whichever occurs earlier.

22. Notwithstanding the provisions of P. L. 1954, c. 48 (C52:34-6 et seq.), sums appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Marine Sciences Consortium and New Jersey Education Computer Network (NJEEN) as if they were State Government agencies pursuant to P. L. 1954, c. 48, s. 5(a) (C52:34-10(a)).

23. The Director of the Division of Budget and Accounting may settle any claim not exceeding \$100 due and owing to the State.

24. 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 \$750 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 \$750, 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.

25. The unexpended balances as of June 30, 1985 in any account which represents funding from the Interdepartmental Accounts for the continuation and expansion of data processing systems are appropriated for the same purpose.

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 or services rendered in prior fiscal years, upon the written recommendation of any department head, or his designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which he deems improper.

27. Any unexpended balance as of June 30, 1985 not exceeding \$100, 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 three years; provided, however, that such sums as may be required for refunds are appropriated. Any unclaimed or unexpended balances remaining after three 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 Legislative Budget Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is authorized to adjust the appropriations bill to reflect any reorganizations which have been implemented since the formulation of the Governor's Budget.

30. Receipts in excess of those anticipated from employee maintenance deductions are appropriated for the purpose of maintenance of employee housing units, subject to allotment by the Director of the Division of Budget and Accounting.

31. The Director of the Division of Budget and Accounting shall provide the Legislative Budget Officer with copies of all BB-4s, Application for Non-State funds, and accompanying project proposal or grant application, with the exception of research grants awarded to State colleges, which do not require a State match and which will not commit or require State support after the grant's

expiration, prior to the director's approval or disapproval of the application.

32. The appropriate executive agencies shall prepare and submit to the Joint Appropriations Committee by March 1, 1986, reports on proposed expenditures during fiscal year 1987 for the following federal programs: the alcohol, drug abuse and mental health block grant; the education block grant; the community services block grant; the jobs training partnership block grant; the low income energy assistance block grant; the maternal and child health block grant; the preventive health and health services block grant; the small cities block grant; and the social services block grant. Such reports shall account for all federal, State and local funds which are anticipated to be expended on block grant programs, shall provide an accounting of block grant expenditures during the prior fiscal year, and shall provide a detailed list of contracts awarded to provide service under the block grants.

33. State agencies shall prepare and submit a copy of their departmental spending plan involving all State, federal and other non-State funds to the Director of the Division of Budget and Accounting and the Legislative Budget Officer by October 1, 1985 and updated spending plans on January 1 and April 1, 1986. The spending plans shall account for any changes in departmental spending which differ from this appropriation act and all supplements to this act. The spending plans shall be submitted on forms specified by the Director of the Division of Budget and Accounting.

35. 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.

36. There is 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.

38. Notwithstanding any other provisions of this act to the contrary, the Director of the Division of Budget and Accounting shall lapse to the General Fund the sum of \$12,000,000 from the unexpended balances as of June 30, 1985.

42. This act shall take effect July 1, 1985.

Approved June 28, 1985.

*Reduced by line-item veto of the Governor.

See statement following.

STATEMENT TO CHAPTER 209
(SENATE BILL No. 3000)

I am today returning Senate Bill No. 3000 with my signature, along with certain constitutionally permitted modifications set forth in the statement appended thereto.

In this basic component, except for the extent and breadth of my proposed tax reduction plan, this budget is essentially the one which I delivered to the Legislature on January 28 of this year; and if the Legislature enacts my proposed one-time tax reduction, the budget will accomplish fully my intended goals for this upcoming year. In short, this budget plan will provide for:

○ a two-thirds of a billion dollar program of tax relief—over the next six years this program will cut New Jersey taxes by \$2.1 billion

○ the largest increase in State Aid since 1978 to hold down property taxes; this increase is two and one-half times the growth in this Budget for the operation of State Government

○ the largest increase in school aid since the implementation of the Thorough and Efficient Education Law, and full funding for the school aid formulae for the first time in several years

○ an escalation of our war on crime through a new program to provide \$25 million to put up to 2,000 policemen and policewomen on our city streets, and through a continued expansion of our prison capacity to accommodate the growing number of inmates

○ a substantial increase to meet the human needs of the State's less fortunate by providing over \$130 million in increases for the Department of Human Services, including increases in welfare grants, the initiation of a medically needy program, an expansion in caseworkers to handle the dramatic increase in the number of child abuse cases, further expansion of community programs for the mentally retarded and mentally ill, and major increases for programs to assist veterans and the blind

○ a full restoration of funds in the Casino Fund for senior citizens' and disabled citizens' programs that had been transferred by the previous administration to pay for programs that had once been paid for by general revenues, the initiation of a medically needy program for senior citizens, and an increase in eligibility for the Pharmaceutical Assistance program and the Lifeline program

○ the funds to expand our toxic waste cleanup program and the recommendation to the Legislature to provide funds, via the establishment of an Environmental Trust Fund and through the passage of a bond issue, for sewerage construction, resource recovery, and landfill closure.

These investments, together with my continued support for the ambitious transportation program which we implemented this time last year and my further expansion of programs for higher education including \$25 million in new funds to stimulate dramatic new challenges at New Jersey colleges and universities, will enable New Jersey to continue to grow, expand, and prosper. We have worked hard to promote New Jersey as a place to do business, a place to visit and enjoy, and a place to live. This budget will further emphasize and nourish these initiatives.

This budget is a wise investment in our future, and an investment which will not mortgage our future or commit us to promises which we cannot fulfill. I am pleased to sign into law this budget for the upcoming year, a year that will bring New Jersey to the peak of her potential.

Revenue Certification

In accordance with the provision of the State Constitution, I hereby certify that the resources listed below or contained in Senate Bill No. 3000 are available to support appropriations made by Senate Bill No. 3000 for the fiscal year ending June 30, 1986.

General Fund

Undesignated Fund Balance July 1, 1985	\$648,885,000
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Major taxes:

Sales	2,470,000,000
Corporation	1,015,000,000
All Other Major Taxes same as S-3000	1,524,000,000

Miscellaneous Taxes, Fees and Revenues:

Department of Energy	
Assessments—Cable T.V.	1,200,000
Assessments—Public Utility	15,900,000
Department of Higher Education	
Tuition—Regular	50,000,000
Department of the Treasury	
Public Utility Gross Receipt and Franchise	
Taxes (combined)	125,000,000
Municipal Purposes Tax Assistance Fund	60,000,000
All Other Miscellaneous Taxes, Fees and	
Revenues same as S-3000	420,641,000

Interfund Transfers

All Interfund Transfers same as S-3000	460,350,000
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Total General Fund Revenues	\$6,142,091,000
Total Resources, General Fund	\$6,790,976,000

Property Tax Relief Fund

Undesignated Fund Balance, July 1, 1986	\$119,400,000
Gross Income Tax	2,165,000,000

Total Resources, Property Tax Relief	
Fund	\$2,284,400,000

Casino Revenue Fund

All Resources same as S-3000	\$243,160,000
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Casino Control Fund

All Resources same as S-3000	\$47,929,000
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Gubernatorial Elections Fund

All Resources same as S-3000	(\$339,000)
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Grand Total Resources	\$9,366,126,000
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Federal Funds

Uncertainty over the amount of federal aid which may be available to the State prohibits me from making a like certification in the case of federal funds. Federal monies specified in the appropriations bill cannot be regarded as immediately available for expenditure. Pursuant to C. 52:27B-26, I direct that expenditures be permitted under these appropriations only upon determination by the Director of the Division of Budget and Accounting that federal grants to support any expenditure are receivable or have been received by the State.

Pursuant to Article V, Section 1, paragraph 15 of the Constitution, I am appending to Senate Bill No. 3000 at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

*“Direct State Services”**“Department of Community Affairs”**Page*

25	“17-8017 Fire Safety	\$885,000”
	This item is reduced to \$810,000.	
25	“Total Appropriation, Community Development Management	10,692,000”
	This item is reduced to \$10,617,000.	
26	“Fire incident reporting system	(250,000)”
	This item is reduced to \$175,000.	
29	“Total Appropriation, Department of Community Affairs	16,149,000”
	This item is reduced to \$16,074,000.	

*“Department of Defense”**Page*

- 40 “Of the sums hereinabove appropriated or otherwise made available for the dual use of armories, no sums shall be expended for the use of any installation as a new Motor Vehicle Station in a residentially zoned or developed neighborhood without the prior approval of the local governing body.”
The quoted language is deleted in its entirety.

“Department of Energy”

- 45 “05-4030 Energy Resource Management . . . 2,097,000”
This item is reduced to \$1,947,000.
- 45 “Total Appropriation, Natural Resource Management 2,495,000”
This item is reduced to \$2,345,000.
- 46 “Emergency heating plan, Newark (150,000)”
This item is deleted in its entirety.
- 47 “Total Appropriation, Department of Energy 19,895,000”
This item is reduced to \$19,745,000.

“Department of Health”

- 56 “02-4220 Local and Community Health Services 8,435,000”
This item is reduced to \$8,008,000.
- 56 “Total Appropriation, Health Services . . . 30,811,000”
This item is reduced to \$30,384,000.
- 57 “Family planning services (775,000)”
This item is reduced to \$575,000.
- 57 “Urban rodent control (384,000)”
This item is reduced to \$157,000.
- 59 “99-4210 Management and Administrative Services 4,817,000”
This item is reduced to \$4,672,000.

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59	“Total Appropriation, Health Administration	4,817,000”
	This item is reduced to \$4,672,000.	
59	“Eastern United States Training Center	(150,000)”
	This item is reduced to \$5,000.	
59	“Total Appropriation, Department of Health	40,149,000”
	This item is reduced to \$39,577,000.	

“Department of Human Services”

- 86 “The Division of Developmental Disabilities is authorized to enact a placement plan which shall be approved by the Commissioner of the Department of Human Services and the Director of the Division of Developmental Disabilities. This placement plan shall enable the Division of Developmental Disabilities to realize its goals of fostering equity of service for eligible clients in the most appropriate, least restrictive environment, consistent with the provisions of C. 30:6D-13 et seq. No part of this act shall be construed to prohibit the Division of Developmental Disabilities from making appropriate placements for eligible clients, within the funding limits of the act.” The quoted language is deleted in its entirety.
- 93 “On a monthly basis the Division of Public Welfare shall submit to the Director of the Division of Budget and Accounting and the Legislative Budget Officer concurrently a status report on the ‘Automated child support enforcement program’ and the ‘Implementation of family assistance management information system.’ All reports which are submitted to federal officials regarding these programs shall also be submitted to the Director of the Division of

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Budget and Accounting and the Legislative Budget Officer concurrently. On a quarterly basis the Division of Public Welfare shall (a) submit detailed cost reports on both computer projects as to the amount of federal and State funds spent during the previous quarter and expended cumulatively to date, and (b) update the costs and benefits associated with the projects."

The quoted language is deleted in its entirety.

- 94 "County Human Services Advisory Boards shall have total authority to establish county human services priorities notwithstanding any human services funding priorities established by the Department of Human Services. Awarding of any contract shall be in the name of the appropriate County Human Services Advisory Board, not the Department of Human Services."

The quoted language is deleted in its entirety.

- 95 "Non-profit agencies receiving either County Human Services Advisory Board—formula funding or Social Services Block Grant funds shall be able to use 'in kind' services as the match to receive funding, if they are unable to provide an actual cash match."

The quoted language is deleted in its entirety.

- | | | |
|----|------------------------------------------------------------------------------------------------------------|-------------|
| 95 | "99-7500 Management and Administrative Services
This item is reduced to \$13,300,000. | 13,350,000" |
| 95 | "Total Appropriation, Division of Management and Budget
This item is reduced to \$13,300,000. | 13,350,000" |
| 95 | "N. J. Commission on Hunger
This item is deleted in its entirety. | (50,000)" |

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- 97 “Total Appropriation, Department of
Human Services 601,672,000”
This item is reduced to \$601,622,000.

“Department of Labor”

- 102 “10-4545 Employment Development
Services 4,806,000”
This item is reduced to \$4,781,000.
- 103 “Total Appropriation, Manpower and
Employment Services 18,192,000”
This item is reduced to \$18,167,000.
- 103 “Senior citizens jobs fair (25,000)”
This item is deleted in its entirety.
- 104 “Total Appropriation, Department of
Labor 47,339,000”
This item is reduced to \$47,314,000.

“Department of Law and Public Safety”

- 105 “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, (and
production of license plates) under RS
39:3-3 and RS 39:10-25, subject to the ap-
proval of the Director of the Division of
Budget and Accounting.”
The language within parenthesis is deleted.

“Department of State”

- 115 “05-2530 Support of the Arts 9,787,000”
This item is reduced to \$9,577,000.
- 115 “Total Appropriation, Cultural and
Intellectual Development Services 12,293,000”
This item is reduced to \$12,083,000.

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115	“Hunterdon Arts Center	(135,000)”
	This item is reduced to \$100,000.	
116	“Cathedral concert series	(250,000)”
	This item is reduced to \$100,000.	
116	“George Street Playhouse	(100,000)”
	This item is reduced to \$75,000.	
117	“01-2505 Administration	1,504,000”
	This item is reduced to \$1,429,000.	
117	“Total Appropriation, Office of the Secretary of State	4,743,000”
	This item is reduced to \$4,668,000.	
117	“Center for Nonprofit corporations	(75,000)”
	This item is deleted in its entirety.	
118	“Total Appropriation, Department of State	24,333,000”
	This item is reduced to \$24,048,000.	

“Department of Transportation”

- 120 “The Commissioner of Transportation shall provide justification to the Legislative Budget Officer of major changes of total funds to be allocated to administration of NJ Transit Corporation, promotion of public transit ridership and any other programs not directly a part of bus and rail passenger services.”
- The quoted language is deleted in its entirety.

“Inter-Departmental Accounts”

- 129 “Radio and television advertising and promotion (in New York and Philadelphia media market areas combined) (600,000)”
- The portion of the description in parenthesis is deleted.
- 129 “Advertising and promotion (outside of New York and Philadelphia market areas) . (7,081,000)”
- The portion of the description in parenthesis is deleted.

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- 130 "The amounts hereinabove for advertising and promotion shall be allocated by the Director of the Division of Budget and Accounting for advertising and promotion in the economic development, international trade and travel and tourism programs (in the geographic areas specified)."
The language within parenthesis is deleted.
- 136 "Total Appropriation, Direct State Services 3,307,686,000"
This item is reduced to \$3,306,529,000.

*"State Aid"**"Department of Community Affairs"*

- 137 "04-8030 Local Government Services 107,902,000"
This item is reduced to \$107,752,000.
- 137 "Total Appropriation, Community Development Management 115,048,000"
This item is reduced to \$114,898,000.
- 138 "Special aid to Scotch Plains (250,000)"
This item is reduced to \$200,000.
- 138 "Grant to Pt. Pleasant Borough for a library (100,000)"
This item is deleted in its entirety.
- 140 "05-8050 Human Resources 5,448,000"
This item is reduced to \$5,338,000.
- 140 "Total Appropriation, Related Social Services Programs 7,176,000"
This item is reduced to \$7,066,000.
- 140 "International Youth Organization (200,000)"
This item is reduced to \$150,000.
- 140 "Grant to Perth Amboy YMCA (50,000)"
This item is deleted in its entirety.
- 141 "United Vailsburg Service Organization ... (80,000)"
This item is reduced to \$70,000.
- 141 "Total Appropriation, Department of Community Affairs 126,094,000"
This item is reduced to \$125,834,000.

*“Department of Education”**Page*

141	“03-5120 Miscellaneous Grants-in-Aid . . .	58,135,000”
	This item is reduced to \$19,882,000.	
142	“Total Appropriation, Direct Educational Services and Assistance	113,770,000”
	This item is reduced to \$75,517,000.	
142	“Minimum teacher starting salary	(37,700,000)”
	This item is deleted in its entirety.	
142	“Teaneck public schools	(343,000)”
	This item is deleted in its entirety.	
142	“In-service teacher training, Bloomfield public schools	(210,000)”
	This item is deleted in its entirety.	
145	“Total Appropriation, Department of Education	960,552,000”
	This item is reduced to \$922,299,000.	

“Department of Environmental Protection”

146	“05-4850 Water Supply and Watershed Management	395,000”
	This item is reduced to \$375,000.	
146	“Total Appropriation, Natural Resource Management	640,000”
	This item is reduced to \$620,000.	
146	“Bloomfield well testing	(20,000)”
	This item is deleted in its entirety.	
146	“Water Enforcement	25,000,000”
	This item is reduced to \$8,200,000.	
146	“Total Appropriation, Environmental Quality	40,450,000”
	This item is reduced to \$23,650,000.	
146	“Clean drinking water program	(25,000,000)”
	This item is reduced to \$8,200,000.	
149	“Total Appropriation, Department of Environmental Protection	48,329,000”
	This item is reduced to \$31,509,000.	

*“Department of Higher Education”**Page*

149	“06-5400 Aid to County Colleges This item is reduced to \$87,015,000.	94,710,000”
149	“Total Appropriation, Office of the Chancellor This item is reduced to \$87,015,000.	94,710,000”
150	“Operational costs This item is reduced to \$75,563,000.	(83,163,000)”
150	“Passaic County Community College, Institute for Citizen Involvement in Education This item is deleted in its entirety.	(95,000)”
150	“Total Appropriation, Department of Higher Education This item is reduced to \$87,015,000.	94,710,000”
150	“Notwithstanding the provisions of P. L. 1981, c. 329, the State Board of Higher Edu- cation shall not have the authority to make appointments to the Board of Trustees of any county college until such time as State Aid to County Colleges for Operational Costs is funded as provided by P. L. 1981, c. 329.” The quoted language is deleted in its entirety.	

“Department of Human Services”

151	“22-7540 General Medical Services This item is reduced to \$552,306,000.	554,306,000”
151	“Total Appropriation, Division of Medical Assistance and Health Services This item is reduced to \$552,306,000.	554,306,000”
151	“Payments for medical assistance recipients (State share) This item is reduced to \$545,481,000.	(547,481,000)”

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152	“15-7550 Income Maintenance	274,630,000”
	This item is reduced to \$271,230,000.	
152	“Total Appropriation, Division of Public Welfare	274,630,000”
	This item is reduced to \$271,230,000.	
152	“County hold harmless 5% grant increase	(3,400,000)”
	This item is deleted in its entirety.	
153	“The sums hereinabove appropriated are available to the Division of Public Welfare to provide proper burial to any recipient of dependent children assistance, general assistance or supplemental security income; proper burial shall be at least 75% of the average cost for a proper burial and funeral charged by funeral directors in the locality.”	
	The quoted language is deleted in its entirety.	
154	“The sums hereinabove appropriated for Substitute Care and General Social Services shall be available to the Division of Youth and Family Services to provide proper burial to any child receiving care, custody or guardianship by the division. The amount reasonably necessary to provide proper burial shall be determined by the average cost for a proper burial and funeral charged by funeral directors in the locality in which the child is buried.”	
	The quoted language is deleted in its entirety.	
154	“Total Appropriation, Department of Human Services	900,731,000”
	This item is reduced to \$895,331,000.	
	“ <i>Department of Transportation</i> ”	
155	“87-6220 State Aid Road System	225,000”
	This item is deleted in its entirety.	

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155	“Total Appropriation, Local Highway Facilities This item is reduced to \$1,700,000.	1,925,000”
155	“Township of Old Bridge road grant for Route 516 This item is deleted in its entirety.	(225,000)”
156	“Total Appropriation, Department of Transportation This item is reduced to \$1,700,000.	1,925,000”
<i>“Department of the Treasury”</i>		
156	“29-2088 Locally Provided Services This item is reduced to \$14,225,000.	15,125,000”
156	“36-2081 Municipal Purposes Tax Assistance This item is reduced to \$60,000,000.	77,000,000”
156	“Total Appropriation, State Subsidies and Financial Aid This item is reduced to \$239,405,000.	257,305,000”
156	“Payments to municipalities for services to State-owned property This item is reduced to \$13,500,000.	(14,400,000)”
156	“Payments to municipalities pursuant to Municipal Purposes Tax Assistance Program under C54:1-46 et seq. This item is reduced to \$60,000,000.	(77,000,000)”
157	“Of the amount hereinabove for payments to municipalities for services to State-owned property \$900,000 shall be held in reserve to carry out the purposes of Senate Bill No. 144 of 1984, as enacted.” The quoted language is deleted in its entirety.	
158	“Total Appropriation, Department of the Treasury This item is reduced to \$239,405,000.	257,305,000”

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- 158 “Total Appropriation, State Aid 2,400,382,000”
This item is reduced to \$2,313,829,000.

*“Capital Construction”**“Department of Environmental Protection”*

- 162 “Sanitary Landfill Closure (50,000,000)”
This item is deleted in its entirety.
- 163 “Total Appropriation, Department of
Environmental Protection 205,055,000”
This item is reduced to \$155,055,000.

“Department of Higher Education”

- 164 “Rutgers-Camden land acquisition for
playing field (100,000)”
This item is deleted in its entirety.
- 164 “Total Appropriation, Department of
Higher Education 12,100,000”
This item is reduced to \$12,000,000.

“Department of Transportation”

- 167 “There are appropriated from [federal
through matching funds and] the revenues
- 173 and other funds of the New Jersey Trans-
portation Trust Fund Authority, for the
following: (\$864,035,000)

Interstate Completion

<i>[Route</i>		<i>County</i>
78	Route 519 to I-78, Construc- tion \$22,900,000	Warren
287	Route 202 to NYS Line, Construction 60,000,000	Bergen
	Miscellaneous Contract Adjustments . . . 10,000,000]	

Interstate Rehabilitation

78	West Peddie Street Ramps, Engineering	\$225,000	Essex
78	Copperthwaite Rd. to Plain- field Ave., Construction	10,000,000	Somerset/ Union
78	Springfield Ave. to E. Bur- net Ave., Safety Ramp Re- vision, Construction	824,000	Union
78	Regional Sign Revisions, Construction	2,300,000	Union
78/31	Clinton Park & Ride, Con- struction	210,000	Hunterdon
80	Decatur St. to Morris Canal, Construction	10,000,000	Warren/ Sussex/ Morris
80	Riverview Dr. to Passaic River, Construction	18,000,000	Passaic
287	Rt. 78 to Morristown Add Lane, Engineering	1,500,000	Morris/ Somerset
287	Rt. 80 to US 202 Add Lane, Engineering	980,000	Morris
287	Somerset County Line to US 202, Engineering	1,000,000	Morris
295	Interchange with Rt. 48, Right of Way	1,000,000	Salem
295	Devon Ave. to Haddonfield/ Berlin Rd., Resurfacing, Construction	400,000	Camden
	Miscellaneous Contract Adjustments	2,000,000	

[Other] Highway Projects

[1	Trenton to New Brunswick, Engineering	3,160,000	Middlesex/ Mercer
1	Rt. 1 and 130 Interchange, Engineering	3,500,000	Middlesex
1	Rt. 1 Construction	17,300,000	Mercer
1	Quaker Bridge Road, Construction	7,949,000	Mercer
1 & 9	Tonnelle Ave. to Rt. 3, Engineering, R/W	1,000,000	Hudson
1 & 9	Rehabilitation of 11 struc- tures, Engineering, R/W	7,400,000	Essex
1 & 9 & 46	Hackensack River to Broad Ave., Broad to Fletcher Ave., Construction	2,000,000	Bergen
4	Hackensack River to I-95 MP 6.0 to 10, Widening, Engi- neering	1,287,000	Bergen
4	Rt. 208 to Hackensack River, Construction	3,000,000	Bergen
4	Saddle River to Hackensack River, Highway Improve- ments, R/W	200,000	Bergen
9	Ernstson Rd. Intersection, Engineering	700,000	Middlesex
9	Mill Creek Rd. to Hillard Blvd., Construction	150,000	Ocean
15	Interchange with Rt. 15, Construction	4,000,000	Sussex
17	Franklin Tpk. to Mountain- side Ave., Resurfacing Bar- rier Curb, Construction	2,550,000	Bergen

17	William St. to Summit St., Essex St. to Rt. 4, Engineer- ing	1,250,000	Bergen
17	Lake St. Interchange, Pre- liminary Engineering	600,000	Bergen
17	Lake St. Interchange, Construction	780,000	Bergen
18	Deal Rd. to Wycoff Rd., R/W	3,000,000	Monmouth
18	Canal Preservation, Engineering	200,000	Middlesex
18	Milltown Rd., Drainage, Construction	210,000	Middlesex
18	Deal Rd. to Wycoff Rd., Construction	21,000,000	Monmouth
20F	I-80 to Paterson CBD, R/W	2,000,000	Passaic
22	Intersection at 22 & Orr Drive, R/W	200,000	Somerset
24F	Columbia Tpk. to Passaic River, R/W	2,000,000	Morris
24F	Four structures over Rt. 24, Construction	3,500,000	Morris
30	Fir Ave. to Morton Ave. Highway Improvements, R/W	481,000	Atlantic
30	MP 1.5 to 6.5, Highway Improvements, R/W	200,000	Atlantic
30/130	Park Drive to 1,000' north of Airport Circle, R/W	300,000	Camden
33	Corlies Ave., Engineer- ing	225,000	Monmouth

33F	Rt. 79 to Kozlowski Rd., Construction	15,500,000	Monmouth
35	Rt. 35, barrier curb and other safety improvements, Design and Construction	5,000,000	Middlesex/ Monmouth
9	Edison Bridge, Design and Engineering	1,200,000	Middlesex
35	Drainage at Whale Creek, Construction	600,000	Monmouth
37	MP 31.5 to 37.5, Engineer- ing	1,500,000	Ocean
37	Garden State Parkway to Hospital Drive, R/W	250,000	Ocean
38	East Creek Rd. to Rt. 530, Construction	14,500,000	Burlington
40 & 322	Chester Ave. to Jonathans Thorofare, Engineering	460,000	Atlantic
41	Singley Rd. to Cooper St., Dualization, Jughandles, Construction	7,000,000	Gloucester
46	Lodi Traffic Circle, Con- struction	2,100,000	Bergen
46	Riverview Dr. & Minnisink Rd. Intersection, Engineer- ing	500,000	Passaic
46	Drainage under Horseneck Rd. Overpass, Construction	300,000	Essex
46	Lodi Traffic Circle, R/W	50,000	Bergen
47	Chestnut St. to 55F, Construction	3,010,000	Cumberland

47, 9	Garden State Parkway to 6th St., Drainage, Construction	550,000	Cape May
55	Rt. 40 to Tylers Mill Rd., Construction	52,985,000	Gloucester
70	Laurelton Circle, Construction	4,300,000	Ocean
70	Airport Rd. to Chambers Bridge Rd., R/W	1,300,000	Ocean
70	Rt. 9 to W. of Airport Rd., R/W	680,000	Ocean
71	Culvert Extension & Roadway Widening, Construction	150,000	Monmouth
73	High St. to Rt. 38, Construction	4,100,000	Burlington
73	Church Rd. & Baker Blvd., Intersection Improvement, R/W	1,200,000	Burlington
90	Betsy Ross Bridge to Route 73, Construction	24,000,000	Camden/ Burlington
73	Intersection Improvement at Jackson Rd., R/W	300,000	Camden
92	Rt. 206 to Rt. 33, Additional Engineering	1,500,000	Mercer
124	Park Ave. to Tuscan St. Construction	1,700,000	Essex
147	Bridge over Grassy Sound, R/W	5,000,000	Cape May
169	Avenue C to 14th St., Construction	30,100,000	Hudson
172	Westbound Over Rt. 18, Fencing	112,000	Middlesex

206	CRRNJ to Mellville Place, Construction	3,000,000	Morris
206	Ledgewood Circle to CRRNJ, R/W	1,000,000	Morris
206	Improvements at Waterloo Village, Construction	1,500,000	Morris
206/94	Hampton/Newton Line to Hampton House Rd., R/W	100,000	Sussex
208	Goffle Rd. to Cedar Hill Ave., Reconstruction, Engineering	270,000	Bergen
495	Rt. 3 to Pleasant Ave., Resurfacing, Construction	1,100,000	Hudson
522	County Rt. 522, R/W and Construction	7,000,000	Middlesex
541	County Rt. 541, Construction	10,000,000	Burlington
676	Ramp Modifications at Atlantic Ave., Construction	150,000	Camden
	Traffic Signal Contract 7, Con- struction	1,500,000	
	Miscellaneous Contract Adjustments, Utilities Engineering	7,487,000	
	Grade Crossing Improve- ments, Non-Federal	1,000,000	
	Betterments	25,000,000	
	Various Hazard Elimination Projects	6,000,000	
	Various Rail Highway Cross- ing Projects	3,000,000	

New Engineering Starts and
Corridor Assessments
..... 3,200,000
Non-Participating Costs on
Federal Projects .. 7,000,000**]**

Other Projects

Physical Plant Construction
.....**[4,000,000]**
Rail Freight Facilities,
Improvements and Acquisi-
tion**[2,000,000]**
**[Jackson St. Bridge, Essex/
Construction 7,500,000 Hudson**
Carteret Industrial Rd.,
Construction 3,500,000 Middlesex
Eisenhower Parkway,
Engineering 4,500,000 Essex**]**
**[Other] Local Interstate Sub-
stitution Projects**
.....**[17,600,000]**
[Other] Local Rural
Projects**[4,000,000]**
State Aid in Lieu of Urban
System Funds .. **[35,000,000]**
Municipal Aid .. **[19,000,000]**
**[7th St., I-676 to Newton
Ave., Design and Construction**
..... 2,400,000 Camden**]**
Local Aid bridge rehabilita-
tion**[40,000,000]**

Transit Facilities and Improvements

[Bus Maintenance Facilities
..... 62,110,000
Bus Operations Support
Facilities 6,840,000

Bus Rolling Stock	
.....	29,900,000
Bus Passenger Facilities	
.....	4,350,000
Corporate Program	
.....	4,700,000
Major Rail Construction	
.....	40,600,000
Rail Operations Support	
Facilities	33,450,000
Rail Support Vehicles and	
Equipment	2,000,000
Rail Rolling Stock	
.....	37,900,000
Rail Passenger Facilities	
.....	12,950,000 ¹ .”

The number within the parenthesis is reduced to \$323,500,000 and the language within the brackets is deleted.

- 175 “Total Appropriation, Capital Construction 443,170,000”
This item is reduced to \$393,070,000.

Federal Funds

- 190 “Of the sums appropriated on behalf of the small cities block grant program, a minimum of 75% shall be used to fund activities to develop new housing or rehabilitate existing housing.”
The quoted language is deleted in its entirety.
- 219 “On a monthly basis the Division of Public Welfare shall submit to the Director of the Division of Budget and Accounting and the Legislative Budget Officer concurrently a status report on the ‘Automated child

support enforcement program' and the 'Implementation of family assistance management information system.' All reports which are submitted to federal officials regarding these programs shall also be submitted to the Director of the Division of Budget and Accounting and the Legislative Budget Officer concurrently. On a quarterly basis the Division of Public Welfare shall (a) submit detailed cost reports on both computer projects as to the amount of federal and State funds spent during the previous quarter and expended cumulatively to date, and (b) update the costs and benefits associated with the projects."

The quoted language is deleted in its entirety.

- | | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| 219 | <p>"99-7570 Management and Administrative Services</p> <p>This item is reduced to \$9,889,000.</p> | <p>15,889,000"</p> |
| 219 | <p>"Total Appropriation, Division of Youth and Family Services</p> <p>This item is reduced to \$80,587,000.</p> | <p>86,587,000"</p> |
| 220 | <p>"Management and administrative services</p> <p>This item is deleted in its entirety.</p> | <p>(6,000,000)"</p> |
| 221 | <p>"The \$6,000,000 in Special Purpose—Management and administrative funds hereinabove appropriated shall be used to support the division's Salaries and wages account."</p> <p>The quoted language is deleted in its entirety.</p> | |
| 222 | <p>"Total Appropriation, Department of Human Services</p> <p>This item is reduced to \$1,313,118,000.</p> | <p>1,319,118,000."</p> |
| 229 | <p>"12-9765 Management and Administration</p> <p>This item is deleted in its entirety.</p> | <p>199,000"</p> |

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- 229 “Total Appropriation, Judicial Services . . . 18,122,000”
This item is reduced to \$17,923,000.
- 229 “NJ Municipal court DWI—Backlog
reduction plan (199,000)”
This item is deleted in its entirety.
- 229 “Total Appropriation, The Judiciary 18,122,000”
This item is reduced to \$17,923,000.
- 229 “Total Appropriation, Federal Funds 2,513,578,000”
This item is reduced to \$2,507,379,000.
- 231 “The Director of the Division of Budget and
Accounting shall prepare and submit to the
Subcommittee on Federal Funds of the Joint
Appropriations Committee by January 1,
1986 a report as to (1) whether the claiming
of federal funds should be centralized and
consolidated within the Division of Budget
and Accounting and (2) whether agencies
should be gross budgeted rather than net
budgeted, i.e., receive a State appropriation
for any federal funds due an agency with
any federal revenue being deposited into the
General Fund to reimburse the State Treas-
ury.”
The quoted language is deleted in its
entirety.
- 231 “Total Appropriation, General Fund 8,960,151,000”
This item is reduced to \$8,816,142,000.
- 241 “Grand Total Appropriation, All Funds . . 11,332,595,000”
This item is reduced to \$11,188,586,000.

“General Provisions”

- 242 Section 9, “In order that there be flexibility
in the handling of appropriations, any de-
partment or agency, (except the Legisla-
ture,) receiving an appropriation by any
act of the Legislature may apply to the Di-
rector of the Division of Budget and Ac-

counting 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 or among a State Aid, Direct State Services, Capital Construction or a Debt Service account, except as hereinafter provided.”

The language within parenthesis is deleted.

- 248 Section 34, “The Director of the Division of Budget and Accounting shall provide quarterly to the Subcommittee on Personnel of the Joint Appropriations Committee, through the Legislative Budget Officer, current affirmative action data for employees of every department by race, sex, job category, salary group and other relevant characteristics. A current summary of this data shall be placed in the fiscal year 1936-1937 budget document for each department.”

The quoted language is deleted in its entirety.

- 249 Section 37, “The Director of the Division of Budget and Accounting is hereby authorized to review the total complement of budgeted positions now maintained among the various Executive Departments and abolish not less than 500 positions which have remained vacant for nine months or more, as of June 30, 1985.”

The quoted language is deleted in its entirety.

- 249 Section 38, “Notwithstanding any other provisions of this act to the contrary, the Director of the Division of Budget and Accounting shall lapse to the General Fund the sum of \$12,000,000 from the unexpended balances as of June 30, 1985 (within the General Fund which by provisions of this act are otherwise appropriated).”

The language within parenthesis is deleted.

Page

- 249 Section 39, "Subject to the findings of a feasibility study, the New Jersey Turnpike Authority may construct, maintain and repair an interchange connecting Route 295 with the New Jersey Turnpike-Pennsylvania Extension in Burlington county, except that access shall not be provided from the west-bound lanes of the Pennsylvania Extension onto Route 295 southbound."
The quoted language is deleted in its entirety.
- 249 Section 40, "The Division of Budget and Accounting and the Legislative Budget Officer shall assign staff to review the practice of establishing positions through the 'abolish and create' process. A report on this review, containing recommendations for preventing abuses and monitoring this practice, shall be submitted to the Subcommittee on Personnel of the Joint Appropriations Committee by December 31, 1985."
The quoted language is deleted in its entirety.
- 249 Section 41, "Prior to approving any reclassification of positions which will increase salary costs of any department by \$50,000 or more, the commissioner of that department shall certify to the Personnel Subcommittee in writing, through the Legislative Budget Officer, that the department's current appropriation is sufficient to cover such increased cost."
The quoted language is deleted in its entirety.

SUMMARY

This appropriation bill, with my veto recommendations, provides a spending plan for fiscal year 1986. The total appropriation for all State funds is \$8.681 billion—an increase of \$706 million or 8.8 percent over the fiscal year 1985 appropriation. This appropriation is less than the amount recommended by the Legislature by approximately \$138 million.

This bill provides for an increase in Direct State Services spending of \$279 million; a \$355 million increase in State Aid; a \$73 million increase in Capital Construction; and a decrease in Debt Service of \$2 million. This reduction in Debt Service is the first such decrease in at least the last 10 years and perhaps in the past century, and is the result of our innovative refinancing program, our overall decrease in dependence on bonding as the sole means of financing capital projects, and our heavy reliance on pay-as-you-go capital.

The increase in the operating cost of the State Government is less than 3.5 percent and is below the rate of inflation; while the largest increases in this Budget have been dedicated to State Aid which will hold down the growth in local property taxes.

The largest single State Aid appropriation in the budget is \$2.6 billion for aid to local school districts, and is \$240 million more than is funded currently. This level of funding is the largest increase since the implementation of the Thorough and Efficient Education Law, and it will permit us to fund fully the school aid formulae for the first time in several years. The second largest increase in the Appropriation Act is \$150 million to provide needed funds to clean up toxic waste, and enable us to maintain our ambitious cleanup schedule in fiscal year 1986.

My veto recommendations are based on the fact that a budget of \$8.7 billion must have an adequate surplus. Therefore, my veto of \$137.9 million will provide for an undesignated fund balance in the General and Property Tax Relief Funds of \$618 million, and \$71 million in the Casino Revenue Fund. This \$618 million will be reduced, as I intend to sign into law a portion of Senate Bill 3002 which was also passed by the Legislature. I have reserved \$140 million for my recommendation for a one-time tax decrease for 1985. This enactment would decrease the surplus to \$345 million. Moreover, several major bills are pending or have just passed in the Legislature, totaling \$175 million, and are expected to become law. Some of these bills which have already won Legislative ap-

proval include funds for: Pay Equity Task Force recommendations, Mt. Laurel assistance, local firemen assistance, assistance to United Hospitals, and Personal Care. This reserve also includes an amount to implement appropriate legislation to raise the minimum starting salary for public school teachers to \$18,500—a measure that will enable us to attract new talent to the teaching profession. Enactment of all the bills would bring the surplus to \$170 million, which, if added to the Rainy Day Fund of \$20 million, would equal a surplus of \$190 million or approximately 2 percent of the General and Property Tax Relief Funds.

With the adjustments made by my veto recommendations, this bill represents a good, comprehensive spending plan arrived at in conjunction with the Legislature and is in conformity with my recommendations presented in the Budget Message delivered on January 28, 1985.

I have reduced funds for the following programs in the amounts indicated in order to achieve the above-stated purposes:

“Direct State Services”

DEPARTMENT OF COMMUNITY AFFAIRS

- \$75,000 This leaves \$175,000 of the \$250,000 added by the Joint Appropriations Committee to provide funding to extend the reporting system program from 150 fire service organizations to 990. The Fire Safety program’s direct appropriation is \$810,000, an increase of \$358,000 or 80 percent over FY ’85. In addition, approximately \$2.3 million in fees derived from fire safety activities are available, providing sufficient funds to perform the most critical fire safety activities. Also, the department has the authority to promulgate the fee structure, thereby generating additional revenue, if necessary.

DEPARTMENT OF ENERGY

- 150,000 This would provide funds for an Emergency Heating Plan, Newark. This was a one-time item in FY ’85. It was not requested in FY ’86 by the department nor expressly considered by the Joint Appro-

priations Committee. Its inclusion in the Appropriations Bill appears to be an error in the translation of the Budget into the Bill.

DEPARTMENT OF HEALTH

- 200,000 This leaves \$300,000 of the \$500,000 added by the Joint Appropriations Committee for family planning agencies to provide family planning services to clients. The total State appropriation more than doubles to \$575,000. Approximately \$4.9 million is available from federal funds for this program. Funds are also available from local health agencies.
- 227,000 This leaves \$157,000 of the \$384,000 added by the Joint Appropriations Committee for urban rodent control. With this increase, the department will have \$669,000 available for this program in FY '86.
- 145,000 This would provide funding for an Eastern United States Training Center for future Olympic athletes. When the concept of such a training center emerged a year ago from the private sector, the Legislature saw fit to provide \$50,000 as "seed" money in FY '85. The private entrepreneurs were supposed to solicit funding from corporations to establish the financial base for the operation. \$5,000 in additional State funds are provided.

DEPARTMENT OF HUMAN SERVICES

- 50,000 For the New Jersey Commission on Hunger. Carry-forward funds from FY '85 are sufficient.

DEPARTMENT OF LABOR

- 25,000 Provides funds to the Essex County Division on Aging for the expansion of business participation and publicity for the annual Job Fair for Senior Citizens. Funding is available within the State Division on Aging in the Department of Community Affairs to assist senior citizens in employment placement activities.

DEPARTMENT OF STATE

- 35,000 Hunterdon Arts Center (leaving \$100,000)
- 150,000 Cathedral Concert Series (leaving \$100,000)
- 25,000 George Street Playhouse (leaving \$75,000)
The Council on the Arts received a \$3 million increase in FY '86 for its grant program. These organizations may apply for additional sums through the normal procedures for awarding of grants.
- 75,000 For the Center for Nonprofit Corporations, which provides education, information and technical assistance to nonprofit corporations. This is not a priority need of the Department of State.

“State Aid”

DEPARTMENT OF COMMUNITY AFFAIRS

- \$50,000 Special Aid to Scotch Plains (leaving \$200,000)
Funds provide implementation support for urban revitalization anticipated from the Community Development Block Grant but subsequently determined unavailable to the municipality due to changes in eligibility standards. The \$200,000 will permit the project to proceed on schedule.
- 50,000 International Youth Organization—Newark (leaving \$150,000)
- 10,000 United Vailsburg Organization (leaving \$70,000)
The funding provides continued support of these organizations at the FY '85 level.
- 50,000 Perth Amboy YMCA
Funds for regular recreational operations offered by this organization should continue to be provided through the normal funding sources. These are not high priority needs.
- 100,000 Library—Point Pleasant Borough
Library construction aid in the amount of \$1 million is included in the Appropriations Act. This municipality should apply for funds from that source.

DEPARTMENT OF EDUCATION

- 343,000 Provides funds for Magnet School Program in Teaneck.
The purpose of this appropriation was to provide State Aid to those local school districts that had received federal dollars under the Emergency School Aid Act (prior to implementation of the Chapter II Block grant) and continued to operate the program despite the loss of federal funds. Teaneck discontinued the Magnet School program as of last year and, therefore, no longer meets the provisions outlined above.
- 210,000 This would provide additional funds to the Bloomfield public schools for the establishment of an in-service teacher training program. According to the "Manual for the Evaluation of Local School Districts," all districts should be providing a staff development program based upon the assessed needs of the district. Such programs are eligible for general formula aid. No justification exists to provide this additional funding.
- 37,700,000 Provides funds for Minimum Teacher Salary.
This item is deleted due to the lack of appropriate legislation at this time. If appropriate legislation is enacted, it will have to include a supplemental appropriation. An amount is reserved for an appropriation for this purpose.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

- 16,800,000 Funds would be used to create a new water treatment program which will make loans and grants to water companies to upgrade, repair and construct water delivery and treatment facilities. \$8.2 million of the \$25 million added by the Joint Appropriations Committee is recommended to assist the City of Newark in the building of a water filtration plant. Total cost of the project is estimated at \$40 million, and the current system is below minimum standards. No specific program for the other \$16.8 million has been established.

- 20,000 For Bloomfield to test a well water supply. An expenditure of this nature and magnitude should be funded from local sources.

DEPARTMENT OF HIGHER EDUCATION

- 7,600,000 This leaves \$4 million of the \$11.6 million added by the Joint Appropriations Committee for support of County College operational costs. The additional \$4 million will fund 35 percent of the educational and general costs, a slightly higher percentage than fiscal year 1985. The fiscal year 1985 adjusted appropriation of \$67.6 million would increase by a total of \$8 million (11.8 percent) to a fiscal year 1986 appropriation of \$75.6 million for operating costs. The Legislature has seen fit to alter the recommendation in the Budget Message that increased county college aid be provided only if the county supplies an equal increase in its own contribution for 1986 over its 1985 contribution. Instead, the bill imposes the less stringent condition that the county contribution not be reduced from the level initially certified for the fiscal year 1986 by the County Board of School Estimate. In light of this alteration and its dilution of the benefit of additional State assistance, a larger increase is not warranted.
- 95,000 For the Passaic County Community College, Institute for Citizen Involvement in Education. This was a one-time item in FY '85. It was not requested in FY '86 by the Department nor expressly considered by the Joint Appropriations Committee. Its inclusion in the Appropriations Act appears to be an error in the translation of the Budget into the Bill.

DEPARTMENT OF HUMAN SERVICES

- 3,400,000 The \$3,400,000 provided may not be adequate for the stated purpose of absorbing additional county expenses associated with the 5% increase in AFDC assistance payments provided by this Budget. Moreover, the similar situation of municipalities in the case of increased General Assistance payments is not addressed. Changes of this kind in the sharing

requirements between State and local governments for the non-federal component of welfare costs should not be legislated in the appropriation act.

- 2,000,000 More recent trends in caseloads and program costs indicate that the Medicaid payment account can be reduced by \$2 million without impacting the ability of the Division to pay providers.

DEPARTMENT OF TRANSPORTATION

- 225,000 For the Township of Old Bridge road grant for Route 516. \$1.7 million is available in county and municipal aid based upon priority needs.

DEPARTMENT OF THE TREASURY

- 17,000,000 This increases the Municipal Purposes Tax Assistance Program from \$60 million to \$77 million. The amount included in the fiscal year 1986 budget recommendation for this program was intended to continue the funding level established in fiscal year 1985. The recommended amount for fiscal years 1985 and 1986 (\$60 million) is nearly double the previous amount of \$30.5 million. Also, this money will be too late to add in the calendar 1985 municipal budgets. This program was originally developed to replace only \$18 million of lost federal counter-cyclical funds. It is now at a \$60 million level. Further growth in this revenue should not be channelled automatically to municipal government. It can be used more effectively as a stable funding source for environmental or other programs of definable local benefit.
- 900,000 The appropriation is reduced by \$900,000 to reflect the deletion of the language reserving these funds for the passage of Senate Bill 144.

“Capital Construction”

DEPARTMENT OF ENVIRONMENTAL PROTECTION

- \$50,000,000 The funds for sanitary landfill closure are deleted because of the incomplete status of legislation to implement an environmental program including the

creation of an Environmental Trust Fund. My latest proposals address the need to provide necessary funding for landfill closure.

DEPARTMENT OF HIGHER EDUCATION

- 100,000 For Rutgers—Camden playing field. Based on more urgent capital needs and the potential to use student fees for this purpose, this appropriation is deleted.

DEPARTMENT OF TRANSPORTATION

S-3000 as approved by the Legislature is deficient in the area of appropriations authorized out of the New Jersey Transportation Trust Fund Authority. In citing a sum to be appropriated from the funds of that authority the Legislature combined appropriations of federal matching funds and revenues of the authority into one appropriation totaling over \$864 million. This amount contains within it sums appropriated to the Department of Transportation in the federal funds section of S-3000. In addition, it includes federal and other funds of the New Jersey Transit Corporation. New Jersey Transit Corporation applies directly to the federal government for funds to be used on its projects. These funds do not pass through the Authority. They are made as direct grants to New Jersey Transit. The amount appropriated from the revenues and other funds of the Authority has therefore been reduced to \$323.5 million. I have also deleted references to specific projects and amounts. The amounts are deleted because they represent combinations of State and federal monies appropriated elsewhere in this act. The specific projects have been deleted since by their very nature, highway and transit construction projects must be authorized over a lengthy period of time. By itemizing them annually in an Appropriations Act, the Department of Transportation could be forced to curtail, cease or delay projects for which substantial progress has been made in previous authorizations. To assure

the Legislature that these projects are going forward on timely basis, I have today issued a Transportation Construction Program listing the projects which the Transportation Commissioner has determined should proceed in this fiscal year. In one form or another, the Program includes all priorities specifically identified in the bill as presented.

“Federal Funds”

- \$199,000 This \$199,000 was included in the federal funds for the Judiciary due to an administrative error. It provides duplicate funding.
- 6,000,000 This appropriation is deleted as unnecessary following the approval of Assembly Bill No. 3315, which makes an identical appropriation.

“General Language”

- Section 9 The language which regulates the transfer of appropriations is amended to delete the phrase which exempts the transfers within appropriations made to the Legislature from the review process applicable to other transfers. The normal process, which requires review by both the Executive and Legislative branches, is intended to assure that transfers are consistent with Legislative intent (hence review by the Legislature) and are consistent with existing rules and regulations regarding the reallocation of funds (hence review by the Executive). There is no reason that this system of dual review should not be applied to the Legislature, as it now does to the Judiciary as well as the Executive.
- Section 34 There is no need for additional requirements for provision of affirmative action data to the Legislature. The Executive Branch will continue to provide information pursuant to the practices developed under last year's appropriation act.
- Section 37 The requirement for abolition of at least 500 vacant budgeted positions is arbitrary. The number of positions to be abolished should be determined in light of detailed staffing analysis.

- Section 38 The phrase “which by the provisions of this act are otherwise appropriated” is deleted. The requirement for an additional lapse of \$12,000,000 can be implemented without the need for specific direction as to the accounts from which it is to be satisfied.
- Section 39 The appropriation act should not contain directions to independent authorities which do not receive State appropriations.
- Section 40 The deleted language requires that staff from OMB and the Legislative Budget Officer review the abolish and create process and report by December 31, 1985 as to how the process can be monitored and controlled. The day-to-day operations of the Executive departments, including the processing of personnel actions, is an Executive responsibility and should not be the subject of language in the Appropriations Bill. If the Legislature desires information on the “abolish and create procedure,” such information can be requested and it will be provided.
- Section 41 The deleted language requires that prior to approving reclassifications that will increase costs more than \$50,000, the Commissioner of the department must certify to the Personnel Subcommittee that funds are available. The procedure for evaluating titles for proper classification and compensation is a responsibility of the Executive Branch. The State Comptroller is responsible for assuring that all State agencies end the fiscal year without deficits. This certification serves no useful purpose.

“Language (Other)”

DEPARTMENT OF DEFENSE

The deleted language restricts establishment of motor vehicle inspection stations at armory sites. This unduly limits the discretion of the Division of Motor Vehicles to locate facilities for the increased number of inspections required by recent statutory changes. The agency will continue to cooperate with local governments to minimize inconvenience to local residents.

DEPARTMENT OF HIGHER EDUCATION

Language which removes the authority of the Board of Higher Education to make appointments to the Board of Trustees of any county college is deleted. The fact that the recommended appropriation is not based on the current funding law for the county colleges should not be a basis for changing other aspects of the law. State funding for the county colleges has, in fact, increased from \$48 million to \$76 million (an increase of 58 percent) over the past six years and, therefore, justifies the State Board of Higher Education having some control over the county colleges by appointing two members of the Board of Trustees of each County College.

DEPARTMENT OF HUMAN SERVICES

Language which authorizes the Commissioner of Human Services and the Director of the Division of Developmental Disabilities to develop a community placement plan without any review by the Director of the Division of Budget and Accounting is deleted. Review by the Director of the Division of Budget and Accounting is necessary to determine the deferred cost implications of changes in the placement plan.

Language establishing autonomy of County Human Services Advisory Boards to establish local funding priorities without the Department of Human Services intrusion and to award contracts without the department's approval is deleted. One of the purposes in creating County Human Services Advisory Councils was to provide a means to work out mutually agreeable goals and priorities between the State and local providers. This language impairs the department's discretion in determining priorities, goals, and objectives.

Language allowing non-profit agencies receiving County Human Services Advisory Board formula funding or Social Services Block Grant funds to use 'in kind' services as the match, if they are unable to provide an actual cash match, is deleted. DYFS

requires non-profit providers to provide a cash match to State and federal social services funds they may receive. This language will not provide additional funding but may cause a reallocation of current grant funding to non-profit providers. The decision on "in kind" match should remain with DYFS.

Language which requires the Division of Youth and Family Services to pay an average cost determined at the local level for the proper burial and funeral for a child under its care, custody or guardianship is deleted. Adjustments of this nature are more appropriately addressed either through separate pending legislation or administrative action by the Commissioner.

Language which requires that payment for proper burial of any recipient of dependent children assistance, general assistance or supplemental security income be at least 75 percent of the average cost in the locality is deleted. Adjustments of this nature are more appropriately addressed either through separate pending legislation or administrative action by the Commissioner.

Language which requires the Division of Public Welfare to submit certain reports concerning the ACSES and FAMIS computer systems to the Director of the Division of Budget and Accounting and the Legislative Budget Officer is deleted. This information will be provided to the Legislative Budget Officer upon request without the need for specific statutory direction.

DEPARTMENT OF LAW AND PUBLIC SAFETY

Language permitting receipts from driver license and motor vehicle fees is amended to exclude the production of license plates as an eligible use of such receipts. The Legislature has seen fit to provide an appropriation from revenue, which was not requested in the Budget Message nor expressly considered by the Joint Appropriations Committee, to provide additional funds to defray the cost of pro-

duction of license plates. The Budget Message and the bill as presented provide adequate funding for the continued production and distribution of license plates of the kind currently in use. The apparent purpose of this action is to provide additional funds to defray the cost of production of reflectorized license plates pursuant to P. L. 1981, c. 133. It is premature at this time to provide funding for this purpose. When the commission constituted under SCR-131 to inquire generally into this issue reports, the Legislature should again address this question. It should specifically determine whether the benefits of reflectorization justify the cost and inconvenience motor vehicle operators must sustain if this program is implemented. If reflectorization is justified, additional funds can be provided at that time. If not, P. L. 1981, c. 133 should be repealed.

DEPARTMENT OF TRANSPORTATION

Language requiring the Commissioner of Transportation to provide justification to the Legislative Budget Officer for the reallocation of funds into administrative and promotional programs of the New Jersey Transit Corporation is deleted. Budget actions of the Authority are a matter of public record and can be derived from minutes of Board meetings. Additional justification is not warranted.

DEPARTMENT OF THE TREASURY

Language which requires that \$900,000 for payments to local governments for services to State-owned property be held in reserve pending passage of Senate Bill 144 of 1984 is deleted. Identical language was included in last year's appropriation act. The cited bill has not yet passed and the amount required to fund it cannot be determined at present.

INTER-DEPARTMENTAL ACCOUNTS

The titles of the accounts and the language for the Department of Commerce advertising and promotion accounts are amended or deleted to provide sufficient flexibility for the Commissioner of Com-

merce through the Director of the Division of Budget and Accounting to operate these programs in a manner which will generate the greatest benefit to the State from its advertising and promotion programs for travel and tourism, economic development, and international trade.

“Language (Federal Funds)”

Language which directs that a minimum of 75 percent of Small Cities Block Grant funds be used to fund activities to develop new housing or rehabilitate existing housing is deleted. The allocation of the Small Cities Block Grant should not be directed by language in the Appropriations Act. The existing procedures for determining allocation of block grant funds should continue to be the basis for determining allocation.

Language which requires the Division of Public Welfare to submit certain reports concerning the ACSES and FAMIS computer systems to the Director of the Division of Budget and Accounting and the Legislative Budget Officer is deleted. This information will be provided to the Legislative Budget Officer upon request without the need for specific statutory direction.

Language which requires the Director of the Division of Budget and Accounting to report by January 1, 1986 on the feasibility of centralizing the claiming of federal funds within the Division of Budget and Accounting and whether agency budgets should be gross budgets rather than net budgets is deleted. The Division of Budget and Accounting is currently investigating the concept of centralized claiming and gross budgeting for its federal funds. Findings will be provided to the Legislature at the appropriate time, without the need for specific direction.

As always, I stand ready to work with the Legislature to address the needs of our great State.

Respectfully,
THOMAS H. KEAN
Governor

CHAPTER 210

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. The following sums are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and for the several purposes herein specified:

CLAIMS

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PALISADES INTERSTATE PARK COMMISSION

Borough of Alpine, c/o Logan and Logan, 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 and Borough of Fort Lee, c/o Melvin Gittleman, Attorney at Law, Court House Towers, 39 Hudson Street, Hackensack, N. J. 07601, Attention: Steven D. Mulstock, Attorney at Law, for payment of municipal taxes for land situated within their respective boroughs:

Borough of Alpine	\$27,097
Borough of Englewood Cliffs	\$37,021
Borough of Fort Lee	\$27,320

That an award in the amount of \$91,438 be made payable by the Palisades Interstate Park Commission from the net share of revenues which it derives from the operation of gasoline stations in the New Jersey section of the Palisades Interstate Parkway.

DEPARTMENT OF THE TREASURY

Mr. John J. Sikora, 451 Davis Avenue, Kearny, N. J. 07032, for payment of an outdated check	\$34.61
Mr. Warren E. Losch, 127 W. Farrell Avenue, A8, Trenton, N. J. 08618, for payment of an outdated check	\$220.85

Mr. Carrie Hawkins, 12 Highland Avenue, Stanhope, N. J. 07874, for payment of an outdated check	\$101.50
Mr. Charles J. Anderson Jr., 8 Conover Lane, Rumson, N. J. 07760, for payment of an outdated check	\$98.19
Ms. Anne A. Blauvelt, 6050 Boulevard East, 9G, West New York, N. J. 07093, for payment of an outdated check	\$111.32
Mr. Gordon Dudley, 1435 Teaneck Road, Teaneck, N. J. 07666, for payment of an outdated check	\$52.12
Ms. Linda Scherzer, 610 Cherry Hill, N. J. 08003, for payment of an outdated check	\$5.13
Mr. John J. Griffin, 343 West Main Street, Girardville, Pa. 17935, for payment of an outdated check	\$25.00
Mr. Pat J. Callery, 23 Axford Court, Trenton, N. J. 08610, for payment of an outdated check	\$84.34
Mr. Manfred Walters, Green Brook Drive, Hewitt, N. J. 07421, for payment of an outdated check	\$6.10
Ms. Ida Gasirowski, 19 Southport Drive, Howell, N. J. 07731, for payment of an outdated check	\$97.50
Mr. Anthony Dennis Lewandowski, 1011 Lansdowne Avenue, Camden, N. J. 08104, for payment of an out- dated check	\$54.05
Ms. Jamie L. Molestra, 35 Ravine Avenue, Wyckoff, N. J. 07481, for payment of an outdated check	\$51.41
Ms. F. Joan Venella, 16 Pennwood Drive, Trenton, N. J. 08608, for payment of an outdated check	\$23.10
Mr. Ruberto Mauro, 48 Pine Street, Trenton, N. J. 08540, for payment of an outdated check	\$117.31
Ms. Anna Dinardo, 13-06 Second Street, Fairlawn, N. J. 07410, for payment of an outdated check	\$93.07
Ms. Ellen Howard, 62 Hutton Street, Jersey City, N. J. 07307, for payment of an outdated check	\$24.77
Mr. Anthony Korman, 26 Charlotte Avenue, Glassboro, N. J. 08028, for payment of an outdated check	\$18.00
Metropolitan Life Ins. Co. and George Cantrello, 1 Madison Avenue, New York, N. Y. 10010, for payment of an outdated check	\$10.00

Mildred Bott Co., Ex. David Young Esq., 714 Main Street, Boonton, N. J. 07005, for payment of an outdated check	\$44.50
Mr. Howard E. Stillman, 33 Woodside Drive, West Milford, N. J. 07480, for payment of an outdated check ..	\$98.44
Ms. Isabella Gandarillas, 404 Compton Avenue, Perth Amboy, N. J. 08861, for payment of an outdated check	\$75.09
Hastings and Pauline Hutchins, 15 Hillwood Avenue, Edison, N. J. 08817, for payment of an outdated check	\$39.49
Mr. Victor and Vilma Ramos, 276 West Broadway Avenue, Paterson, N. J. 09522, for payment of an outdated check	\$22.32
Mr. John G. Gromann, 371 St. Cloud Avenue, West Orange, N. J. 07052, for payment of an outdated check	\$14.70
Salmon Oil Company, Route 183, Netcong, N. J. 07857, for reimbursement for gasoline tax paid for which it was tax exempt	\$4,375.92
Mr. John A. Bado Jr., 46 King Avenue, Weehawken, N. J. 07087, for payment of an outdated check, provided, however, that the payment shall not be made until the original check is surrendered	\$1,154.84
Mr. Salvatore Fichera, 235 Woodlyne Avenue, Pitman, N. J. 08701, for reimbursement for a tax liability which had inadvertently been paid twice	\$606.64
Mr. Richard J. and Mary T. Kelly, 95 Kendall Drive, Parlin, N. J. 08859, for payment of an outdated check	\$111.07
Total Appropriations, Claims	\$7,771.28

2. This act shall take effect immediately and be retroactive to July 1, 1984.

Approved June 28, 1985.

CHAPTER 211

AN ACT concerning the taking of striped bass and amending
P. L. 1983, c. 506.

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

1. Section 2 of P. L. 1983, c. 506 (C. 23:5-44) is amended to read as follows:

C. 23:5-44 Definitions.

2. As used in this act:

a. (Deleted by amendment, P. L. 1985, c. 211).

b. "Marine waters" means all the salt waters of this State, including the waters of the Atlantic ocean, and all bays, inlets and estuarine waters located below the freshwater portion of any river, stream or creek, but shall not include any of the freshwaters of this State as defined in R. S. 23:1-2;

c. (Deleted by amendment, P. L. 1985, c. 211).

d. "Spearfishing" means the taking of striped bass by means of a spear, harpoon, or other missile, while the swimmer is completely submerged in marine waters, but shall not include the use of blinding lights for the purpose of spearing striped bass, or spears, harpoons or other missiles with exploding heads;

e. "Striped bass" means a game fish of the species "*Morone saxatilis*" commonly referred to as rockfish, rock or striper.

2. Section 4 of P. L. 1983, c. 506 (C. 23:5-46) is amended to read as follows:

C. 23:5-46 Striped bass limits.

4. No person shall take from the marine waters of the State in any one day, or sell, barter, offer for sale or barter, or have in his possession at any time, more than five striped bass nor any striped bass measuring less than 24 inches.

The possession of any striped bass or parts of a striped bass from which the head or tail has been removed other than immediately prior to preparation or being served as food, which is less than 24 inches, shall be presumed to be possessed in violation of this section.

3. Section 5 of P. L. 1983, c. 506 (C. 23:5-47) is amended to read as follows:

C. 23:5-47 Lawful methods.

5. No person shall take, catch or kill a striped bass from or in any of the marine waters of this State by means of a net or by any method other than by hook and line or by spearfishing as defined. Nothing in this section shall preclude the use of a landing net or gaff in landing a striped bass caught on hook and line, except that it shall be unlawful to foul hook striped bass.

4. This act shall take effect immediately.

Approved June 28, 1985.

CHAPTER 212

A SUPPLEMENT to "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1986 and regulating the disbursement thereof," approved June 28, 1985 (P. L. 1985, c. 209).

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

1. The Federal Funds section of section 1 of P. L. 1985, c. 209, is supplemented as follows:

The amounts hereinabove appropriated are available, subject to the approval of the Director of the Division of Budget and Accounting, for the payment of obligations and the reimbursement of expenditures applicable to prior fiscal years.

2. This act shall take effect immediately and shall be retroactive to July 1, 1985.

Approved June 28, 1985.

CHAPTER 213

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. Upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS

DEPARTMENT OF HUMAN SERVICES

Economic Planning, Development and Security

55 Related Social Service Programs

7570 Division of Youth and Family Services

99-7570 Management and Administrative Services \$6,000,000

Personal Services:

Salaries and wages (\$6,000,000)

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 Budget and Accounting.

2. This act shall take effect immediately.

Approved June 28, 1985.

CHAPTER 214

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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. 1984, c. 58 there is appropriated out of the General Fund the following sum for the purposes specified:

DIRECT STATE SERVICES

DEPARTMENT OF STATE

70 Government Direction, Management and Control

74 General Government Services

2505 Office of the Secretary of State

01-2505 Administration \$568,550

Special Purpose:

For expenses incurred or
 anticipated to be incurred by any
 of the State's political
 subdivisions in connection with a
 special election held or anticipated
 to be held for the purpose of
 filling a vacancy occurring in the
 Senate or General Assembly in
 this fiscal year (\$552,850)

For expenses incurred to advertise
 proposed constitutional
 amendments submitted to the
 voters in the November, 1984
 General Election (10,400)

For expenses incurred to advertise
 a Writ of Election for a vacancy
 in the 13th Congressional District
 in this fiscal year (5,300)

Notwithstanding the provisions of section 9 of P. L. 1984, c. 58 the appropriation for election expenses may not be transferred to any other item of appropriation.

2. This act shall take effect immediately.

Approved June 28, 1985.

CHAPTER 215

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, 1985 and regulating the disbursement thereof,” approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated under P. L. 1984, c. 58, there is appropriated from the General Fund the following sum for the purpose specified:

CAPITAL CONSTRUCTION

DEPARTMENT OF CORRECTIONS

Public Safety and Criminal Justice

16 Detention and Rehabilitation

7220 Training School for Boys, Jamesburg

Capital Project:

Construction of a gymnasium facility at the
Jamesburg Training School for Boys . . . (\$200,000)

Total Appropriation, Department of Corrections \$200,000

2. This act shall take effect immediately.

Approved June 29, 1985.

CHAPTER 216

AN ACT concerning employers covered under the “Worker and Community Right to Know Act,” amending P. L. 1983, c. 315, and repealing sections 4 and 5 of P. L. 1985, c. 64.

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

1. Section 7 of P. L. 1983, c. 315 (C. 34:5A-7) is amended to read as follows:

C. 34:5A-7 Workplace, environmental surveys.

7. a. Except as otherwise provided in section 15 of this act, an employer shall have until October 30, 1985, or within 90 days of the employer's receipt of the workplace survey, whichever is later, to complete the survey and transmit a copy of the completed survey to the Department of Health, the health department of the county in which the employer's facility is located, the local fire department, and the local police department. If an employer has reason to believe that a mixture present at his facility contains a hazardous substance as a component, but is unable to obtain from the manufacturer or supplier of the mixture the chemical names and Chemical Abstracts Service numbers of the components of the mixture, he shall list the mixture by its common name in the space provided on the survey. The department shall have the responsibility to obtain the chemical names and Chemical Abstracts Service numbers of the components of the mixture so listed, and, upon obtaining this information, shall transmit it to the employer along with any appropriate hazardous substance fact sheet or sheets and directions to the employer on how to communicate this information to his employees.

b. Except as otherwise provided in section 15 of this act, an employer shall have until October 30, 1985, or within 90 days of the employer's receipt of the environmental survey, whichever is later, to complete the survey and transmit a copy of the completed survey to the Department of Environmental Protection and the health department of the county in which the employer's facility is located, and pertinent sections of the survey to the local fire department and the local police department.

2. Section 13 of P. L. 1983, c. 315 (C. 34:5A-13) is amended to read as follows:

C. 34:5A-13 Education, training program.

13. a. Every employer shall have until October 30, 1985 to establish an education and training program for his employees, which shall be designed to inform employees in writing and orally of the nature of the hazardous substances to which they are exposed in the course of their employment and the potential health risks which the hazardous substances pose, and to train them in the proper and safe procedures for handling the hazardous substances

under all circumstances. An employer shall provide his employees with the program not later than December 31, 1985, and annually thereafter. Any person who becomes an employee after the conclusion of the initial program shall be provided with the program within the first month of employment. Prior to entering an employment agreement with a prospective employee an employer shall notify a prospective employee of the availability of workplace surveys and appropriate hazardous substance fact sheets for the facility at which the prospective employee will be employed; except that this notification requirement shall not be applicable to employers before December 31, 1985.

b. Any employer who has established an employee education and training program for hazardous substances prior to the effective date of this act may request the Department of Health to certify that education and training program, which certification shall constitute compliance with subsection a. of this section.

c. Every employer shall establish an education and training program for his employees who work in a research and development laboratory, which shall be designed to inform employees in writing and orally of the nature of the hazardous substances to which they are exposed in the course of their employment and the potential health risks which the hazardous substances pose, and to train them in the proper and safe procedures for handling the hazardous substances under all circumstances. An employer shall provide his employees with the program not later than December 31, 1985, and annually thereafter. Any person who becomes an employee after the conclusion of the initial program shall be provided with the program within the first month of employment.

3. Section 14 of P. L. 1983, c. 315 (C. 34:5A-14) is amended to read as follows:

C. 34:5A-14 Labeling of containers.

14. a. Every employer shall have until October 30, 1985 to take any action necessary to assure that every container at his facility containing a hazardous substance shall bear a label indicating the chemical name and Chemical Abstracts Service number of the hazardous substance or the trade secret registry number assigned to the hazardous substance. Employers may label containers in a research and development laboratory by means of a code or number system, if the code or number system will enable an employee to readily make a cross-reference to a hazardous substance

fact sheet which will provide the employee with the chemical name and Chemical Abstracts Service number of the hazardous substance contained in the container, or the trade secret registry number assigned to the hazardous substance. The code or number system shall be designed to allow the employee free and ready access at all times to the chemical name and Chemical Abstracts Service number of the hazardous substance in the container, shall be designed to allow the employee access to this information without the permission or assistance of management, and shall be available to the employee at close proximity to his specific job location or locations. Employers shall be required to label pipelines only at the valve or valves located at the point at which a hazardous substance enters a facility's pipeline system, and at normally operated valves, outlets, vents, drains and sample connections designed to allow the release of a hazardous substance from the pipeline.

b. Within two years of the effective date of this act, every employer shall take any action necessary to assure that every container at his facility bears a label indicating the chemical name and Chemical Abstracts Service number of the substance in the container, except as provided in subsection d. of this section, or the trade secret registry number assigned to the substance. Employers may label containers in a research and development laboratory by means of a code or number system, if the code or number system will enable an employee to readily make a cross-reference to documentary material retained on file by the employer at the facility which will provide the employee with the chemical name and Chemical Abstracts Service number of the substance contained in the container, except as provided in subsection d. of this section, or the trade secret registry number assigned to the substance. The code or number system shall be designed to allow the employee free and ready access at all times to the chemical name and Chemical Abstracts Service number of the substance in the container, shall be designed to allow the employee access to this information without the permission or assistance of management, and shall be available to the employee at close proximity to his specific job location or locations. If a container contains a mixture, an employer shall be required to insure that the label identify the chemical names and Chemical Abstracts Service numbers, except as provided in subsection d. of this section, or the trade secret registry numbers, of the five most predominant substances contained in the mixture. The provisions of this subsection shall not apply to any

substance constituting less than 1% of a mixture unless the substance is present at the facility in an aggregate amount of 500 pounds or more. Employers shall be required to label pipelines only at the valve or valves located at the point at which a substance enters a facility's pipeline system, and at normally operated valves, outlets, vents, drains and sample connections designed to allow the release of a substance from the pipeline. One year after the effective date of this act the Department of Health shall establish criteria for containers which, because of the finished and durable characteristics of their contents, shall be exempt from the provisions of this subsection. These standards shall be consistent with the intent of this subsection to provide for the labeling of every container which may contain a substance which is potentially hazardous.

c. The labeling requirements of subsections a. and b. of this section shall not apply to containers labeled pursuant to the "Federal Insecticide, Fungicide, and Rodenticide Act," 61 Stat. 163 (7 U. S. C. § 121 et al.). The Department of Health may, by rule and regulation, certify containers labeled pursuant to any other federal act as labeled in compliance with the provisions of this section.

d. One year after the effective date of this act the Department of Health shall adopt, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), a list of substances the containers of which may be labeled with the common names and Chemical Abstracts Service numbers of their contents. The department shall include on the list adopted pursuant to this subsection only substances which are widely recognized by their common names. An employer shall provide the chemical name of a substance in a container labeled pursuant to this subsection within five working days of the request therefor.

Repealer.

4. Sections 4 and 5 of P. L. 1985, c. 64 (C. 34:5A-13.1) are repealed.

5. This act shall take effect immediately, and sections 1 through 3, inclusive, shall be retroactive to August 29, 1984.

Approved June 29, 1985.

CHAPTER 217

AN ACT concerning credit for military service for teaching staff members, supplementing chapter 28 of Title 18A of the New Jersey Statutes and amending N. J. S. 18A:28-12.

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

C. 18A:28-11.1 Credit for military service.

1. (New section) In computing length of service for seniority purposes, every teaching staff member who, after July 1, 1940, has served or hereafter shall serve, in the active military or naval service of the United States or of this State, including active service in the women's army corps, the women's reserve of the naval reserve, or any similar organization authorized by the United States to serve with the army or navy, in time of war or an emergency, or for or during any period of training, or pursuant to or in connection with the operation of any system of selective service, shall be entitled to receive equivalent years of employment or seniority credit for that service as if the member had been employed for the same period of time in some publicly owned and operated college, school or institution of learning in this or any other state or territory of the United States, except that the period of that service shall not be credited toward more than four years of employment or seniority credit. Any military or naval service shall be credited towards this employment or seniority credit including service that occurred prior to the member's employment as a teaching staff member.

2. N. J. S. 18A:28-12 is amended to read as follows:

Reemployment in order of seniority.

18A:28-12. If any teaching staff member shall be dismissed as a result of such reduction, such person shall be and remain upon a preferred eligible list in the order of seniority for reemployment whenever a vacancy occurs in a position for which such person shall be qualified and he shall be reemployed by the body causing dismissal, if and when such vacancy occurs and in determining seniority, and in computing length of service for reemployment, full recognition shall be given to previous years of service, and the

time of service by any such person in or with the military or naval forces of the United States or of this State, subsequent to September 1, 1940 shall be credited to him as though he had been regularly employed in such a position within the district during the time of such military or naval service, except that the period of that service shall not be credited toward more than four years of employment or seniority credit.

3. This act shall take effect immediately.

Approved June 29, 1985.

CHAPTER 218

AN ACT concerning the sheriff's employees retirement system in certain counties of the first and second class, and amending R. S. 43:10-61, R. S. 43:10-66 and R. S. 43:10-67 and supplementing chapter 10 of Title 43 of the Revised Statutes.

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

1. R. S. 43:10-61 is amended to read as follows:

Sheriff's employee's pension.

43:10-61. a. In any first or second class county of this State any sheriff's employee who shall now or hereafter have served as such for a continuous period of 20 years, and shall have reached the age of 60 years, shall, upon application in writing to the board of chosen freeholders of the county, be retired upon half pay.

b. Should any member of the pension fund created pursuant to R. S. 43:10-69, after having completed 10 years of service for which credit has been established in the pension fund, be separated voluntarily or involuntarily from the service, before reaching age 60, and not by removal for cause or charges of misconduct or delinquency, he may elect to withdraw his contributions to the fund or receive a deferred pension beginning at age 60, which shall be made up of an annuity derived from the accumulated deductions standing to the credit of the individual member's account in the annuity savings fund at the time of his severance from service,

together with regular interest and a pension which when added to the annuity will produce a total retirement allowance of 1/60 of the annual salary the member was receiving at the time he became separated from service, for each year of creditable service.

2. R. S. 43:10-66 is amended to read as follows:

Pension of employee's spouse.

43:10-66. The widow of any sheriff's employee who shall die from any cause shall receive a pension so long as she shall remain unmarried, equal to one-half of the amount of the annual salary of such sheriff's employee at the time of his death, and at her death, or in case there be no widow, his minor child or children, until each reaches the age of 16 years, shall receive the amount of said pension for their support. A "widower" shall receive the same benefits as a "widow" receives pursuant to this section.

3. R. S. 43:10-67 is amended to read as follows:

Pension of retiree's spouse.

43:10-67. If any sheriff's employee, after having been retired on half pay, shall die leaving his surviving widow who was his wife at the time of his retirement, such widow, so long as she shall remain unmarried, shall receive a pension equal to one-half the amount of the annual salary of such sheriff's employee at the time of his retirement. A "widower" shall receive the same benefits as a "widow" receives pursuant to this section.

C. 43:10-69.1 Withdrawal from service.

4. (New section) Any member of the pension fund created pursuant to R. S. 43:10-69, who withdraws from service or ceases to be an employee for any cause other than death or retirement, shall, upon the filing of an application therefor, receive all his accumulated deductions standing to the credit of his account, plus interest at the rate of 2% per annum. If the member shall die before withdrawing or before endorsing the check constituting the return of his accumulated deductions, the deductions shall be paid to his beneficiary. If no beneficiary has been named, the deductions shall be paid to his estate.

5. This act shall take effect immediately.

Approved July 2, 1985.

CHAPTER 219

AN ACT to amend "The Check Cashing Law," approved June 7, 1951 (P. L. 1951, c. 187).

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

1. Section 5 of P. L. 1951, c. 187 (C. 17:15A-5) is amended to read as follows:

C. 17:15A-5 Capital, liquid asset requirements.

5. Every applicant shall prove, in form satisfactory to the commissioner, that he or it has available for the operation of such business, a capital or net worth of at least \$50,000.00, and has available for the operation of such business at each location or for each mobile unit specified in the application, liquid assets of at least \$50,000.00, and every licensee shall at all times maintain for the operation of such business a capital or net worth of at least \$50,000.00, and shall at all times maintain liquid assets of at least \$50,000.00, for the location or the area specified in the license; except that an applicant or licensee who held a license pursuant to P. L. 1951, c. 187 (C. 17:15A-1 et seq.) on the effective date of this 1985 amendatory act, shall only have to prove and maintain at all times a capital or net worth of at least \$5,000.00 and liquid assets of at least \$5,000.00 at each location or for each mobile unit until the expiration of five years after the effective date of this 1985 amendatory act, at which time the applicant or licensee shall be required to prove and maintain at all times a capital or net worth of at least \$50,000.00 and liquid assets of at least \$50,000.00 at each location or for each mobile unit.

2. Section 7 of P. L. 1951, c. 187 (C. 17:15A-7) is amended to read as follows:

C. 17:15A-7 Check-cashing licenses.

7. If the commissioner shall find that the financial responsibility, experience, character and general fitness of the applicant, and of the members thereof if the applicant be a copartnership or association, and of the officers and directors thereof if the applicant be a corporation, are such as to command the confidence of the community and to warrant the belief that such business will be operated

honestly, fairly and efficiently within the purposes of this act; and if the commissioner shall find that the applicant has a capital or net worth of at least \$50,000.00, and has available for the operation of such business liquid assets of at least \$50,000.00, for each specified location or for each mobile unit, except that an applicant who held a license pursuant to P. L. 1951, c. 187 (C. 17:15A-1 et seq.) on the effective date of this 1985 amendatory act, shall only have to have a capital or net worth of at least \$5,000.00 and have available for the operation of that business liquid assets of at least \$5,000.00 for each specified location or for each mobile unit until the expiration of five years after the effective date of this 1985 amendatory act, at which time if the commissioner finds that the applicant has a capital or net worth of at least \$50,000.00 and has available for the operation of the business liquid assets of at least \$50,000.00 for each specified location or for each mobile unit; he shall thereupon issue a license in duplicate to permit the cashing of checks, drafts or money orders in accordance with the provisions of this act at the location or in the area specified in the application. The commissioner shall transmit one copy of such license to the applicant and file the other in the office of the department.

3. Section 17 of P. L. 1951, c. 187 (C. 17:15A-17) is amended to read as follows:

C. 17:15A-17 Maximum fees.

17. The licensee shall not charge or collect in fees, charges, or otherwise, for cashing a check, draft, or money order drawn on a bank or other financial institution located in this State a sum or sums exceeding 1% thereof, and shall not charge or collect in fees, charges, or otherwise, for cashing a check, draft, or money order drawn on any other bank or financial institution a sum or sums exceeding 1½% thereof, or \$0.50, whichever is greater. In every location and upon every mobile unit licensed under this act, there shall be conspicuously posted and at all times displayed, a schedule of fees and charges permitted under this act.

4. This act shall take effect immediately.

Approved July 2, 1985.

CHAPTER 220

AN ACT to amend the "Public Employees' Retirement System Act," approved June 28, 1954 (P. L. 1954, c. 84), 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. Section 61 of P. L. 1954, c. 84 (C. 43:15A-61) is amended to read as follows:

C. 43:15A-61 Public employee veterans' pensions.

61. a. Any public employee veteran member in office, position or employment of this State or of a county, municipality, public agency, school district or board of education on January 2, 1955, who remains in continuous service thereafter and who has or shall have attained the age of 60 years and who has or shall have been for 20 years in office, position or employment of this State or of a county, municipality, public agency, school district or board of education, shall have the privilege of retiring for service and of receiving, instead of the retirement allowance provided under section 48 of this act, a retirement allowance of one-half of the compensation received during the last year of employment upon which contributions to the annuity savings fund or contingent reserve fund are made.

b. Any public employee veteran becoming a member after January 2, 1955, who shall be in office, position or employment of this State or of a county, municipality, public agency, school district or board of education and who shall have attained 62 years of age and who has 20 years of aggregate service credit in such office, position or employment, shall have the privilege of retiring for service and receiving, instead of the retirement allowance provided under section 48 of this act, a retirement allowance of one-half of the compensation received during the last year of employment upon which contributions to the annuity savings fund or contingent reserve fund are made. The provisions of this subsection shall also apply to any veteran who was a member on January 2, 1955, but whose service was not continuous thereafter.

c. Any public employee veteran member who has been for 20 years in the aggregate in office, position or employment of this

State or of a county, municipality, public agency, school district or board of education as of January 2, 1955, shall have the privilege of retiring for ordinary disability and of receiving, instead of the retirement allowance provided under section 45 of this act, a retirement allowance of one-half of the compensation received during the last year of employment upon which contributions to the annuity savings fund or contingent reserve fund are made. Such retirement shall be subject to the provisions governing ordinary disability retirement in sections 42 and 44 of this act.

d. Any public employee veteran member who shall be in office, position or employment of this State or of a county, municipality, public agency, school district or board of education and who shall have attained 60 years of age and who has at least 35 years of aggregate service credit in such office, position or employment, shall have the privilege of retiring for service and receiving a retirement allowance of one-sixtieth of the compensation he received during the last year of employment upon which contributions to the annuity savings fund or contingent reserve fund are made for each year of creditable service.

e. The death benefit provided in section 48 shall apply in the case of any member retiring under the provisions of subsections a., b. and d. of this section. The death benefit provided in section 45 shall apply in the case of any member retiring under the provisions of subsection c. of this section.

2. This act shall take effect immediately.

Approved July 2, 1985.

CHAPTER 221

AN ACT to amend and supplement "An act for the establishment of a police and firemen's retirement system for police, firemen and certain other law enforcement officers," approved May 23, 1944 (P. L. 1944, c. 255) as said title was amended by P. L. 1976, c. 139.

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

1. Section 1 of P. L. 1944, c. 255 (C. 43:16A-1) is amended to read as follows:

C. 43:16A-1 Definitions.

1. As used in this act:

(1) "Retirement system" shall mean the Police and Firemen's Retirement System of New Jersey as defined in section 2 of this act.

(2) "Policeman or fireman" shall mean any permanent and full-time active uniformed employee, and any active permanent and full-time employee who is a detective, lineman, fire alarm operator, or inspector of combustibles of any police or fire department or any employee of a police or fire department who was a member of the retirement system for a period of 15 years prior to his transfer to a position within the department not otherwise covered by the retirement system. 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, chief conservation officer and chief, bureau of law enforcement 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, investigator,

senior investigator, principal investigator, assistant chief investigator, chief investigator and director of custody operations I, II, III in the Department of Corrections, medical security officer, assistant supervising medical security officer, and supervising medical security officer in the Department of Human Services, county detective, lieutenant of county detectives, captain of county detectives, deputy chief of county detectives, chief of county detectives, supervising auditor-investigator, auditor-investigator, electronics specialist, traffic safety coordinator-investigator, supervisor of electronics and investigations, and county investigator in the offices of the county prosecutors, county sheriff, sheriff's officer, sergeant sheriff's officer, lieutenant sheriff's officer, captain sheriff's officer, chief sheriff's officer, and sheriff's investigator in the offices of the county sheriffs, county correction officer, county correction sergeant, county correction lieutenant, county correction captain, and county deputy warden in the several county jails, industrial trade instructor and identification officer in a county of the first class having a population of more than 850,000 inhabitants, cottage officer, head cottage officer, interstate escort officer, juvenile officer, head juvenile officer, assistant supervising juvenile officer, and supervising juvenile officer, chief investigator, assistant chief investigator, senior investigator and investigator in a county welfare agency in a county of the first class, if the county adopts an ordinance or resolution, as appropriate, pursuant to subsection a. of section 2 of P. L. 1985, c. 211 (C. 43:16A-62.3), patrolman capitol police, patrolman institutions, sergeant patrolman institutions, and supervising patrolman institutions and patrolman or other police officer of the Board of Commissioners of the Palisades Interstate Park appointed pursuant to R. S. 32:14-21.

(3) "Member" shall mean any policeman or fireman included in the membership of the retirement system as provided in section 3 of this act.

(4) "Board of trustees" or "board" shall mean the board provided for in section 13 of this act.

(5) "Medical board" shall mean the board of physicians provided for in section 13 of this act.

(6) "Employer" shall mean the State of New Jersey, the county, municipality or political subdivision thereof which pays the particular policeman or fireman.

(7) "Service" shall mean service as a policeman or fireman paid for by an employer.

(8) "Creditable service" shall mean service rendered for which credit is allowed as provided under section 4 of this act.

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

(10) "Aggregate contributions" shall mean the sum of all the amounts, deducted from the compensation of a member or contributed by him or on his behalf, standing to the credit of his individual account in the annuity savings fund.

(11) "Annuity" shall mean payments for life derived from the aggregate contributions of a member.

(12) "Pension" shall mean payments for life derived from contributions by the employer.

(13) "Retirement allowance" shall mean the pension plus the annuity.

(14) "Earnable compensation" shall mean the full rate of the salary that would be payable to an employee if he worked the full normal working time for his position. In cases where salary includes maintenance, the retirement system shall fix the value of that part of the salary not paid in money which shall be considered under this act.

(15) "Average final compensation" shall mean the average annual salary upon which contributions are made for the three years of creditable service immediately preceding his retirement or death, or it shall mean the average annual salary for which contributions are made during any three fiscal years of his or her membership providing the largest possible benefit to the member or his beneficiary.

(16) "Retirement" shall mean the termination of the member's active service with a retirement allowance granted and paid under the provisions of this act.

(17) "Annuity reserve" shall mean the present value of all payments to be made on account of any annuity or benefit in lieu of any annuity computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(18) "Pension reserve" shall mean the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(19) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(20) "Beneficiary" shall mean any person receiving a retirement allowance or other benefit as provided by this act.

(21) "Child" shall mean a deceased member's or retirant's unmarried child 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 two years before the date of her death and to whom she continued to be married until the date of her death and who was receiving at least one-half of his support from the member or retirant in the 12-month period immediately preceding the member's or retirant's death or the accident which was the direct cause of the member's death. The dependency of such a widower will be considered terminated by marriage of the widower subsequent to the death of the member or retirant. In the event of the payment of an accidental death benefit, the two-year qualification shall be waived.

(24) "Widow" shall mean the woman to whom a member or retirant was married at least two years before the date of his death and to whom he continued to be married until the date of his death and who has not remarried. In the event of the payment of an accidental death benefit, the two-year qualification shall be waived.

(25) "Fiscal year" shall mean any year commencing with July 1, and ending with June 30, next following.

(26) "Compensation" shall mean the base salary, for services as a member as defined in this act, which is in accordance with established salary policies of the member's employer for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary duties beyond the regular 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.

C. 43:16A-62.3 County approval; transfer procedure.

2. (New section) a. Either the transfer to or the initial enrollment in the Police and Firemen's Retirement System of chief investigators, assistant chief investigators, senior investigators and investigators in a county welfare agency is contingent upon the approval of the county. A county may make such a transfer or allow such an enrollment upon the adoption of an ordinance or resolution, as appropriate.

b. If an ordinance or resolution is adopted pursuant to subsection a. of this section, an eligible officer who is a member of the Public Employees' Retirement System (P. L. 1954, c. 84, C. 43:15A-1 et seq.) or of 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), or article 1 of chapter 10 of Title 43 of the Revised Statutes (R. S. 43:10-1 et seq.), hereinafter referred to as "county pension fund," shall be permitted to transfer his membership in the retirement system or county pension fund to the Police and Firemen's Retirement System of New Jersey by: (1) waiving all rights and benefits which would otherwise be provided by the Public Employees' Retirement System or county pension fund; and (2) making a lump sum payment into the Police and Firemen's Retirement System annuity savings fund of the amount of the difference between the contribution which was paid as a member

of the Public Employees' Retirement System or a 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 since the date of last enrolling in the Public Employees' Retirement System or a county pension fund. In addition, the employee shall be liable for the amount of the difference between (1) the total contribution paid by the employer of the employee to the Public Employees' Retirement System of New Jersey or county pension fund with respect to any service credit transferred therefrom to the Police and Firemen's Retirement System under this subsection, and (2) the contribution which the employer would have been required to pay to the Police and Firemen's Retirement System with respect to that service credit if the employee had been enrolled in the Police and Firemen's Retirement System during the entire period with respect to which he accumulated that credit; this payment may be made in regular monthly installments, or in a lump sum, as the employee may elect, and pursuant to rules and regulations as may be promulgated by the Division of Pensions. Any such officer will likewise be permitted to continue his membership in the Public Employees' Retirement System or county pension fund by waiving all rights and benefits which would otherwise be provided by the Police and Firemen's Retirement System. Such waivers shall be accomplished by filing forms satisfactory to the New Jersey Division of Pensions, which is responsible for the administration of the Police and Firemen's Retirement System, within 90 days following the effective date of an ordinance or resolution adopted by a county under subsection a. of this section. In the absence of a filing of a timely waiver by any eligible officer, his pension status shall remain unchanged and his membership shall not be transferred to the Police and Firemen's Retirement System.

c. The transfer of membership from the Public Employees' Retirement System or county pension fund to the Police and Firemen's Retirement System shall be done in accordance with the provisions of P. L. 1973, c. 156 (C. 43:16A-62 et seq.). Whenever in P. L. 1973, c. 156 a period of time is set which is to be calculated from the effective date of that act, such time shall be calculated from the effective date of an ordinance or resolution adopted by a county under subsection a. of this section for the purposes hereof.

d. If an ordinance or resolution is adopted pursuant to subsection a. of this section, each new officer who begins employment following the effective date of the ordinance or resolution shall be

required to enroll in the Police and Firemen's Retirement System as a condition of employment, provided he is otherwise eligible for membership by meeting appointment, age, and health requirements prescribed for all members. As of the effective date of the ordinance or resolution, eligibility for membership of new officers in the Public Employees' Retirement System shall be deemed terminated and the membership requirements of such other retirement system shall be deemed satisfied by the enrollment of such officers in the Police and Firemen's Retirement System.

3. This act shall take effect immediately.

Approved July 2, 1985.

CHAPTER 222

AN ACT concerning housing, making an appropriation and amending P. L. 1975, c. 291.

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

C. 52:27D-301 Short title.

1. This act shall be known and may be cited as the "Fair Housing Act."

C. 52:27D-302 Findings.

2. The Legislature finds that:

a. The New Jersey Supreme Court, through its rulings in *South Burlington County NAACP v. Mount Laurel*, 67 N. J. 151 (1975) and *South Burlington County NAACP v. Mount Laurel*, 92 N. J. 158 (1983), has determined that every municipality in a growth area has a constitutional obligation to provide through its land use regulations a realistic opportunity for a fair share of its region's present and prospective needs for housing for low and moderate income families.

b. In the second Mount Laurel ruling, the Supreme Court stated that the determination of the methods for satisfying this constitutional obligation "is better left to the Legislature," that the court has "always preferred legislative to judicial action in their field," and that the judicial role in upholding the Mount Laurel doctrine "could decrease as a result of legislative and executive action."

c. The interest of all citizens, including low and moderate income families in need of affordable housing, would be best served by a comprehensive planning and implementation response to this constitutional obligation.

d. There are a number of essential ingredients to a comprehensive planning and implementation response, including the establishment of reasonable fair share housing guidelines and standards, the initial determination of fair share by officials at the municipal level and the preparation of a municipal housing element, State review of the local fair share study and housing element, and continuous State funding for low and moderate income housing to replace the federal housing subsidy programs which have been almost completely eliminated.

e. The State can maximize the number of low and moderate income units provided in New Jersey by allowing its municipalities to adopt appropriate phasing schedules for meeting their fair share, so long as the municipalities permit a timely achievement of an appropriate fair share of the regional need for low and moderate income housing as required by the Mt. Laurel I and II opinions.

f. The State can also maximize the number of low and moderate income units by rehabilitating existing, but substandard, housing in the State, and, in order to achieve this end, it is appropriate to permit the transfer of a limited portion of the fair share obligations among municipalities in a housing region, so long as the transfer occurs on the basis of sound, comprehensive planning, with regard to an adequate housing financing plan, and in relation to the access of low and moderate income households to employment opportunities.

g. Since the urban areas are vitally important to the State, construction, conversion and rehabilitation of housing in our urban centers should be encouraged. However, the provision of housing in urban areas must be balanced with the need to provide housing throughout the State for the free mobility of citizens.

h. The Supreme Court of New Jersey in its Mount Laurel decisions demands that municipal land use regulations affirmatively afford a reasonable opportunity for a variety and choice of housing including low and moderate cost housing, to meet the needs of people desiring to live there. While provision for the actual construc-

tion of that housing by municipalities is not required, they are encouraged but not mandated to expend their own resources to help provide low and moderate income housing.

C. 52:27D-303 Declarations.

3. The Legislature declares that the statutory scheme set forth in this act is in the public interest in that it comprehends a low and moderate income housing planning and financing mechanism in accordance with regional considerations and sound planning concepts which satisfies the constitutional obligation enunciated by the Supreme Court. The Legislature declares that the State's preference for the resolution of existing and future disputes involving exclusionary zoning is the mediation and review process set forth in this act and not litigation, and that it is the intention of this act to provide various alternatives to the use of the builder's remedy as a method of achieving fair share housing.

C. 52:27D-304 Definitions.

4. As used in this act:

a. "Council" means the Council on Affordable Housing established in this act, which shall have primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in this State.

b. "Housing region" means a geographic area of not less than two nor more than four contiguous, whole counties which exhibit significant social, economic and income similarities, and which constitute to the greatest extent practicable the primary metropolitan statistical areas as last defined by the United States Census Bureau prior to the effective date of this act.

c. "Low income housing" means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 50% or less of the median gross household income for households of the same size within the housing region in which the housing is located.

d. "Moderate income housing" means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to more than 50% but less than 80% of the median gross household income for households of the same size within the housing region in which the housing is located.

e. "Resolution of participation" means a resolution adopted by a municipality in which the municipality chooses to prepare a fair share plan and housing element in accordance with this act.

f. "Inclusionary development" means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low and moderate income households.

g. "Conversion" means the conversion of existing commercial, industrial, or residential structures for low and moderate income housing purposes where a substantial percentage of the housing units are provided for a reasonable income range of low and moderate income households.

h. "Development" means any development for which permission may be required pursuant to the "Municipal Land Use Law," P. L. 1975, c. 291 (C. 40:55D-1 et seq.).

i. "Agency" means the New Jersey Mortgage and Housing Finance Agency established by P. L. 1983, c. 530 (C. 55:14K-1 et seq.).

j. "Prospective need" means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. In determining prospective need, consideration shall be given to approvals of development applications, real property transfers and economic projections prepared by the State Planning Commission established by sections 1 through 12 of P. L. 1985, c. 398 (C. 52:18A-196 et seq.).

C. 52:27D-305 Council on Affordable Housing.

5. a. There is established in, but not of, the Department of Community Affairs a Council on Affordable Housing to consist of nine members appointed by the Governor with the advice and consent of the Senate, of whom four shall be elected officials representing the interests of local government, at least one of whom shall be representative of an urban municipality having a population in excess of 40,000 persons and a population density in excess of 3,000 persons per square mile, and no more than one of whom may be a representative of the interests of county government; two shall represent the interests of households in need of low and moderate housing, one of whom shall represent the interests of

the builders of low and moderate income housing, and shall have an expertise in land use practices and housing issues and one of whom shall be the executive director of the agency, serving ex officio; and three shall represent the public interest. Not more than five of the nine shall be members of the same political party. The membership shall be balanced to the greatest extent practicable among the various housing regions of the State.

b. The members shall serve for terms of six years, except that of the members first appointed, two shall serve for terms of four years, three for terms of five years, and three for terms of six years. All members shall serve until their respective successors are appointed and shall have qualified. Vacancies shall be filled in the same manner as the original appointments, but for the remainders of the unexpired terms only.

c. The members excluding the executive director of the agency shall be compensated at the rate of \$150.00 for each six-hour day, or prorated portion thereof for more or less than six hours, spent in attendance at meetings and consultations and all members shall be eligible for reimbursement for necessary expenses incurred in connection with the discharge of their duties.

d. The Governor shall nominate the members within 30 days of the effective date of this act and shall designate a member to serve as chairman throughout the member's term of office and until his successor shall have been appointed and qualified.

e. Any member may be removed from office for misconduct in office, willful neglect of duty, or other conduct evidencing unfitness for the office, or for incompetence. A proceeding for removal may be instituted by the Attorney General in the Superior Court. A member or employee of the council shall automatically forfeit his office or employment upon conviction of any crime. Any member or employee of the council shall be subject to the duty to appear and testify and to removal from his office or employment in accordance with the provisions of P. L. 1970, c. 72 (C. 2A:81-17.2a et seq.).

C. 52:27D-306 Vice-chairman, executive director; other personnel.

6. a. The council may establish, and from time to time alter, such plan of organization as it may deem expedient, and may incur expenses within the limits of funds available to it.

b. The council shall elect annually by a majority of its members one of its members, other than the chairman, to serve as vice-

chairman for a term of one year and until his successor is elected. The vice-chairman shall carry out all of the responsibilities of the chairman as prescribed in this act during the chairman's absence, disqualification or inability to serve.

c. The council shall appoint and fix the salary of an executive director who shall serve at its pleasure. The council may employ such other personnel as it deems necessary. All employees of the council shall be in the unclassified service of the Civil Service. The council may employ legal counsel who shall represent it in any proceeding to which it is a party, and who shall render legal advice to the council. The council may contract for the services of other professional, technical and operational personnel and consultants as may be necessary to the performance of its duties. Employees shall be enrolled in the Public Employees' Retirement System of New Jersey established under P. L. 1954, c. 84 (C. 43:15A-1 et seq.).

C. 52:27D-307 Duties of council.

7. It shall be the duty of the council, seven months after the confirmation of the last member initially appointed to the council, or January 1, 1986, whichever is earlier, and from time to time thereafter, to:

- a. Determine housing regions of the State;
- b. Estimate the present and prospective need for low and moderate income housing at the State and regional levels;
- c. Adopt criteria and guidelines for:
 - (1) Municipal determination of its present and prospective fair share of the housing need in a given region. Municipal fair share shall be determined after crediting on a one-to-one basis each current unit of low and moderate income housing of adequate standard, including any such housing constructed or acquired as part of a housing program specifically intended to provide housing for low and moderate income households;
 - (2) Municipal adjustment of the present and prospective fair share based upon available vacant and developable land, infrastructure considerations or environmental or historic preservation factors and adjustments shall be made whenever:
 - (a) The preservation of historically or important architecture and sites and their environs or environmentally sensitive lands may be jeopardized,

(b) The established pattern of development in the community would be drastically altered,

(c) Adequate land for recreational, conservation or agricultural and farmland preservation purposes would not be provided,

(d) Adequate open space would not be provided,

(e) The pattern of development is contrary to the planning designations in the State Development and Redevelopment Plan prepared pursuant to sections 1 through 12 of P. L. 1985, c. 398 (C. 52:18A-196 et seq.),

(f) Vacant and developable land is not available in the municipality, and

(g) Adequate public facilities and infrastructure capacities are not available, or would result in costs prohibitive to the public if provided; and

(3) Phasing of present and prospective fair share housing requirements pursuant to section 23 of this act;

d. Provide population and household projections for the State and housing regions;

e. May in its discretion, place a limit, based on a percentage of existing housing stock in a municipality and any other criteria including employment opportunities which the council deems appropriate, upon the aggregate number of units which may be allocated to a municipality as its fair share of the region's present and prospective need for low and moderate income housing.

In carrying out the above duties, including, but not limited to, present and prospective need estimations the council shall give appropriate weight to pertinent research studies, government reports, decisions of other branches of government, implementation of the State Development and Redevelopment Plan prepared pursuant to sections 1 through 12 of P. L. 1985, c. 398 and public comment. To assist the council, the State Planning Commission established under that act shall provide the council annually with economic growth, development and decline projections for each housing region for the next six years. The council shall develop procedures for periodically adjusting regional need based upon the low and moderate income housing that is provided in the region through any federal, State, municipal or private housing program.

C. 52:27D-308 Procedural rules.

8. Within four months after the confirmation of the last member initially appointed to the council, or January 1, 1986, whichever is earlier, the council shall, in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), propose procedural rules.

C. 52:27D-309 Municipal housing element.

9. a. Within four months after the effective date of this act, each municipality which so elects shall, by a duly adopted resolution of participation, notify the council of its intent to submit to the council its fair share housing plan. Within five months after the council's adoption of its criteria and guidelines, the municipality shall prepare and file with the council a housing element, based on the council's criteria and guidelines, and any fair share housing ordinance introduced and given first reading and second reading in a hearing pursuant to R. S. 40:49-2 which implements the housing element.

b. A municipality which does not notify the council of its participation within four months may do so at any time thereafter. In any exclusionary zoning litigation instituted against such a municipality, however, there shall be no exhaustion of administrative remedy requirements pursuant to section 16 of this act unless the municipality also files its fair share plan and housing element with the council prior to the institution of the litigation.

C. 52:27D-310 Essential components.

10. A municipality's housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing, and shall contain at least:

a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;

b. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing,

for the next six years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;

c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;

d. An analysis of the existing and probable future employment characteristics of the municipality;

e. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing; and

f. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

C. 52:27D-311 Techniques for provision of fair share.

11. a. In adopting its housing element, the municipality may provide for its fair share of low and moderate income housing by means of any technique or combination of techniques which provide a realistic opportunity for the provision of the fair share. The housing element shall contain an analysis demonstrating that it will provide such a realistic opportunity, and the municipality shall establish that its land use and other relevant ordinances have been revised to incorporate the provisions for low and moderate income housing. In preparing the housing element, the municipality shall consider the following techniques for providing low and moderate income housing within the municipality, as well as such other techniques as may be published by the council or proposed by the municipality:

(1) Rezoning for densities necessary to assure the economic viability of any inclusionary developments, either through mandatory set-asides or density bonuses, as may be necessary to meet all or part of the municipality's fair share;

(2) Determination of the total residential zoning necessary to assure that the municipality's fair share is achieved;

(3) Determination of measures that the municipality will take to assure that low and moderate income units remain affordable

to low and moderate income households for an appropriate period of not less than six years;

(4) A plan for infrastructure expansion and rehabilitation if necessary to assure the achievement of the municipality's fair share of low and moderate income housing;

(5) Donation or use of municipally owned land or land condemned by the municipality for purposes of providing low and moderate income housing;

(6) Tax abatements for purposes of providing low and moderate income housing;

(7) Utilization of funds obtained from any State or federal subsidy toward the construction of low and moderate income housing; and

(8) Utilization of municipally generated funds toward the construction of low and moderate income housing.

b. The municipality may provide for a phasing schedule for the achievement of its fair share of low and moderate income housing which is not inconsistent with section 23 of this act.

c. The municipality may propose that a portion of its fair share be met through a regional contribution agreement. The housing element shall demonstrate, however, the manner in which that portion will be provided within the municipality if the regional contribution agreement is not entered into. The municipality shall provide a statement of its reasons for the proposal.

d. Nothing in this act shall require a municipality to raise or expend municipal revenues in order to provide low and moderate income housing.

C. 52:27D-312 Regional contribution agreements.

12. a. A municipality may propose the transfer of up to 50% of its fair share to another municipality within its housing region by means of a contractual agreement into which two municipalities voluntarily enter. A municipality proposing to transfer to another municipality shall provide the council with the housing element and statement required under subsection c. of section 11 of this act, and shall request the council to determine a match with a municipality filing a statement of intent pursuant to subsection e. of this section. Except as provided in subsection b. of this section, the agreement may be entered into upon obtaining substantive certification under section 14 of this act, or anytime thereafter. The regional contribution agreement entered into shall specify how the housing shall be provided by the second

municipality, hereinafter the receiving municipality, and the amount of contributions to be made by the first municipality, hereinafter the sending municipality.

b. A municipality which is a defendant in an exclusionary zoning suit and which has not obtained substantive certification pursuant to this act may request the court to be permitted to fulfill a portion of its fair share by entering into a regional contribution agreement. If the court believes the request to be reasonable, the court shall request the council to review the proposed agreement and to determine a match with a receiving municipality or municipalities pursuant to this section. The court may establish time limitations for the council's review, and shall retain jurisdiction over the matter during the period of council review. If the court determines that the agreement provides a realistic opportunity for the provision of low and moderate income housing within the housing region, it shall provide the sending municipality a credit against its fair share for housing to be provided through the agreement in the manner provided in this section.

The agreement shall be entered into prior to the entry of a final judgment in the litigation. In cases in which a final judgment was entered prior to the date this act takes effect and in which an appeal is pending, a municipality may request consideration of a regional contribution agreement; provided that it is entered into within 120 days after this act takes effect. In a case in which a final judgment has been entered, the court shall consider whether or not the agreement constitutes an expeditious means of providing part of the fair share.

c. Regional contribution agreements shall be approved by the council, after review by the county planning board or agency of the county in which the receiving municipality is located. The council shall determine whether or not the agreement provides a realistic opportunity for the provision of low and moderate income housing within convenient access to employment opportunities. The council shall refer the agreement to the county planning board or agency which shall review whether or not the transfer agreement is in accordance with sound, comprehensive regional planning. In its review, the county planning board or agency shall consider the master plan and zoning ordinance of the sending and receiving municipalities, its own county master plan, and the State Development and Redevelopment Plan. In the event that there is no county planning board or agency in the county in which the receiving municipality is located, the council

shall also determine whether or not the agreement is in accordance with sound, comprehensive regional planning. After it has been determined that the agreement provides a realistic opportunity for low and moderate income housing within convenient access to employment opportunities, and that the agreement is consistent with sound, comprehensive regional planning, the council shall approve the regional contribution agreement by resolution. All determinations of a county planning board or agency shall be in writing and shall be made within such time limits as the council may prescribe, beyond which the council shall make those determinations and no fee shall be paid to the county planning board or agency pursuant to this subsection.

d. In approving a regional contribution agreement, the council shall set forth in its resolution a schedule of the contributions to be appropriated annually by the sending municipality. A copy of the adopted resolution shall be filed promptly with the Director of the Division of Local Government Services in the Department of Community Affairs, and the director shall thereafter not approve an annual budget of a sending municipality if it does not include appropriations necessary to meet the terms of the resolution. Amounts appropriated by a sending municipality for a regional contribution agreement pursuant to this section are exempt from the limitations or increases in final appropriations imposed under P. L. 1976, c. 68 (C. 40A :4-45.1 et seq.).

e. The council shall maintain current lists of municipalities which have stated an intent to enter into regional contribution agreements as receiving municipalities, and shall establish procedures for filing statements of intent with the council. No receiving municipality shall be required to accept a greater number of low and moderate income units through an agreement than it has expressed a willingness to accept in its statement, but the number stated shall not be less than a reasonable minimum number of units, not to exceed 100, as established by the council. The council shall require a project plan from a receiving municipality prior to the entering into of the agreement, and shall submit the project plan to the agency for its review as to the feasibility of the plan prior to the council's approval of the agreement. The agency may recommend and the council may approve as part of the project plan a provision that the time limitations for contractual guarantees or resale controls for low and moderate income units included in the project shall be less than 30 years, if it is determined that modification is necessary to assure the economic viability of the project.

f. The council shall establish guidelines for the duration and amount of contributions in regional contribution agreements. In doing so, the council shall give substantial consideration to the average of: (1) the median amount required to rehabilitate a low and moderate income unit up to code enforcement standards; (2) the average internal subsidization required for a developer to provide a low income housing unit in an inclusionary development; (3) the average internal subsidization required for a developer to provide a moderate income housing unit in an inclusionary development. Contributions may be prorated in municipal appropriations occurring over a period not to exceed six years and may include an amount agreed upon to compensate or partially compensate the receiving municipality for infrastructure or other costs generated to the receiving municipality by the development. Appropriations shall be made and paid directly to the receiving municipality or municipalities.

g. The council shall require receiving municipalities to file annual reports with the agency setting forth the progress in implementing a project funded under a regional contribution agreement, and the agency shall provide the council with its evaluation of each report. The council shall take such actions as may be necessary to enforce a regional contribution agreement with respect to the timely implementation of the project by the receiving municipality.

C. 52:27D-313 Petition for substantive certification.

13. A municipality which has filed a housing element may, at any time during a six year period following the filing of the housing element, petition the council for a substantive certification of its element and ordinances or institute an action for declaratory judgment granting it six-year repose in the Superior Court. The municipality shall publish notice of its petition in a newspaper of general circulation within the municipality and county and shall make available to the public information on the element and ordinances in accordance with such procedures as the council shall establish. The council shall also establish a procedure for providing public notice of each petition which it receives.

C. 52:27D-314 Issuance of certification.

14. Unless an objection to the substantive certification is filed with the council by any person within 45 days of the publication of the notice of the municipality's petition, the council shall review the petition and shall issue a substantive certification if it shall find that:

a. The municipality's fair share plan is consistent with the rules and criteria adopted by the council and not inconsistent with achievement of the low and moderate income housing needs of the region as adjusted pursuant to the council's criteria and guidelines adopted pursuant to subsection c. of section 7 of this act; and

b. The combination of the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations, and the affirmative measures in the housing element and implementation plan make the achievement of the municipality's fair share of low and moderate income housing realistically possible after allowing for the implementation of any regional contribution agreement approved by the council.

In conducting its review, the council may meet with the municipality and may deny the petition or condition its certification upon changes in the element or ordinances. Any denial or conditions for approval shall be in writing and shall set forth the reasons for the denial or conditions. If, within 60 days of the council's denial or conditional approval, the municipality refiles its petition with changes satisfactory to the council, the council shall issue a substantive certification.

Once substantive certification is granted, the municipality shall have 45 days in which to adopt its fair share housing ordinance approved by the council.

C. 52:27D-315 Mediation, review process.

15. a. The council shall engage in a mediation and review process in the following situations: (1) if an objection to the municipality's petition for substantive certification is filed with the council within the time specified in section 14 of this act; or (2) if a request for mediation and review is made pursuant to section 16 of this act.

b. In cases in which an objection is filed to substantive certification the council shall meet with the municipality and the objectors and attempt to mediate a resolution of the dispute. If the mediation is successful, the council shall issue a substantive certification if it finds that the criteria of section 14 of this act have been met.

c. If the mediation efforts are unsuccessful, the matter shall be transferred to the Office of Administrative Law as a contested case as defined in the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

The Office of Administrative Law shall expedite its hearing process as much as practicable by promptly assigning an administrative law judge to the matter; promptly scheduling an evidentiary

hearing; expeditiously conducting and concluding the evidentiary hearing; limiting the time allotted for briefs, proposed findings of fact, conclusions of law, forms of order or other disposition, or other supplemental material; and the prompt preparation of the initial decision. A written transcript of all oral testimony and copies of all exhibits introduced into evidence shall be submitted to the council by the Office of Administrative Law simultaneously with a copy of the initial decision. The evidentiary hearing shall be concluded and the initial decision issued no later than 90 days after the transmittal of the matter as a contested case to the Office of Administrative Law by the council, unless the time is extended by the Director of the Office of Administrative Law for good cause shown.

C. 52:27D-316 Motion for transfer.

16. a. For those exclusionary zoning cases instituted more than 60 days before the effective date of this act, any party to the litigation may file a motion with the court to seek a transfer of the case to the council. In determining whether or not to transfer, the court shall consider whether or not the transfer would result in a manifest injustice to any party to the litigation. If the municipality fails to file a housing element and fair share plan with the council within five months from the date of transfer, or promulgation of criteria and guidelines by the council pursuant to section 7 of this act, whichever occurs later, jurisdiction shall revert to the court.

b. Any person who institutes litigation less than 60 days before the effective date of this act or after the effective date of this act challenging a municipality's zoning ordinance with respect to the opportunity to provide for low or moderate income housing, shall file a notice to request review and mediation with the council pursuant to sections 14 and 15 of this act. In the event that the municipality adopts a resolution of participation within the period established in subsection a. of section 9 of this act, the person shall exhaust the review and mediation process of the council before being entitled to a trial on his complaint.

C. 52:27D-317 Presumption of validity.

17. a. In any exclusionary zoning case filed against a municipality which has a substantive certification and in which there is a requirement to exhaust the review and mediation process pursuant to section 16 of this act, there shall be a presumption of validity attaching to the housing element and ordinances implementing the

housing element. To rebut the presumption of validity, the complainant shall have the burden of proof to demonstrate by clear and convincing evidence that the housing element and ordinances implementing the housing element do not provide a realistic opportunity for the provision of the municipality's fair share of low and moderate income housing after allowing for the implementation of any regional contribution agreement approved by the council.

b. There shall be a presumption of validity attaching to any regional contribution agreement approved by the council. To rebut the presumption of validity, the complainant shall have the burden of proof to demonstrate by clear and convincing evidence that the agreement does not provide for a realistic opportunity for the provision of low and moderate income housing within the housing region.

c. The council shall be made a party to any exclusionary zoning suit against a municipality which receives substantive certification, and shall be empowered to present to the court its reasons for granting substantive certification.

C. 52:27D-318 Expiration of administrative remedy obligation.

18. If a municipality which has adopted a resolution of participation pursuant to section 9 of this act fails to meet the deadline for submitting its housing element to the council prior to the institution of exclusionary zoning litigation, the obligation to exhaust administrative remedies contained in subsection b. of section 16 of this act automatically expires. The obligation also expires if the council rejects the municipality's request for substantive certification or conditions its certification upon changes which are not made within the period established in this act or within an extension of that period agreed to by the council and all litigants.

C. 52:27D-319 Motion for relief.

19. If the council has not completed its review and mediation process for a municipality within six months of receipt of a request by a party who has instituted litigation, the party may file a motion with a court of competent jurisdiction to be relieved of the duty to exhaust administrative remedies. In the case of review and mediation requests filed within nine months after this act takes effect, the six-month completion date shall not begin to run until nine months after this act takes effect.

C. 52:27D-320 Neighborhood Preservation Fund.

20. The Neighborhood Preservation Program within the Department of Community Affairs' Division of Housing and Development, established pursuant to the Commissioner of the Department of Community Affairs' authority under section 8 of P. L. 1975, c. 248 (C. 52:27D-149), shall establish a separate Neighborhood Preservation Nonlapsing Revolving Fund for monies appropriated by section 33 of this act.

a. The commissioner shall award grants or loans from this fund to municipalities whose housing elements have received substantive certification from the council, to municipalities subject to builder's remedy as defined in section 28 of this act or to receiving municipalities in cases where the council has approved a regional contribution agreement and a project plan developed by the receiving municipality. The commissioner shall assure that a substantial percentage of the loan or grant awards shall be made to projects and programs in those municipalities receiving State aid pursuant to P. L. 1978, c. 14 (C. 52:27D-178 et seq.).

b. The commissioner shall establish rules and regulations governing the qualifications of applicants, the application procedures, and the criteria for awarding grants and loans and the standards for establishing the amount, terms and conditions of each grant or loan.

c. During the first 12 months from the effective date of this act and for any additional period which the council may approve, the commissioner may assist affordable housing programs which are not located in municipalities whose housing elements have been granted substantive certification or which are not in furtherance of a regional contribution agreement; provided that the affordable housing program will meet all or part of a municipal low and moderate income housing obligation.

d. Amounts deposited in the Neighborhood Preservation Fund shall be targeted to regions based on the region's percentage of the State's low and moderate income housing need as determined by the council. Amounts in the fund shall be applied for the following purposes in designated neighborhoods:

(1) Rehabilitation of substandard housing units occupied or to be occupied by low and moderate income households;

(2) Creation of accessory apartments to be occupied by low and moderate income households;

(3) Conversion of nonresidential space to residential purposes; provided a substantial percentage of the resulting housing units are to be occupied by low and moderate income households;

(4) Acquisition of real property, demolition and removal of buildings, or construction of new housing that will be occupied by low and moderate income households, or any combination thereof;

(5) Grants of assistance to eligible municipalities for costs of necessary studies, surveys, plans and permits; engineering, architectural and other technical services; costs of land acquisition and any buildings thereon; and costs of site preparation, demolition and infrastructure development for projects undertaken pursuant to an approved regional contribution agreement;

(6) Assistance to a local housing authority, nonprofit or limited dividend housing corporation or association for rehabilitation or restoration of housing units which it administers which: (a) are unusable or in a serious state of disrepair; (b) can be restored in an economically feasible and sound manner; and (c) can be retained in a safe, decent and sanitary manner, upon completion of rehabilitation or restoration; and

(7) Other housing programs for low and moderate income housing, including infrastructure projects directly facilitating the construction of low and moderate income housing not to exceed a reasonable percentage of the construction costs of the low and moderate income housing to be provided.

e. Any grant or loan agreement entered into pursuant to this section shall incorporate contractual guarantees and procedures by which the division will ensure that any unit of housing provided for low and moderate income households shall continue to be occupied by low and moderate income households for at least 20 years following the award of the loan or grant, except that the division may approve a guarantee for a period of less than 20 years where necessary to ensure project feasibility.

C. 52:27D-321 Affordable housing assistance.

21. The agency shall establish affordable housing programs to assist municipalities in meeting the obligation of developing communities to provide low and moderate income housing.

a. Of the bond authority allocated to it under section 24 of P. L. 1983, c. 530 (C. 55:14K-24), the agency will allocate, for a reasonable period of time established by its board, no less than 25% to be used in conjunction with housing to be constructed or rehabilitated with assistance under this act.

b. The agency shall to the extent of available funds, award assistance to affordable housing programs located in municipalities whose housing elements have received substantive certification from the council, or which have been subject to a builder's remedy or which are in furtherance of a regional contribution agreement approved by the council. During the first 12 months from the effective date of this act and for any additional period which the council may approve, the agency may assist affordable housing programs which are not located in municipalities whose housing elements have been granted substantive certification or which are not in furtherance of a regional contribution agreement; provided the affordable housing program will meet all or in part a municipal low and moderate income housing obligation.

c. Assistance provided pursuant to this section may take the form of grants or awards to municipalities, prospective home purchasers, housing sponsors as defined in P. L. 1983, c. 530 (C. 55:14K-1 et seq.), or as contributions to the issuance of mortgage revenue bonds or multi-family housing development bonds which have the effect of achieving the goal of producing affordable housing.

d. Affordable housing programs which may be financed or assisted under this provision may include, but are not limited to:

(1) Assistance for home purchase and improvement including interest rate assistance, down payment and closing cost assistance, and direct grants for principal reduction;

(2) Rental programs including loans or grants for developments containing low and moderate income housing, moderate rehabilitation of existing rental housing, congregate care and retirement facilities;

(3) Financial assistance for the conversion of nonresidential space to residences;

(4) Other housing programs for low and moderate income housing, including infrastructure projects directly facilitating the construction of low and moderate income housing; and

(5) Grants or loans to municipalities, housing sponsors and community organizations to encourage development of innovative approaches to affordable housing, including:

(a) Such advisory, consultative, training and educational services as will assist in the planning, construction, rehabilitation and operation of housing; and

(b) Encouraging research in and demonstration projects to develop new and better techniques and methods for increasing the

supply, types and financing of housing and housing projects in the State.

e. The agency shall establish procedures and guidelines governing the qualifications of applicants, the application procedures and the criteria for awarding grants and loans for affordable housing programs and the standards for establishing the amount, terms and conditions of each grant or loan.

f. In consultation with the council, the agency shall establish requirements and controls to insure the maintenance of housing assisted under this act as affordable to low and moderate income households for a period of not less than 20 years; provided that the agency may establish a shorter period upon a determination that the economic feasibility of the program is jeopardized by the requirement and the public purpose served by the program outweighs the shorter period. The controls may include, among others, requirements for recapture of assistance provided pursuant to this act or restrictions on return on equity in the event of failure to meet the requirements of the program. With respect to rental housing financed by the agency pursuant to this act or otherwise which promotes the provision or maintenance of low and moderate income housing, the agency may waive restrictions on return on equity required pursuant to P. L. 1983, c. 530 (C. 55:14K-1 et seq.) which is gained through the sale of the property or of any interest in the property or sale of any interest in the housing sponsor.

g. The agency may establish affordable housing programs through the use or establishment of subsidiary corporations or development corporations as provided in P. L. 1983, c. 530 (C. 55:14K-1 et seq.). The subsidiary corporations or development corporations shall be eligible to receive funds provided under this act for any permitted purpose.

C. 52:27D-322 6-year moratorium.

22. Any municipality which has reached a settlement of any exclusionary zoning litigation prior to the effective date of this act shall not be subject to any exclusionary zoning suit for a six year period following the effective date of this act. Any such municipality shall be deemed to have a substantively certified housing element and ordinances, and shall not be required during that period to take any further actions with respect to provisions for low and moderate income housing in its land use ordinances or regulations.

C. 52:27D-323 Phase-in of obligation.

23. a. A municipality which has an action pending or a judgment entered against it after the effective date of this act, or which had a judgment entered against it prior to that date and from which an appeal is pending, or which brings an action for declaratory judgment pursuant to section 13 of this act, shall upon municipal request be allowed to phase in its obligation for a fair share of low and moderate income housing. If such a phase-in is requested by the municipality, the court shall implement a phase-in for the issuance of final approvals, as defined in section 3.1 of P. L. 1975, c. 291 (C. 40:55D-4), for low and moderate income housing, which shall be based on an analysis of the following factors:

- (1) The size of the municipal fair share;
- (2) The present and projected capacity of the community's infrastructure, taking into account expansion and rehabilitation of existing facilities;
- (3) Vacant developable land;
- (4) Likely absorption rate for housing in light of market forces;
- (5) Reasonable development priorities among areas of the community; and
- (6) Past performance in providing low and moderate income housing, including credit for low and moderate income senior or disabled citizen housing.

b. The phase-in schedule shall provide for the grant of preliminary approvals to the developer subject to the phase-in schedule for final approvals in accordance with time periods set forth in sections 34, 36 and 48 of P. L. 1975, c. 291 (C. 40:55D-46, 48 and 61), provided that such preliminary approvals shall confer vested rights as defined in subsection a. of section 37 of P. L. 1975, c. 291 (C. 40:55D-49) for the period until the developer has the ability to proceed to final approval pursuant to the phase-in schedule. In any phase-in schedule for a development, all final approvals shall be cumulative.

c. The court shall, where appropriate, also implement a phase-in schedule for the market units in the inclusionary development which are not low and moderate income, giving due consideration to the plan for low and moderate income housing established in this section and the need to maintain the economic viability of the development.

d. In entering the phase-in order, the court shall consider whether or not it is necessary to condition the phase-in order upon a phase-

in schedule for the construction of other developments in the municipality to minimize an imbalance between available housing units and available jobs, or to prevent the sites which are the most appropriate or the only possible sites for the construction of low and moderate income housing from being used for other purposes, or to prevent limited public infrastructure capacities from being entirely utilized for other purposes.

e. In entering a phase-in order, the court, upon municipal request, shall implement a specific phase-in schedule for the issuance of final approvals in inclusionary developments. The court shall take into account the six analysis factors enumerated in subsection a. of this section, giving particular attention to:

(1) The size of the municipal fair share which is to be provided in inclusionary developments;

(2) The extent and projected capacity of the community's infrastructure, taking into account expansion and rehabilitation of existing facilities; and

(3) The extent and pattern of growth within the municipality and region during the six years prior to the implementation of the phase-in plan.

The following time periods shall be guidelines for a phase-in schedule for the issuance of final approvals in inclusionary developments, subject, however, to upward or downward modification based upon a review of the analysis factors:

Any municipality which has a fair share obligation to provide 2,000 or more low and moderate income units in inclusionary developments shall be entitled to consideration of a phase-in schedule for the issuance of final approvals in inclusionary developments of at least 20 years from the effective date of this act.

Any municipality which has a fair share obligation to provide between 1,500 and 1,999 low and moderate income units in inclusionary developments shall be entitled to consideration of a phase-in schedule for the issuance of final approvals in inclusionary developments of at least 15 years from the effective date of this act.

Any municipality which has a fair share obligation to provide between 1,000 and 1,499 low and moderate income units in inclusionary developments shall be entitled to consideration of a phase-in schedule for the issuance of final approvals in inclusionary developments of at least 10 years from the effective date of this act.

Any municipality which has a fair share obligation to provide between 500 and 999 low and moderate income units in inclusionary

developments shall be entitled to consideration of a phase-in schedule for the issuance of final approvals in inclusionary developments of at least six years from the effective date of this act.

Any municipality which has a fair share obligation to provide less than 500 low and moderate income units in inclusionary developments shall be entitled to consideration of a phase-in schedule for the issuance of final approvals in inclusionary developments for such period of time, including a period of at least six years, as is determined to be reasonable pursuant to the analysis factors.

f. As part of a phase-in order concerning inclusionary developments, the court may approve a municipal plan, or implement another plan, concerning priorities among developers and sites, and the timing in the issuance of final approvals to particular developers. Any plan concerning priorities and the timing of final approvals shall take into consideration:

(1) The location of various sites and their suitability for development pursuant to environmental protection and sound planning criteria, including their consistency with reasonable provisions of municipal master plans;

(2) Infrastructure capacity or the ability to provide the capacity for the site, and the readiness of a particular developer to commence construction;

(3) Any settlements or court orders establishing priorities among developers.

Consistent with the overall phase-in schedule adopted pursuant to the analysis factors, the municipality shall make a good faith effort to time the issuance of final approvals for particular developments which it approves in a manner which enables the realistic and economically viable construction of the development. To this end, the municipality shall take into consideration the need for sufficient development in a particular project to permit timely recovery of infrastructure costs, and, in the case of a development which will have a homeowners' association, to prevent the imposition of excessive homeowners' fees because of the failure to achieve economies of scale. In the case of developers who have previously constructed residential developments in this State, a municipality shall also take into consideration the greatest number of units which the developer has constructed in any one development in the State within any one year period; this factor shall be considered if the municipality seeks to phase the issuance of final approvals for the inclusionary development over a period greater than one year.

C. 52:27D-324 Agency administration of controls.

24. The agency shall establish procedures for entering into, and shall enter into, contractual agreements with willing municipalities or developers of inclusionary developments whereby the agency will administer resale controls and rent controls in municipalities where no appropriate administrative agency exists. The contractual agreements shall be for the duration of the controls and shall involve eligibility determinations, determination of initial occupants, the marketing of units, maintenance of eligibility lists for subsequent purchasers or renters, and determination of maximum resale prices or rents. The agency may charge the municipality or inclusionary developer a reasonable per unit fee for entering into such an agreement, or may charge a reasonable fee to a low or moderate income household at the time the home is sold subject to the resale control or both. Agency fees shall be established according to methods or schedules approved by the State Treasurer.

C. 52:27D-325 Municipal powers.

25. Notwithstanding any other law to the contrary, a municipality may purchase, lease or acquire by gift real property and any estate or interest therein, which the municipal governing body determines necessary or useful for the construction or rehabilitation of low and moderate income housing or conversion to low and moderate income housing.

The municipality may provide for the acquisition, construction and maintenance of buildings, structures or other improvements necessary or useful for the provision of low and moderate income housing, and may provide for the reconstruction, conversion or rehabilitation of those improvements in such manner as may be necessary or useful for those purposes.

Notwithstanding the provisions of any other law regarding the conveyance, sale or lease of real property by municipalities, the municipal governing body may, by resolution, authorize the private sale and conveyance or lease of a housing unit or units acquired or constructed pursuant to this section, where the sale, conveyance or lease is to a low or moderate income household or nonprofit entity and contains a contractual guarantee that the housing unit will remain available to low and moderate income households for a period of at least 30 years.

C. 52:27D-326 Reports to Governor, Legislature.

26. Within 12 months after the effective date of this act and every year thereafter, the agency and the council shall report separately to the Governor and the Legislature on the effect of this act in promoting the provision of low and moderate income housing in the several housing regions of this State. The reports may include recommendations for any revisions or changes in this act which the agency and the council believe necessary to more nearly effectuate this end.

Within 36 months after the effective date of this act, the council shall report to the Governor and the Legislature concerning the actions necessary to be taken at the State, regional, county and municipal levels to provide for the implementation and administration of this act on a regional basis, including any revisions or changes in the law necessary to accomplish that end. The council may include in the report any recommendations or considerations it may wish to provide regarding the advisability of implementing and administering this act on a regional basis.

C. 52:27D-327 Budget "cap" exemption.

27. Amounts expended by a municipality in preparing and implementing a housing element and fair share plan pursuant to this act shall be considered a mandated expenditure exempt from the limitations on final appropriations imposed pursuant to P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.).

C. 52:27D-328 Builder's remedy moratorium.

28. No builder's remedy shall be granted to a plaintiff in any exclusionary zoning litigation which has been filed on or after January 20, 1983, unless a final judgment providing for a builder's remedy has already been rendered to that plaintiff. This provision shall terminate upon the expiration of the period set forth in subsection a. of section 9 of this act for the filing with the council of the municipality's housing element.

For the purposes of this section, "final judgment" shall mean a judgment subject to an appeal as of right for which all right to appeal is exhausted.

For the purposes of this section, "exclusionary zoning litigation" shall mean lawsuits filed in courts of competent jurisdiction in this State challenging a municipality's zoning and land use regulations on the basis that the regulations do not make realistically possible the opportunity for an appropriate variety and choice of housing

for all categories of people living within the municipality's housing region, including those of low and moderate income, who may desire to live in the municipality.

For the purposes of this section, "builder's remedy" shall mean a court imposed remedy for a litigant who is an individual or a profit-making entity in which the court requires a municipality to utilize zoning techniques such as mandatory set-asides or density bonuses which provide for the economic viability of a residential development by including housing which is not for low and moderate income households.

29. Section 19 of P. L. 1975, c. 291 (C. 40:55D-28) is amended to read as follows:

C. 40:55D-28 Preparation; contents; modification.

19. Preparation; contents; modification.

a. The planning board may prepare and, after public hearing, adopt or amend a master plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare.

b. The master plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting, where appropriate, the following elements:

(1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;

(2) A land use plan element (a) taking into account the other master plan elements and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands; (b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes; (c) showing the existing and proposed location of any airports and the boundaries of any airport hazard areas delineated pursuant to the "Air Safety and Hazardous Zoning Act of 1983," P. L. 1983, c. 260 (C. 6:1-80 et seq.); and (d) including a statement of the standards of population density and development intensity recommended for the municipality;

(3) A housing plan element pursuant to section 10 of P. L. 1985, c. 222 (C. 52:27D-310), including, but not limited to, residential

standards and proposals for the construction and improvement of housing;

(4) A circulation plan element showing the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about, and through the municipality;

(5) A utility service plan element analyzing the need for and showing the future general location of water supply and distribution facilities, drainage and flood control facilities, sewerage and waste treatment, solid waste disposal and provision for other related utilities;

(6) A community facilities plan element showing the location and type of educational or cultural facilities, historic sites, libraries, hospitals, firehouses, police stations and other related facilities, including their relation to the surrounding areas;

(7) A recreation plan element showing a comprehensive system of areas and public sites for recreation;

(8) A conservation plan element providing for the preservation, conservation, and utilization of natural resources, including, to the extent appropriate, open space, water, forests, soil, marshes, wetlands, harbors, rivers and other waters, fisheries, wildlife and other natural resources;

(9) An energy conservation plan element which systematically analyzes the impact of each other component and element of the master plan on the present and future use of energy in the municipality, details specific measures contained in the other plan elements designed to reduce energy consumption, and proposes other measures that the municipality may take to reduce energy consumption and to provide for the maximum utilization of renewable energy sources; and

(10) Appendices or separate reports containing the technical foundation for the master plan and its constituent elements.

c. The master plan and its plan elements may be divided into subplans and subplan elements projected according to periods of time or staging sequences.

d. The master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located and (3) any comprehensive guide plan pursuant to section 15 of P. L. 1961, c. 47 (C. 13:1B-15.52).

30. Section 49 of P. L. 1975, c. 291 (C. 40:55D-62) is amended to read as follows:

C. 40:55D-62 Power to zone.

49. Power to zone.

a. The governing body may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon. Such ordinance shall be adopted after the planning board has adopted the land use plan element and the housing plan element of a master plan, and all of the provisions of such zoning ordinance or any amendment or revision thereto shall either be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; provided that the governing body may adopt a zoning ordinance or amendment or revision thereto which in whole or part is inconsistent with or not designed to effectuate the land use plan element and the housing plan element, but only by affirmative vote of a majority of the full authorized membership of the governing body, with the reasons of the governing body for so acting recorded in its minutes when adopting such a zoning ordinance; and provided further that, notwithstanding anything aforesaid, the governing body may adopt an interim zoning ordinance pursuant to subsection 77b. of this act.

The zoning ordinance shall be drawn with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate use of land. The regulations in the zoning ordinance shall be uniform throughout each district for each class or kind of buildings or other structures or uses of land, including planned unit development, planned unit residential development and residential cluster, but the regulations in one district may differ from those in other districts.

b. No zoning ordinance and no amendment or revision to any zoning ordinance shall be submitted to or adopted by initiative or referendum.

c. The zoning ordinance shall provide for the regulation of any airport hazard areas delineated under the "Air Safety and Hazardous Zoning Act of 1983," P. L. 1983, c. 260 (C. 6:1-80 et seq.), in conformity with standards promulgated by the Commissioner of Transportation.

C. 52:27D-329 Prior law applicable.

31. Until August 1, 1988, any municipality may continue to regulate development pursuant to a zoning ordinance in accordance with

section 49 of the "Municipal Land Use Law," P. L. 1975, c. 291 (C. 40:55D-62) as same read before the effective date of this act.

32. If any part of this act shall be held invalid, the holding shall not affect the validity of remaining parts of this act. If a part of this act is held invalid in one or more of its applications, the act shall remain in effect in all valid applications that are severable from the invalid application.

33. There is appropriated to the Council on Affordable Housing from the General Fund the sum of \$1,000,000.00, and there is appropriated from the General Fund the sum of \$17,000,000.00 to be allocated as follows:

a. \$2,000,000.00 to the Neighborhood Preservation Fund established pursuant to the "Maintenance of Viable Neighborhoods Act," P. L. 1975, c. 248 (C. 52:27D-142 et seq.) which shall be used to effectuate the purposes set forth in section 20 of this act.

b. \$15,000,000.00 to the Housing and Mortgage Finance Agency to be used to effectuate the purposes of section 21 of this act.

Of the amounts herein appropriated a reasonable sum, approved by the Treasurer may be expended for for the administration of this act by the Department of Community Affairs and the agency.

34. This act shall take effect immediately but shall remain inoperative until the enactment of P. L. 1985, c. 225.

Approved July 2, 1985.

CHAPTER 223

AN ACT barring criminals from recovery of civil damages under certain circumstances, and supplementing Title 2A of the New Jersey Statutes.

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

C. 2A:53A-18 Bar to judgment.

1. Notwithstanding any law or judicial ruling to the contrary, any person who is convicted of or pleads guilty to a criminal offense, shall be barred from receiving a judgment, other than a

judgment for damages resulting from negligent or intentional conduct showing reckless disregard for the value of human life, against any person who otherwise would have been liable in a civil action for damages arising under the circumstances set forth in section 2 of this act which is initiated by the person who has been found guilty or who has pleaded guilty, provided that liability does not arise from conduct which would itself constitute a criminal offense.

C. 2A:53A-19 Scope.

2. For the purposes of this act, the scope of the bar to judgment shall be limited to all actions in preparation of the criminal activity, all actions during the criminal activity, and all actions in connection with the attempted escape from the scene of the criminal activity or subsequent apprehension.

C. 2A:53A-20 Stay of civil action.

3. In the event that the prosecution of the alleged criminal activity shall not have been brought to conclusion prior to the start of a civil action for damages by one who has been arrested for a criminal offense, the civil action for damages shall be stayed pending the final disposition of the criminal matter. For the purposes of this section, the final disposition of the criminal matter shall mean the point at which the judgment of conviction is entered against one who is arrested for a criminal offense.

4. This act shall take effect immediately.

Approved July 2, 1985.

CHAPTER 224

AN ACT concerning the payment of health insurance premiums for certain retired local governmental employees and amending N. J. S. 40A:10-23.

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

1. N. J. S. 40A:10-23 is amended to read as follows:

Payment of premiums after retirement.

40A:10-23. Payment of premiums after retirement. Retired employees shall be required to pay for the entire cost of coverage

for themselves and their dependents at rates which are deemed to be adequate to cover the benefits, as affected by Medicare, of the retired employees and their dependents on the basis of the utilization of services which may be reasonably expected of the older age classification; provided, however, that the total rate payable by a retired employee for himself and his dependents, for coverage under the contract and for Part B of Medicare, shall not exceed by more than 25% the total amount that would have been required to have been paid by the employee and his employer for the coverage maintained had he continued in office or active employment and he and his dependents were not eligible for Medicare benefits.

The employer may, in its discretion, assume the entire cost of such coverage and pay all of the premiums for employees who have retired on a disability pension or after 25 years' or more service with the employer, or have retired and reached the age of 62 or older with at least 15 years of service with the employer, including the premiums on their dependents, if any, under uniform conditions as the governing body of the local unit shall prescribe.

2. This act shall take effect immediately.

Approved July 2, 1985.

CHAPTER 225

AN ACT concerning the imposition of realty transfer fees, and amending P. L. 1968, c. 49 and P. L. 1975, c. 176.

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

1. Section 1 of P. L. 1968, c. 49 (C. 46:15-5) is amended to read as follows:

C. 46:15-5 Definitions.

1. As used in this act:

(a) "Deed" means a written instrument entitled to be recorded in the office of a county recording officer which purports to convey or transfer title to a freehold interest in any lands, tenements or other realty in this State by way of grant or bargain and sale thereof from the named grantor to the named grantee. A leasehold interest for 99 years or more shall be treated as a "freehold"

for the purpose of this act. Instruments providing for common driveways, for exchanges of easements or rights-of-way, for revocable licenses to use, to adjust or to clear defects of or clouds on title, to provide for utility service lines such as drainage, sewerage, water, electric, telephone or other such service lines, or to quitclaim possible outstanding interests, shall not be "deeds" for the purposes of this act.

(b) The terms "county recording officer" and "office of the county recording officer" mean the register of deeds and mortgages in counties having such an officer and office, and the county clerk and his office in the other counties.

(c) "Consideration" means, in the case of any deed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is to be assumed and agreed to be paid by the grantee and any other lien or encumbrance thereon not paid, satisfied or removed in connection with the transfer of title. The amount of liens for real property taxes, water or sewerage charges for the current or any subsequent year, or by way of added assessment or other adjustment, as well as of other like liens or encumbrances of a current and continuing nature ordinarily adjusted between the parties according to the period of ownership, shall be excluded as an element in determining the consideration, notwithstanding that such amount is to be paid by the grantee.

In the case of a leasehold interest as defined in subsection (a) of this section, the consideration shall be in the amount of the assessed value of the property at the date of the transaction for the purpose of levying local real property taxes, adjusted to reflect the true value in accordance with the county percentage level established for the current year.

(d) "Blind person" means a person whose vision in his better eye with proper correction does not exceed 20/200 as measured by the Snellen chart or a person who has a field defect in his better eye with proper correction in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20°.

(e) "Disabled person" means any resident of this State who is permanently and totally disabled, unable to engage in gainful employment, and receiving disability benefits or any other compensation under any federal or State law.

(f) "Senior citizen" means any resident of this State of the age of 62 years or over.

(g) "New construction" means any conveyance or transfer of property upon which there is an entirely new improvement not previously occupied or used for any purpose.

(h) "Low and moderate income housing" means any residential premises, or part thereof, affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross income equal to 80% or less of the median gross household income for households of the same size within the housing region in which the housing is located, but shall include only those residential premises subject to resale controls pursuant to contractual guarantees.

2. Section 3 of P. L. 1968, c. 49 (C. 46:15-7) is amended to read as follows:

C. 46:15-7 Realty transfer fees.

3. In addition to the recording fees imposed by P. L. 1965, c. 123, s. 2 (C. 22A:4-4.1), a fee is imposed upon grantors, at the rate of \$1.75 for each \$500.00 of consideration or fractional part thereof recited in the deed, which fee shall be collected by the county recording officer at the time the deed is offered for recording. For each \$500.00 of consideration or fractional part thereof recited in the deed in excess of \$150,000.00 an additional fee is imposed of \$0.75.

Every deed subject to the additional fee required by this act, which is in fact recorded, shall be conclusively deemed to have been entitled to recording, notwithstanding that the amount of the consideration shall have been incorrectly stated, or that the correct amount of such additional fee, if any, shall not have been paid, and no such defect shall in any way affect or impair the validity of the title conveyed or render the same unmarketable; but the person or persons required to pay said additional fee at the time of recording shall be and remain liable to the county recording officer for the payment of the proper amount thereof.

3. Section 4 of P. L. 1968, c. 49 (C. 46:15-8) is amended to read as follows:

C. 46:15-8 County, State sharing of fee proceeds.

4. The proceeds of the fees collected by the county recording officer, as authorized by this act, shall be accounted for and remitted to the county treasurer. An amount equal to 28.6% of the proceeds from the first \$1.75 for each \$500.00 of consideration or fractional part thereof recited in the deed so collected shall be retained by the county treasurer for the use of the county and the balance shall be paid to the State Treasurer for the use of the State. Payments shall be made to the State Treasurer on the tenth day of each month following the month of collection. All amounts paid to the State Treasurer in payment of the additional fee of \$0.75 for each \$500.00 of consideration or fractional part thereof recited in the deed in excess of \$150,000.00 shall be credited to the Neighborhood Preservation Nonlapsing Revolving Fund established pursuant to P. L. 1985, c. 222 (C. 52:27D-301 et al.), in the manner established under section 20 thereof (C. 52:27D-320).

4. Section 4 of P. L. 1975, c. 176 (C. 46:15-10.1) is amended to read as follows:

C. 46:15-10.1 Partial fee exemptions.

4. a. The following transfers of title to real property shall be exempt from payment of \$1.25 per \$500.00 of consideration or fractional part thereof of the fee imposed upon grantors by this act:

(1) The sale of any one- or two-family residential premises which are owned and occupied by a senior citizen, blind person, or disabled person who is the seller in such transaction; provided, however, that except in the instance of a husband and wife no exemption shall be allowed if the property being sold is jointly owned and one or more of the owners is not a senior citizen, blind person, or disabled person.

(2) The sale of low and moderate income housing.

b. Transfers of title to real property upon which there is new construction shall be exempt from payment of \$1.00 for each \$500.00 or fractional part thereof not in excess of \$150,000.00.

c. The director shall promulgate rules, regulations and forms of certification or otherwise necessary to carry out the provisions of this section. No transfer shall be eligible for more than one exemption under this section. All fees collected on transfers subject to

exemption under subsection a. of this section shall be remitted to the county treasurer for the use of the county. An amount equal to $66\frac{2}{3}\%$ of the proceeds from the fee imposed upon the consideration not in excess of \$150,000.00 for transfers of real property upon which there is new construction, and an amount equal to 20% of the proceeds of the \$2.50 fee imposed upon each \$500.00 of consideration or fractional part thereof in excess of \$150,000.00 for transfers of real property upon which there is new construction, shall be remitted to the county treasurer for the use of the county.

d. The balance of the fees collected on transfers subject to exemption under subsection b. of this section shall be remitted to the State Treasurer and shall be credited to the Neighborhood Preservation Nonlapsing Revolving Fund established pursuant to P. L. 1985, c. 222 (C. 52:27D-301 et al.), to be spent in the manner established under section 20 thereof (C. 52:27D-320).

5. This act shall take effect January 1 next following the enactment of P. L. 1985, c. 222 (C. 52:27D-301 et al.).

Approved July 2, 1985.

CHAPTER 226

AN ACT concerning the purchase of credit for temporary service by certain members of the Public Employees' Retirement System and supplementing P. L. 1954, c. 84 (C. 43:15A-1 et seq.).

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

1. Notwithstanding any other law to the contrary, a member of the Public Employees' Retirement System who is a temporary employee with at least one year's continuous service and eligible for membership pursuant to P. L. 1985, c. 121 may purchase credit for temporary service performed before the effective date of P. L. 1985, c. 121 by agreeing, within one year of the effective date of this act, to make contributions covering the service. The employer shall not be liable for payment to the retirement system by reason of the member's purchase of service credit under this section, and all contributions required with respect to the liability created by the purchase shall be made by the member. The member may

purchase service credit under this section by making payments to the retirement system either in a lump sum or in regular monthly installments pursuant to formulas, rules and regulations as the Division of Pensions may establish.

Notwithstanding any other provision of this act to the contrary, if, upon retirement, the member's payment for the purchase of temporary service credit is insufficient to provide for the additional retirement benefit attributable to this service, the difference may be assessed to the member, or a pro rata benefit may be granted based on the member's payment for the purchase prior to the date of retirement, at the election of the member.

If a member elects to purchase credit for temporary service and retires prior to completing payment therefor, the member shall receive a pro rata credit for the service purchased prior to the date of retirement, but if the member elects at the time of retirement, the member may make an additional lump sum payment at that time as will be necessary to provide full credit.

2. This act shall take effect immediately and shall be retroactive to April 9, 1985.

Approved July 2, 1985.

CHAPTER 227

AN ACT to establish the New Jersey Urban Development Corporation, and prescribing the powers, duties and functions thereof, providing certain tax credits and exemptions to further the purposes and projects of the corporation, and making appropriations for the organizing and sustaining of its operations.

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

C. 55:19-1 Short title.

1. This act shall be known and may be cited as the "New Jersey Urban Development Corporation Act."

C. 55:19-2 Findings, declarations.

2. The Legislature finds and declares:

a. For several years past economic decline has persisted in the

urban centers of the State, despite programs created by both State and federal governments to aid local governments in stemming the decline and stimulating redevelopment.

b. The economic decline of these areas is linked to obsolescence and decay of capital assets, both public and private, and insufficiency of new capital investment for public facilities and amenities, productive industrial plants, and adequate housing.

c. In establishing the Urban Development Corporation, with the powers and functions prescribed in this act, it is the intention of the Legislature to create an instrument for utilizing the widest possible range of financing techniques to coordinate available private and public resources for the revitalization of our urban communities.

d. The corporation is intended to complement and supplement private-sector financing and development activities, and should not unnecessarily compete with or supplant responsible private-sector interest in the implementation of its projects.

C. 55:19-3 Definitions.

3. As used in this act, except as otherwise clearly required by the context:

a. "Board" or "board of directors" means the director of the corporation appointed pursuant to section 4 of this act.

b. "Corporation" means the New Jersey Urban Development Corporation established pursuant to section 4 of this act.

c. "Department" means the New Jersey Department of Commerce and Economic Development.

d. "Director" means a director of the corporation.

e. "Project" means a specific work or improvement, including lands, buildings, improvements, real and personal property or any interest therein (including lands under water, riparian rights, space rights and air rights), acquired, owned, constructed, reconstructed, rehabilitated or improved by the corporation or a subsidiary, or by any other person, firm or corporation under agreement with the corporation or subsidiary pursuant to the provisions of this act in a qualified municipality, and which falls within any of the following classifications:

(1) "Industrial project"—a project designed and intended to provide facilities for manufacturing, industrial, commercial, wholesale, retail, warehousing, or research and development purposes, including but not limited to machinery and equipment deemed

necessary for the operation thereof, when the board finds that there is a compelling public need to undertake such project and insufficient responsible interest by the private financial or development community to undertake the project without the corporation's assistance or involvement.

(2) "Land-use improvement project"—a project for the clearance, replanning, reconstruction, rehabilitation, renewal, redevelopment, conservation, restoration or improvement of an area, in co-operation or under agreement with a qualified municipality which has designated the area blighted or in need of rehabilitation.

(3) "Civic project"—a project designed and intended to provide facilities for educational, cultural, health, recreational, community or other civic purposes.

(4) "Utility project"—a project designed and intended to provide facilities for provision of water, sewerage, solid waste disposal, transportation, utility or other public services necessary for the accommodation of a project of another classification undertaken pursuant to this act, but accommodation of needs greater than those of the other project may be encompassed.

(5) "Multi-purpose project"—a project combining the purposes of two or more of the foregoing classifications.

f. "Qualified municipality" means any municipality which at the time of the initiation of a project was eligible to receive State aid under P. L. 1977, c. 260 (C. 52:27D-162 et seq.); or any municipality which in any year subsequent to the enactment of P. L. 1978, c. 14 (C. 52:27D-178 et seq.) was eligible to receive State aid pursuant to that act; or any municipality which has: (1) a population of 15,000 or less, according to the most recent federal decennial census; (2) a population density of 5,000 or more per square mile; (3) 100 or more children enrolled in the Aid to Families with Dependent Children program, according to the data available to and utilized by the Director of the Division of Local Government Services in the Department of Community Affairs to determine eligibility for State aid under the provisions of P. L. 1978, c. 14 (C. 52:27D-178 et seq.); (4) an equalized tax rate which exceeds the State equalized tax rate; and (5) an equalized valuation per capita which is less than the State equalized valuation per capita.

g. "Subsidiary" means a subsidiary corporation formed by the corporation pursuant to section 7 of this act.

C. 55:19-4 Urban Development Corporation.

4. a. There is established the New Jersey Urban Development Corporation. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the Constitution, this corporation is allocated to the Department of Commerce and Economic Development; but, notwithstanding that allocation, the corporation shall be independent of any supervision or control by the department or by any other board or officer thereof.

b. The corporation shall constitute a body corporate and politic and an instrumentality exercising public and essential governmental functions, and the exercise by the corporation of the powers conferred by this act shall be deemed and held to be an essential governmental function of the State.

c. The directors of the corporation shall be: (1) the Commissioner of the Department of Commerce and Economic Development, the Commissioner of the Department of Community Affairs, the Commissioner of the Department of Labor and the State Treasurer, ex officio; and (2) five citizens and residents of the State appointed by the Governor, with the advice and consent of the Senate, for terms of four years, except that of the first five persons so appointed two shall serve for a term of one year, one for a term of two years, one for a term of three years and one for a term of four years. Each director shall hold office for the term of his appointment and until his successor has been appointed and qualified. A director shall be eligible for reappointment. In nominating members the Governor shall have regard to providing an adequate depth and diversity of knowledge and experience in the financial, physical and social aspects of urban development, and of other relevant expertise in urban matters.

d. Each ex officio director may designate an officer or employee of his department to represent him at meetings of the directors, and each designee may lawfully vote and otherwise act on behalf of the director so designating him. The designation shall be in writing, delivered into the hands of the secretary of the corporation, and shall continue in effect until revoked or amended in the same manner.

e. Each director may be removed from office by the Governor, for cause, after a public hearing and may be suspended by the Governor pending the completion of the hearing. Each director before entering upon his duties shall take and subscribe an oath to perform the duties of the office faithfully, impartially and justly

to the best of his ability. A record of these oaths shall be filed in the office of the Secretary of State.

f. Any vacancies in the membership of the board of directors occurring otherwise than by expiration of term shall be filled in the same manner as the original appointments, but for the unexpired terms only.

g. The members shall elect from among the citizens appointed by the Governor a chairman of the board of directors and a vice chairman. The board shall elect a secretary and a treasurer, who need not be members of the board; the same person may be elected to serve both as secretary and treasurer. The powers of the corporation shall be vested in the members of the board of directors thereof in office from time to time, and five members, when including at least two ex officio directors, shall constitute a quorum at any meeting of the board of directors. Actions may be taken and motions and resolutions adopted by the board at any meeting thereof by the affirmative vote of at least five members, including at least two ex officio members. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the agency.

h. A true copy of the minutes of every meeting of the board shall be forthwith delivered by and under the certification of the secretary thereof to the Governor. No action taken at a meeting shall have force or effect until 10 days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes shall have been so delivered, unless within that period the Governor shall approve the same, in which case such action shall become effective upon his approval. If, within the 10-day period, the Governor returns the copy of the minutes with his veto of any action taken by the board or any member thereof at the meeting, that action shall be null and void and of no effect. The Governor may approve all or part of the action taken at such meeting prior to the expiration of the 10-day period.

i. Directors shall serve without compensation, but the corporation shall reimburse them for actual expenses necessarily incurred in the discharge of their duties.

j. Notwithstanding the provisions of any other law, no officer or employee of the State shall be deemed to have forfeited or shall forfeit his office or employment or any benefits or emoluments thereof by reason of acceptance of the office of director or his service in that office.

k. The corporation may be dissolved by act of the Legislature if it has no debts or obligations outstanding, or if adequate provision has been made for the payment or retirement of any outstanding debts or obligations. Upon dissolution of the corporation all property, funds and assets thereof shall be vested in the State.

C. 55:19-5 Coordination with other State programs; advisory council.

5. a. In planning for the development and execution of projects authorized by this act, or for the exercise of any of the other powers conferred upon the corporation or its subsidiaries, the board shall consult with the heads of the principal departments of State government having responsibilities or conducting programs relevant to the power to be exercised or the locality in which it is to be exercised, so that the projects of the corporation and its subsidiaries may be coordinated with parallel or complementary programs of other State agencies, to their mutual support and common benefit.

b. For the purpose of assuring regular and effective liaison between the corporation and other public agencies and officers having responsibilities in areas related to the operations of the corporation, the Governor shall establish an advisory council to the board of directors and shall, from time to time and with the advice and consent of the Senate, designate to serve upon the council such persons, and in such number, as he deems necessary or expedient to furthering this purpose, from among representative members of county and municipal governments, State, local and regional authorities, boards and commissions, and other public bodies, whose activities may affect, or be affected by, the operations of the corporation.

c. In planning and carrying out projects pursuant to this act the corporation and its subsidiaries shall endeavor to enlist the cooperation and assistance, on a volunteer basis, of private business firms and individual business executives whose experience and training qualify them to advise on the design and coordination of aid and development programs for the revitalization of urban centers, and upon the most efficient and businesslike manner of managing and directing such programs.

C. 55:19-6 Powers of corporation.

6. Except as otherwise limited in this act, the corporation shall have power:

- a. to sue and be sued;
- b. to have a seal and alter the same at pleasure;

c. to make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this act;

d. to make and alter bylaws for its organization and internal management and, subject to agreements with noteholders or bondholders, to make rules and regulations with respect to its projects, operations, properties and facilities;

e. to acquire, hold and dispose of real or personal property for its corporate purposes;

f. to appoint officers, agents and employees, prescribe their duties and fix their compensation;

g. to acquire or contract to acquire from any individual, partnership, trust, association or corporation, or any public agency, by grant, purchase or otherwise, real or personal property or any interest therein; to own, hold, clear, improve and rehabilitate, and to sell, assign, exchange, transfer, convey, lease, mortgage or otherwise dispose of or encumber the same;

h. to create subsidiary corporations as provided in section 7 of this act;

i. to acquire, construct, reconstruct, rehabilitate, improve, alter or repair or provide for construction, reconstruction, rehabilitation, improvement, alteration or repair of any project;

j. to arrange or contract with a municipality for the planning, replanning, opening, grading or closing of streets, roads, roadways, alleys or other places, or for the furnishing of facilities or for the acquisition by a municipality of property or property rights or for the furnishing of property or services, in connection with a project;

k. to sell, lease, assign, transfer, convey, exchange, mortgage, or otherwise dispose of or encumber any project, and in the case of the sale of any project, to accept a purchase money mortgage in connection therewith; and to lease, repurchase or otherwise acquire and hold any project which the corporation has theretofore sold, leased or otherwise conveyed, transferred or disposed of;

l. to grant options to purchase any project or to renew any leases entered into by it in connection with any of its projects, on such terms and conditions as it may deem advisable;

m. to prepare or cause to be prepared plans, specifications, designs and estimates of costs for the construction, reconstruction, rehabilitation, improvement, alteration or repair of any project,

and from time to time to modify such plans, specifications, designs or estimates;

n. to manage any project, whether then owned or leased by the corporation, and to enter into agreements with any individual, partnership, trust, association or corporation, or with any public agency, for the purpose of causing any project to be managed;

o. to provide advisory, consultative, training and educational services, technical assistance and advice to any individual, partnership, trust, association or corporation, or to any public agency, in order to carry out the purposes of this act;

p. to purchase, sell or pledge the shares, or other obligations or securities of any subsidiary corporation, on such terms and conditions as the corporation may deem advisable;

q. subject to the provisions of any contract with noteholders, to consent to the modification, with respect to rate of interest, time of payment or any installment of principal or interest, security, or any other terms, of any loan, mortgage, commitment, contract or agreement of any kind to which the corporation is a party;

r. in connection with any property on which it has made a mortgage loan, to foreclose on the property or commence any action to protect or enforce any right conferred upon it by any law, mortgage, contract or other agreement, and to bid for or purchase the property at any foreclosure or at any other sale, or acquire or take possession of the property; and in such event the corporation may complete, administer, pay the principal of and interest on any obligations incurred in connection with the property, dispose of and otherwise deal with the property, in such manner as may be necessary or desirable to protect the interests of the corporation therein;

s. to invest any funds held in reserve or sinking funds, or any moneys not required for immediate use and disbursement, at the discretion of the corporation, in obligations of this State or of the United States, or obligations the principal and interest of which are guaranteed by this State or the United States;

t. to procure insurance against any loss in connection with its property and other assets and operations, in such amounts and from such insurers as it deems desirable;

u. to engage the services of consultants on a contract basis for rendering professional and technical assistance and advice;

v. to contract for and to accept any gifts or grants or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality thereof, or from the State or a municipality or any agency or instrumentality thereof, or from any other source, and, subject to the provisions of this act and any other applicable law, to comply with the terms and conditions thereof;

w. to establish, levy and collect, in connection with any civic project or utilities project managed or operated by the corporation, whether then owned or leased by the corporation, user fees and facility charges; and

x. to do any and all things necessary or convenient to carry out its purposes and exercise the powers given and granted in this act.

C. 55:19-7 Subsidiary corporations.

7. a. The corporation shall have the right to exercise and perform its powers and functions through one or more subsidiaries. The corporation by resolution may direct any of its directors, officers or employees to organize a subsidiary pursuant to the corporation laws of this State. The resolution shall prescribe the purposes for which the subsidiary corporation is to be formed.

b. Such corporation shall be deemed a subsidiary whenever and so long as (1) more than half of the outstanding voting shares of such corporation are owned by the corporation, or (2) the corporation has the power to designate, and has so designated, a majority of the directors of such corporation.

c. The corporation may transfer to any subsidiary any money, property, real or personal or mixed, or any project, in order to carry out the purposes of this act. Each subsidiary shall have all the powers, privileges, immunities, tax exemptions and other exemptions of the corporation to the extent the same are not inconsistent with the statute or statutes pursuant to which such subsidiary was incorporated.

d. No officer or director of the corporation shall receive any additional compensation, either direct or indirect, other than reimbursement for actual expenses necessarily incurred in the performance of his duties, by reason of his serving as an officer or director of any subsidiary.

C. 55:19-8 Joint ventures.

8. The corporation, or any subsidiary, may enter into agreements with any individual, partnership, trust, association or corporation,

or any public agency, under which the corporation or subsidiary and such other entity or entities shall undertake a project as a joint venture, with the corporation or subsidiary providing such financial assistance, through loans, grants or the acquisition of an ownership interest in the project, and such technical or managerial assistance or advice, as the agreement may provide.

C. 55:19-9 Loans for "projects."

9. The corporation, or any subsidiary, may make loans to any individual, partnership, trust, association or corporation for the purpose of enabling such entity to undertake any work, improvement or other activity in a qualified municipality which, if undertaken by the corporation or a subsidiary, would be a "project" within the meaning of section 3 of this act. The corporation, or any subsidiary, may also pledge its credit for the repayment of any such loan made for like purposes by any financial institution in the State.

C. 55:19-10 Subsidiary stock issuance.

10. Any subsidiary, upon authorization by the corporation, may issue its stock and employ the proceeds of such sales for capital investment in, or other expenses in connection with, the projects of the subsidiary.

C. 55:19-11 Self-dealing prohibition.

10A. a. No director, officer, agent or employee of the corporation or of any of the corporation's subsidiaries shall take any official action on any matter in which he has a direct or indirect financial interest, except that the ownership of, or tenancy in, one's own private residence shall not be considered a financial interest for the purposes of this section.

b. Any action taken or approval granted by the corporation or any of its subsidiaries in violation of this subsection is voidable.

c. Any person who knowingly violates any provision of this section shall forfeit his office or employment and is guilty of a crime of the fourth degree.

C. 55:19-12 Authorized investment.

11. Any public or private agency, organization, corporation, or association which is not legally barred from investing in the bonds or stock of the New Jersey Housing and Mortgage Finance Agency or any of its subsidiary corporations may lawfully invest in the corresponding securities of the corporation and its subsidiaries.

C. 55:19-13 Employment tax credit.

12. Any person, firm, or corporation actively engaged in the conduct of business at a location within a project, as defined in this act, which is subject to the provisions of the "Corporation Business Tax Act (1945)," P. L. 1945, c. 162 (C. 54:10A-1 et seq.), and the business of which at that location consists primarily of manufacturing or other business that is not retail sales or warehousing oriented, shall, for a period of two years from the date upon which an agreement for the undertaking of the project was entered into pursuant to section 8 or 9 of this act, be entitled to an annual credit against the amount of tax imposed under that act of \$1,500.00 for each new employee employed at that location who is a resident of the qualified municipality and who immediately prior to such employment was unemployed at least 90 days or was dependent upon public assistance as the primary source of income. A credit for which an employer taxpayer qualifies under this section shall be allowed in the tax year next following the tax year of qualification, and may be continued into a second tax year if such qualification continues, but it shall be allowed only for those new employees who were employed for at least six consecutive months by the employer taxpayer in the year of qualification.

C. 55:19-14 No eminent domain; municipal regulation.

13. a. Neither the corporation nor any of its subsidiaries is authorized to acquire property by right of eminent domain.

b. Neither the corporation nor any of its subsidiaries shall undertake, or provide financial or other assistance for the undertaking of, a project involving any construction, demolition, improvement, alteration in the use or character of any tract of land, or alteration in the size, density or use of structures thereon, contrary to the applicable land-use regulations of the municipality in which the project is located, unless it shall first obtain, by variance, amending ordinance, or other lawful procedure, the consent of the municipality.

C. 55:19-15 Prevailing wage rate.

14. Any builder, contractor or subcontractor engaged upon a project within the meaning of this act, and any person, firm or corporation managing or operating such a project, including the corporation and its subsidiaries, shall pay the workmen employed in the construction, reconstruction, demolition, or rehabilitation thereof not less than the prevailing wage rate. The prevailing wage

rate shall be determined by the Commissioner of the New Jersey Department of Labor in all cases, except that the prevailing wage rate shall be determined by the Secretary of the United States Department of Labor in accordance with the Davis-Bacon Act as amended (40 U. S. C. §§ 276a to 276a-5), when the loan or other assistance given by the corporation in connection with the work, or the funds of the corporation or subsidiary thereof expended for the work, are the subject of direct or indirect federal assistance other than federal tax exemption of the interest paid on obligations of the corporation or a subsidiary thereof.

C. 55:19-16 Annual report; strategy document.

15. a. On or before the last day of March in each year, the board of directors of the corporation shall make an annual report of its activities for the preceding calendar year to the Governor and the Legislature. The report shall set forth a complete operating and financial statement covering its operations during the year. The board shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants, and the cost thereof shall be considered an expense of the corporation, and a copy thereof shall be filed with the State Treasurer.

b. With its first annual report, and every second year thereafter, the board shall submit an Urban Development Strategy document, setting forth its assessment of the current needs for industrial, land-use improvement, civic, utility and multi-purpose projects in qualified municipalities of the State; its estimate of the resources available, under the provisions of this act, from public and private sources for the undertaking of such projects; and its anticipated participation in or assistance of such projects during the two years next succeeding the date of submission. The document shall set forth the goals and priorities governing the selection of the projects it anticipates participating in or assisting; and the board shall annually review and evaluate the projects actually undertaken in light of the goals and priorities established therefor by the Urban Development Strategy document. In selecting projects for its participation, and in evaluating those projects in which it has participated, the board shall devise and employ techniques for forecasting and measuring relevant indices of accomplishment of its goals of economic revitalization, including specifically: (1) the number of jobs created, or to be created, by, or as a result of, the project; (2) the cost, or estimated cost, to the State, involved in the creation of those jobs; (3) the amount of private capital in-

vestment in, or stimulated by, a project, in proportion to the public funds invested therein; and (4) in the case of an industrial project or a multi-purpose project which has, as one of its elements, a project classified as an industrial project, a determination, based upon written findings, that the project would not be undertaken but for the participation of the corporation.

c. In its first annual report, upon assessing and estimating needs, available resources and desirable projects, as provided in subsection b. of this section, the corporation shall determine and shall recommend: (1) whether or not it is expedient that the corporation should be granted, in addition to the revenues provided for by or pursuant to this act and any other grants or assets which the Legislature may from time to time provide, the power to issue bonds for the financing of its projects; and it shall make such recommendations as it deems proper with respect to the type of bonds, if any, and the manner and terms of their issuance; and (2) whether or not it is expedient that any exemptions from or abatements of taxation, including those provided for under section 12 of this act, be made available in connection with and in furtherance of projects undertaken pursuant to this act; and if so, in what form, to what extent and under what conditions and restrictions.

C. 55:19-17 Urban Development Investment Fund.

16. a. There is hereby created the Urban Development Investment Fund, into which shall be paid:

- (1) Funds appropriated by section 17 of this act;
- (2) Repayments of loans or other payments received by the corporation pursuant to agreements made under authority of section 6, 7, 8 or 9 of this act;
- (3) Any income derived from investment pursuant to subsection b. of this section;
- (4) Moneys collected as user fees and facility charges in connection with any civic project or utilities project managed or operated by the corporation as authorized by subsection w. of section 6 of this act; and
- (5) Such additional funds as the Legislature may from time to time appropriate for the purpose.

b. The fund shall be in the custody and control of the State Treasurer, who may invest and reinvest any portion thereof not immediately required for the purposes of the corporation in the manner provided by law for investment of funds in his custody,

and shall make disbursements therefrom from time to time, upon certification of the corporation and warrant of the Comptroller, for the purpose of carrying out projects and agreements authorized by the provisions of this act.

C. 55:19-18 Appropriation from bond fund.

17. a. There is appropriated to the Urban Development Investment Fund from the Community Development Bond Fund created by the "Community Development Bond Act of 1982" (P. L. 1981, c. 486) the sum of \$30,000,000.00 for the purposes of this act, including so much thereof as may be necessary to meet any expense incurred by the issuing officials under P. L. 1981, c. 486 for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of that act.

b. It is the purpose of this act that the funds from which this appropriation shall be met shall be those funds which shall be derived from the sale of the Community Development Bonds, the issuance of which is provided for by subsection b. of section 5 of P. L. 1981, c. 486, which act was submitted to and approved by the people at the general election held on November 2, 1982.

c. The Director of the Division of Budget and Accounting in the Department of the Treasury is authorized and directed to make such correction of the title or text, or both, of any item in this act necessary to make an appropriation available for the purpose of its intention. The correction shall be by a written ruling, reciting in appropriate detail the facts thereof and the reasons therefor, attested by the signature of the director and filed by him in his office as an official record, and any action thereunder, including disbursements, and the audit thereof, shall be legally binding, and of full force.

d. In order that all costs, whether direct or indirect, of implementing the "Community Development Bond Act of 1982," P. L. 1981, c. 486 shall be paid from the fund established in section 14 thereof, the Director of the Division of Budget and Accounting, where appropriate and practicable, shall charge the fund and credit to the General State Fund or expenditure source such sums as may have been expended from other State appropriations for direct or indirect costs related to the programs herein authorized.

e. At any time prior to the issuance and sale of bonds under P. L. 1981, c. 486, the State Treasurer is authorized to transfer

from available money in any fund of the Treasury of the State to credit of the Community Development Bond Fund a sum as he may deem necessary. The sum so transferred shall be returned to the same fund of the Treasury by the State Treasurer from the proceeds of the sale of the bonds.

f. The State Treasurer or the Director of the Division of Budget and Accounting shall approve expenditures from the Community Development Bond Fund for administrative costs.

g. Any funds made available to the Urban Development Investment Fund pursuant to subsection b. of section 5 of P. L. 1981, c. 486 shall be in the form of loans, with principal and interest to be paid to the General Fund as reimbursement for principal and interest payments on the Community Development Bonds in accordance with the terms of a written loan agreement. The form and the terms of the loan agreement shall be specified by the board of directors of the Urban Development Corporation and shall be approved by the State Treasurer. Loan agreements shall be executed after the Urban Development Corporation has been awarded the loan and prior to the disbursement of funds.

h. Loan rates and maturities shall be established by the State Treasurer, taking into consideration rates available in capital markets for comparable maturities and comparable credit quality. Local governments may secure interim financing under this act to enable a project to be undertaken before permanent financing is secured or may secure permanent financing under this act with a final maturity related to the expected useful life of the project being so financed.

i. No interest-free loan shall be permitted without the written approval of the State Treasurer or his designee.

j. Pending their application to the purposes provided in this act, the monies in the Community Development Fund may be invested and reinvested as are other trust funds in the custody of the State Treasurer, in the manner provided by law. Net earnings received from the investment or deposit of that fund shall be paid into the General Fund.

C. 55:19-19 Project initiation within one year.

18. The first projects under this act shall be initiated not later than one year from the date on which, following the appointment of its citizen members pursuant to the provisions of section 4 of this act, the board of directors shall organize the corporation.

19. There is appropriated to the Department of Commerce and Economic Development the sum of \$75,000.00 from the General Fund for the purpose of enabling the corporation to carry out its duties and responsibilities under this act.

20. Sections 1 through 6, 10A, 11 through 15, and 18 through 20 of this act shall take effect immediately; sections 7 through 10, 16 and 17 shall take effect one year after the date of enactment.

Approved July 8, 1985.

CHAPTER 228

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 1985-86 school year a school district which was receiving emergency federal school aid under the magnet school program provisions of the "Emergency School Aid Act," Pub.L. 92-318, Title VII (20 U.S.C. s. 1601 et al.), for the purposes of establishing and maintaining a magnet school program and which meets the criteria established by section 2 of this act, shall be entitled to receive State aid in an amount approved by the Commissioner of Education up to the amount of federal aid received pursuant to Pub.L. 92-318, Title VII, for the 1981-82 school year for the purposes of maintaining that magnet school program.

2. In order to be eligible to receive the State aid provided pursuant to section 1 of this act, a district shall:

a. Be implementing a desegregation plan approved by the Commissioner of Education; and

b. Have maintained the magnet school program since 1982 despite the loss of federal funds.

3. This act shall take effect immediately.

Approved July 11, 1985.

CHAPTER 229

AN ACT concerning rebates of county taxes and amending
R. S. 54:4-6.

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

1. R. S. 54:4-6 is amended to read as follows:

County tax rebate.

54:4-6. The county board of taxation shall by rule prescribe how the remission or rebate provided for in section 54:4-5 of this title shall be paid or credited to the collector of the taxing district by the county treasurer and how his proportionate part shall be returned or credited to each taxpayer. Where a remission or rebate provided for in section 54:4-5 of this title is for more than one year, the county board of taxation shall phase in and distribute the remission or rebate in the annual amounts and over the same number of years for which the remission or rebate is awarded. A municipality to which a remission or rebate is to be paid shall not receive any remission or rebate in any year during the phase in period greater than the amount to which it was entitled in the corresponding year of its eligibility for the remission or rebate.

2. This act shall take effect immediately.

Approved July 11, 1985.

CHAPTER 230

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1986 and regulating the disbursement thereof," approved June 28, 1985 (P. L. 1985, c. 209).

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

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

DIRECT STATE SERVICES

DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

45 Recreational Resource Management

12-4875 Parks Management \$500,000

Grant:

Waterloo Foundation for the Arts. . (\$500,000)

2. This act shall take effect on July 1, 1985.

Approved July 11, 1985.

CHAPTER 231

AN ACT concerning 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:62-4.1 Resident tuition for military personnel.

1. United States military personnel and their dependents who are living in New Jersey and are attending public institutions of higher education in New Jersey shall be regarded as residents of the State for the purpose of determining tuition.

2. This act shall take effect immediately.

Approved July 11, 1985.

CHAPTER 232

AN ACT concerning the regulation of autobus public utilities and amending R. S. 48:3-7 and R. S. 48:3-9.

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

1. R. S. 48:3-7 is amended to read as follows:

Utility property transactions.

48:3-7. a. No public utility shall, without the approval of the board, sell, lease, mortgage or otherwise dispose of or encumber its property, franchises, privileges or rights, or any part thereof; or merge or consolidate its property, franchises, privileges or rights, or any part thereof, with that of any other public utility.

Where, by the proposed sale, lease or other disposition of all or a substantial portion of its property, any franchise or franchises, privileges or rights, or any part thereof or merger or consolidation thereof as set forth herein, it appears that the public utility or a wholly owned subsidiary thereof may be unable to fulfill its obligation to any employees thereof with respect to pension benefits previously enjoyed, whether vested or contingent, the board shall not grant its approval unless the public utility seeking the board's approval for such sale, lease or other disposition assumes such responsibility as will be sufficient to provide that all such obligations to employees will be satisfied as they become due.

Every sale, mortgage, lease, disposition, encumbrance, merger or consolidation made in violation of this section shall be void.

Nothing herein shall prevent the sale, lease or other disposition by any public utility of any of its property in the ordinary course of business, nor require the approval of the board to any grant, conveyance or release of any property or interest therein heretofore made or hereafter to be made by any public utility to the United States, State or any county or municipality or any agency, authority or subdivision thereof, for public use.

The approval of the board shall not be required to validate the title of the United States, State or any county or municipality or any agency, authority or subdivision thereof, to any lands or interest therein heretofore condemned or hereafter to be condemned

by the United States, State or any county or municipality or any agency, authority or subdivision thereof for public use.

b. Notwithstanding any law, rule, regulation or order to the contrary, an autobus public utility regulated by and subject to the provisions of Title 48 of the Revised Statutes may, without the approval of the Department of Transportation, sell, lease, mortgage or otherwise dispose of or encumber its property, or any part thereof, except that approval of the Department of Transportation shall be required for the following:

- (1) the sale of 60% or more of its property within a 12-month period;
- (2) a merger or consolidation of its property, franchises, privileges or rights; or
- (3) the sale of any of its franchises, privileges or rights.

Notice of the sale, purchase or lease of any autobus or other vehicle subject to regulation under Title 48 of the Revised Statutes shall be provided to the Department of Transportation as the department shall require.

2. R. S. 48:3-9 is amended to read as follows:

Security issuance restrictions.

48:3-9. No public utility shall, unless it shall have first obtained authority from the board so to do:

(a) Issue any stocks, or any bonds, notes or other evidence of indebtedness payable more than 12 months after the date or dates thereof, or extend or renew any bond, note or any other evidence of indebtedness so that any extension or renewal thereof shall be payable later than 12 months after the date of the original instrument, or

(b) Permit any demand note to remain unpaid for a period of more than 12 months after the date thereof.

The board shall approve any such proposed issue, with or without hearing at its discretion, when satisfied that such issue is to be made in accordance with law and the purpose thereof is approved by the board.

The provisions of this act shall not apply to any public utility operating, managing or controlling a railroad or a railway express which is subject to the rules and regulations from time to time issued by the Interstate Commerce Commission.

The provisions of this section shall not apply to autobus public utilities under the jurisdiction of the Department of Transportation.

3. The Commissioner of Transportation shall, pursuant to the Administrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B-1 et seq.), establish rules and regulations necessary to effectuate the provisions of this act.

4. This act shall take effect immediately.

Approved July 11, 1985.

CHAPTER 233

AN ACT concerning the tax on wine, amending R. S. 54:43-1 and supplementing chapter 10 of Title 4 of the Revised Statutes.

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

1. R. S. 54:43-1 is amended to read as follows:

Tax rates.

54:43-1. Tax rates. There are hereby levied and imposed upon any sale of alcoholic beverages made within this State or upon any delivery of alcoholic beverages made within or into this State the following excise taxes:

- a. Beer—\$0.03 $\frac{1}{3}$ a gallon or fraction thereof.
- b. Liquors—at the rate of \$2.80 a gallon.
- c. (Deleted by amendment, P. L. 1972, c. 53.)
- d. (Deleted by amendment, P. L. 1972, c. 53.)
- e. Wines, vermouth and sparkling wines—at the rate of \$0.30 a gallon.

C. 4:10-76 New Jersey Wine Promotion Account.

2. (New section) a. There is established in the Department of Agriculture the "New Jersey Wine Promotion Account," herein-after referred to as the "account." All monies received in this account shall be expended by the Secretary of Agriculture for research and development concerning the viticultural and wine-making processes in the State and for the promotion of New Jersey

wine, consistent with the recommendations of the New Jersey Wine Industry Advisory Council created pursuant to section 3 of this 1985 amendatory and supplementary act.

b. The account shall be credited annually, in an appropriation by law, with an amount equal to \$0.20 per gallon on all taxable sales of wines, vermouth and sparkling wines sold by plenary winery and farm winery licensees licensed pursuant to R. S. 33:1-10.

c. The account shall also be credited with any monies made available to it from the General Fund or any non-State public or private source.

d. The secretary shall include with the annual budget request for the department a request for funds sufficient to carry out the purposes and intent of this 1985 amendatory and supplementary act.

C. 4:10-77 Wine Industry Advisory Council.

3. (New section) a. There is established in the Department of Agriculture the New Jersey Wine Industry Advisory Council, comprising eight members, three of whom shall be the Secretary of Agriculture, the Commissioner of the Department of Commerce and Economic Development and the Dean of Cook College at Rutgers University, or their designees, who shall serve ex officio and as nonvoting members, and five members of the general public to be appointed by the State Board of Agriculture, two of whom shall be holders of a plenary winery license, two of whom shall be holders of a farm winery license and one of whom shall be a viticulturist. To the maximum extent practicable and feasible, the members appointed from the general public shall be chosen so as to collectively provide wide geographical representation. The members appointed from the general public shall serve for terms of three years and may be reappointed and may serve until a successor has been appointed. Of the public members first appointed, two shall be appointed for terms of three years, two shall be appointed for terms of two years, and one shall be appointed for a term of one year. A vacancy in the membership occurring other than by expiration of a term shall be filled in the same manner as the original appointment, but for the unexpired term only. The members shall serve without compensation, but the council may, within the limits of funds appropriated or otherwise made available to it, reimburse members for actual expenses necessarily incurred in the discharge of their official duties.

b. The council shall organize as soon as its membership has been appointed and shall select a chairman and vice-chairman from among its members and may select a secretary, who need not be a member of the council. The council shall meet twice annually, and at such other times as may be necessary.

c. It shall be the duty of the council to assess the condition of the wine industry of the State and to advise the Secretary of Agriculture on expenditures from the New Jersey Wine Promotion Account for research, development, and promotion of the New Jersey wine industry. The council shall also review the wine certification made by the Director of the Division of Taxation pursuant to section 4 of this 1985 amendatory and supplementary act.

d. The council is 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 these purposes.

C. 4:10-78 Certification by taxation director.

4. (New section) The Director of the Division of Taxation shall certify by March 1, 1986 and by March 1 annually thereafter to the New Jersey Wine Industry Advisory Council the number of taxable gallons of wine sold by plenary winery and farm winery licensees during the preceding taxable year.

5. This act shall take effect immediately and shall apply to taxable sales of wines made on and after the first day of the second bimonthly taxable period following enactment.

Approved July 11, 1985.

CHAPTER 234

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, 1985 and regulating the disbursement thereof," approved June 29, 1984 (P. L. 1984, c. 58).

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

1. In addition to the sums appropriated by P. L. 1984, c. 58, the following sum is appropriated from the General Fund for the following purpose:

DIRECT STATE SERVICES

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

35 Education Administration and Management

99-5090 Management and Administrative Services \$100,000

Special Purpose:

Administrative and general operating expenses, including the hiring of an Executive Director and other staff, of the Martin Luther King, Jr. Commemorative Commission, created by Executive Order No. 83 of 1984 (\$100,000)

2. This act shall take effect immediately.

Approved July 11, 1985.

CHAPTER 235

AN ACT to validate certain proceedings for the issuance of bonds of school districts and any bonds or other obligations issued or to be issued pursuant to these 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, 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: (1) that the notices relating to such election were not published in the form required by the provisions of the "Absentee Voting Law (1953),"

P. L. 1953, c. 211 (C. 19:57-1 et seq.), as amended and supplemented, provided that these notices were published in a newspaper published in the county and circulating in the school district, 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 the election were forwarded to the clerk of the county in which the school district is located; and (2) that the supplemental debt statement required by N. J. S. 18A:24-16 was not prepared and filed as required by N. J. S. 18A:24-17, provided that a supplemental debt statement has 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 the 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 the 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 15, 1985.

CHAPTER 236

AN ACT providing for the establishment of nonprofit health service corporations, including the merging of a medical service corporation and a hospital service corporation to qualify as a health service corporation, supplementing P. L. 1938, c. 366 (C. 17:48-1 et seq.) and P. L. 1940, c. 74 (C. 17:48-1 et seq.) and supplementing Title 17 of the Revised Statutes.

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

C. 17:48E-1 Definitions.

1. As used in this act:
 - a. "Commissioner" means the Commissioner of Insurance.
 - b. "Board" and "board of directors" means the board of directors of the health service corporation.

c. "Elective surgical procedure" means any nonemergency surgical procedure which may be scheduled at the convenience of the patient or the surgeon without jeopardizing the patient's life or causing serious impairment to the patient's bodily functions.

d. "Eligible physician" means a physician licensed to practice medicine and surgery who holds the rank of Diplomate of an American Board (M. D.) or Certified Specialist (D. O.) in the surgical or medical specialty for which surgery is proposed.

e. "Health service corporation" means a health service corporation established pursuant to the provisions of this act, which is organized, without capital stock and not for profit, for the purpose of (1) establishing, maintaining and operating a nonprofit health service plan and (2) supplying services in connection with (a) the providing of health care or (b) conducting the business of insurance as provided for in this act.

f. "Health service plan" means a plan under which contracts are issued providing complete or partial prepayment or postpayment of health care services and supplies eligible under the contracts for a given period to persons covered under the contracts, where arrangements are made for payment for health care services and supplies directly to the provider thereof or to a covered person under those contracts.

g. "Hospital service corporation" means a hospital service corporation established pursuant to the provisions of P. L. 1938, c. 366 (C. 17:48-1 et seq.).

h. "Medical service corporation" means a medical service corporation established pursuant to the provisions of P. L. 1940, c. 74 (C. 17:48A-1 et seq.).

i. "Provider of health care services" shall include, but not be limited to: (1) a health service corporation, a hospital service corporation or medical service corporation; (2) a hospital or health care facility under contract with a health service corporation to provide health care services or supplies to persons who become subscribers under contracts with the health service corporation; (3) a hospital or health care facility which is maintained by a state or any of its political subdivisions; (4) a hospital or health care facility licensed by the Department of Health; (5) other hospitals or health care facilities, as designated by the Department of Health to provide health care services; (6) a registered nursing home providing convalescent care; (7) a nonprofit voluntary visiting

nurse organization providing health care services other than in a hospital; (8) hospitals or other health care facilities located in other states, which are subject to the supervision of those states, which if located in this State would be eligible to be licensed or designated by the Department of Health; (9) nonprofit hospital, medical or health service plans of other states approved by the commissioner; (10) physicians licensed to practice medicine and surgery; (11) licensed chiropractors; (12) licensed dentists; (13) licensed optometrists; (14) licensed pharmacists; (15) licensed chiropodists; (16) registered bio-analytical laboratories; (17) licensed psychologists; (18) registered physical therapists; (19) certified nurse-midwives; (20) registered professional nurses; (21) licensed health maintenance organizations; and (22) providers of other similar health care services or supplies as are approved by the commissioner.

j. "Second surgical opinion" means an opinion of an eligible physician based on that physician's examination of a person for the purpose of evaluating the medical advisability of that person undergoing an elective surgical procedure, but prior to the performance of the surgical procedure.

k. "Subscriber" means a person to whom a subscription certificate is issued by a health service corporation, and the term shall also include "policyholder," "member," or "employer" under a group contract where the context requires.

C. 17:48E-2 Establishment of health service corporation.

2. a. A health service corporation may be established:

(1) By incorporating and obtaining a certificate of authority in accordance with the provisions of this act; or

(2) By the merger of a hospital service corporation and a medical service corporation.

b. A health service corporation shall be incorporated under and shall conduct its business pursuant to the provisions of Title 15A of the New Jersey Statutes, except that where the provisions of that title are inconsistent with the provisions of this act, the provisions of this act shall govern.

C. 17:48E-3 Restrictions.

3. a. No health service corporation shall be established as a corporation organized for pecuniary profit. Every health service corporation established pursuant to the provisions of this act shall be operated for the benefit of its subscribers.

b. No person, firm, association or corporation, other than a health service corporation or an insurance company authorized to transact life or health insurance in accordance with Title 17B of the New Jersey Statutes, shall establish, maintain or operate a health service plan. No person, firm, association or corporation, other than a hospital service corporation, a medical service corporation, a dental service corporation to the extent permitted by P. L. 1968, c. 305 (C. 17:48C-1 et seq.), or an insurance company authorized to transact life or health insurance business or the kinds of insurance specified in subsection (d) of R. S. 17:17-1, shall otherwise contract in this State with persons to pay for or to provide for health services on the basis of premiums or other valuable considerations to be collected by the person, firm, association or corporation from any persons for the issuance of the contracts. This section shall not be construed as preventing the exercise of any authority or privilege granted to any corporation by a certificate of authority issued by the commissioner pursuant to any law of this State, or as preventing any person, firm, association or corporation from furnishing health services required under any workers' compensation law, or law pertaining to health maintenance organizations, or as otherwise provided by law.

c. A health service corporation shall, unless prohibited by the commissioner, offer as an option medical surgical contracts and dental subscriber contracts which afford subscribers prepaid or postpaid benefits pursuant to which payment is made to participating providers for medical-surgical and dental services rendered by a participating provider network with agreements granting an aggregate differential allowance or discount on charges, as well as a limit on total allowances which may or may not be related to the subscriber's income level, where the aggregate differential or discount on charges and limit on total allowances may be achieved by payment of either the individual provider's actual charge or the health service corporation's allowance on the charge, whichever is less.

d. A health service corporation shall, unless the commissioner otherwise directs, maintain a continuous open enrollment period, providing coverage to persons who are otherwise unable to obtain hospital, medical-surgical, or major medical coverage.

e. No health service corporation shall have the power, directly or through a subsidiary or affiliate, to underwrite life insurance as defined in Title 17B of the New Jersey Statutes.

f. No health service corporation shall solicit subscribers or enter into any contract with any subscriber until it has received from the commissioner a certificate of authority to do so, but if a health service corporation is established by means of the merger of a medical service corporation into a hospital service corporation, which hospital service corporation possesses a valid certificate of authority issued prior to the effective date of this act, the health service corporation thus established need not reapply for a new certificate of authority, but the corporation shall file in the Department of Insurance any documents relating to the merger which the commissioner may require.

g. Nothing in this act shall be deemed to prohibit a health service corporation from contracting with, or paying commissions to, any duly licensed affiliated or independent insurance agent or broker, to the extent permitted by the laws applicable to those agents or brokers.

C. 17:48E-4 Certificate of authority.

4. a. A health service corporation, other than a health service corporation which is formed as the result of a merger of a medical service corporation and a hospital service corporation, which seeks a certificate of authority shall file in the Department of Insurance a certified copy of its certificate of incorporation, a copy of its bylaws and a statement of its financial condition in the form and detail required by the commissioner, signed and sworn to by its president and secretary or other proper officers. The certificate of authority shall be issued if the commissioner is satisfied, on the basis of examination or otherwise, that the health service corporation has complied with the requirements of this act, that its condition or methods of operation are not such as would render its operations hazardous to the public or to its subscribers, and that the issuance of the certificate of authority would not be contrary to the public interest. No change in, amendment to, alteration in, addition to, or substitution for any document, instrument, or other paper so filed shall become operative or effective until it shall also have been filed in the manner required by this section. No certificate of authority shall be issued to any health service corporation not incorporated under the laws of this State.

b. No certificate of authority shall be issued to any health service corporation except on receipt of evidence by the commissioner that the corporation is in possession of unencumbered funds of not less than \$1,250,000.00 to be held in cash or in a federally insured depository institution to the credit of the corporation.

c. No certificate of authority shall be issued to any health service corporation and no health service corporation which is established as a result of a merger of a hospital service corporation and a medical service corporation shall commence business unless the board of directors of the corporation is constituted in accordance with the provisions of this act.

C. 17:48E-5 Merger procedure.

5. Upon the merger of a medical service corporation into a hospital service corporation, the surviving corporation shall qualify as a health service corporation, and the surviving corporation need not obtain a new charter or certificate of authority to act as a health service corporation, provided that:

a. The board of directors of the surviving corporation is constituted pursuant to the provisions of section 6 of this act; and

b. The certificate of incorporation of the hospital service corporation is amended, within 30 days of the merger, in accordance with the provisions of this act; and

c. The bylaws of the hospital service corporation are amended, within 30 days of the merger, in accordance with the provisions of this act; and

d. Evidence of compliance with subsections a., b., and c. of this section is filed with the Commissioner of Insurance.

C. 17:48E-6 Board of surviving corporation.

6. The board of a health service corporation which is formed as the result of a merger between a medical service corporation and a hospital service corporation shall be composed of 32 members. Initially, after the merger has been effected, the board shall be constituted as follows:

a. Eight members of the board shall be public members, who shall be appointed by the Governor. The public members so appointed shall be persons whose background and experience indicate that they are qualified to act in the broad public interest, who may or may not have coverage under a contract or contracts issued by the corporation, its subsidiaries or affiliates, and who, or whose spouses or minor children, are not officers, directors or owners of more than 10% of the stock of a corporation whose aggregate sales to hospitals, other health care facilities or other providers of health care services exceed 5% of its total sales. Of the remaining members, seventeen shall be selected by the board of directors of the merging hospital service corporation from among

its members, and seven shall be selected by the board of directors of the merging medical service corporation from among its members.

b. Of the initial members of the board, as provided for in subsection a. of this section, two members appointed by the Governor, five members of the board of the merging hospital service corporation, and two members of the board of the merging medical service corporation shall serve for a term of one year; three members appointed by the Governor, five members of the board of the merging hospital service corporation and two members of the board of the merging medical service corporation shall serve for a term of two years; and three members appointed by the Governor, seven members of the board of the merging hospital service corporation and three members of the board of the merging medical service corporation shall serve for a term of three years. Thereafter, all members of the board shall serve for a term of three years, and shall hold office until their successors are elected and qualified.

c. After the constitution of the initial board as provided in subsection b. of this section, and as the initial terms expire as provided for in that section, the board shall be constituted as follows:

(1) All of the public members of the board shall be appointed by the Governor;

(2) Twenty-four of the members shall be elected by the board of directors, as provided in the bylaws.

d. The provisions of subsection c. of this section shall not be construed to preclude the reappointment or reelection of any member appointed or elected pursuant to subsection a. of this section.

C. 17:48E-7 Board of new corporation.

7. The board of directors of a health service corporation which is established in accordance with paragraph (1) of subsection a. of section 2 of this act shall have eight public members appointed by the Governor and 24 members elected as provided in the bylaws.

C. 17:48E-8 Vacancy procedure.

8. Within 10 days after a vacancy in the board of directors of a health service corporation has occurred, the corporation shall notify the commissioner in writing that a vacancy exists. If the vacancy is in one of the positions on the board which has been appointed by the Governor, the commissioner shall so notify the Governor, who shall appoint a candidate to serve for the remaining term. If the vacancy occurs in a position which is elected by the board, the vacancy shall be filled in accordance with the bylaws. Not more

than 10 days after the selection of a person by the board to fill the vacancy, the corporation shall furnish, in writing, the following information to the commissioner: the name and address of the person so elected; whether the person is representative of the participating providers of health care services of the corporation, and is qualified to serve under the provisions of this act. If the commissioner finds, after a hearing, that the composition of the board of directors of the health service corporation, with respect to the members elected by the board, is not in compliance with the provisions of this act, he may direct that the board be reconstituted in accordance with his findings.

C. 17:48E-9 Executive committee.

9. The board of directors of a health service corporation may, by resolution, elect an executive committee of the board, one-fourth of which shall be members appointed by the Governor. Vacancies in the executive committee shall be filled by the board of directors in accordance with the bylaws.

To the extent provided in the resolution of the board, or in the bylaws, the executive committee shall have and may exercise all the authority of the board, except that no executive committee shall:

- a. Make, alter or repeal any bylaw of the corporation;
- b. Elect or appoint any director, or remove any officer or director;
- c. Submit to members any action that requires members' approval; or
- d. Amend or repeal any resolution previously adopted by the board.

C. 17:48E-10 Agreements with service providers.

10. a. A health service corporation may enter into agreements with providers of health care services whereby the providers become participating providers of health care services of that health service plan. Copies of agreements proposed to be entered into with participating physicians shall be filed with the commissioner. Every agreement shall provide: (1) for coverage of eligible health care services rendered to subscribers and covered dependents to the end of the subscription certificate year; (2) that 30 days' written notice of termination of the agreement may be given to the health service corporation at any time by any participating provider of health care services, but shall not apply to any subscription certificate in force at the time of notice until the first date thereafter when the subscription certificate may properly be terminated

by the health service corporation; and (3) that the agreement of the provider of health care services to render services to the end of any certificate year shall not be affected by cessation of the transaction of business by the health service corporation. This requirement shall not apply to any subscription certificate which is not maintained in force by the payment of premiums required thereby.

b. A participating provider of health care services is one who agrees in writing to render health care services to or for persons covered by a contract or contracts issued by a health service corporation in return for which the health service corporation agrees to make payment directly to the participating provider. No person or facility shall become a participating provider of health care services unless he or it shall be legally authorized to provide health care services or supplies in this State. The board shall approve reimbursement rates paid to physicians.

c. A health service corporation may enter into agreements with other similar nonprofit health service corporations, hospital service corporations, or medical service corporations licensed under the laws of other states to provide for reciprocal payment of health care services to their respective subscribers and covered dependents rendered in the area served by the other corporation, provided that payments to participating physicians shall be at a rate not exceeding the same rate paid participating physicians under the certificate of the subscriber.

d. A health service corporation may establish criteria and standards for providers of health care services with which it desires to contract, and may establish its own contracting criteria for the providers as it shall determine, but contractual rates of payment to any hospital or health care facility shall be approved as to reasonableness by the Hospital Rate Setting Commission pursuant to section 18 of P. L. 1971, c. 136 (C. 26:2H-18). The maximum rate of payment to eligible hospitals and institutions not under contract with the health service corporation shall not exceed those hospitals' or institutions' regular charges to the general public for the same services and shall be set forth in the certificate issued by the health service corporation to any subscriber. The basis and extent of payment, if any, by the health service corporation under agreements with nonprofit hospital service, medical service, or health service plans of other states shall be subject to the approval of the commissioner.

e. Any dispute arising between a health service corporation and any provider of health care services with which the health service

corporation has a contract for provision of health care services may be submitted to the commissioner for his determination with respect thereto, which determination shall be subject to review by the Superior Court in a proceeding in lieu of prerogative writ pursuant to section 43 of this act.

C. 17:48E-11 Professional Advisory Committee.

11. a. There is created a Professional Advisory Committee which shall be elected by the directors in a manner provided by the bylaws, which shall advise and make recommendations to the board with respect to professional practice and health care issues, including, but not limited to, (1) the eligibility of and reimbursement for medical, surgical, or other health care procedures or services; and (2) the establishing of guidelines for the utilization of health care services and procedures.

b. The advisory committee created pursuant to subsection a. of this section shall be composed of at least five physicians, of whom not less than two shall also be directors, and all of whom shall be participating providers. In the case of a merger of a hospital service corporation and a medical service corporation, the initial advisory committee shall be elected by the board of the merging medical service corporation. Thereafter, all members of the advisory committee shall be elected by the directors, in a manner provided by the bylaws.

C. 17:48E-12 Eligible providers' services.

12. In any contract entered into by a health service corporation, which includes coverage for health care services provided by a physician, coverage shall be deemed to include health care services provided by a registered bio-analytic laboratory or physical therapist, a certified nurse-midwife, a registered professional nurse, or a licensed chiropractor, dentist, optometrist, psychologist or chiropractor, when the provider performs an eligible service within the scope of his practice and for which he is not being compensated by a hospital or other health care facility. The practices of the providers of health care services shall be deemed to be within the provisions of this act and the providers shall have the privileges and benefits in the scope of their practices under this act afforded hereunder to other approved providers of health care services in the scope of their practices.

C. 17:48E-13 Approval of forms.

13. No health service corporation shall enter into any contract with a subscriber unless it has filed with the commissioner a copy

of the contract or certificate and copies of all applications, riders, and endorsements for use in connection with the issuance or renewal thereof. If the commissioner at any time notifies the corporation of his disapproval of any form as being contrary to law, or as being oppressive or calculated to mislead the public, specifying particulars, it shall be unlawful for the corporation thereafter to issue the form which has been disapproved.

C. 17:48E-14 Individual contract requirements.

14. In every individual contract made, issued or delivered in this State:

a. All printed portions shall be plainly printed in type of which the face is not smaller than 10 point;

b. There shall be a brief description of the contract on its first page and on its filing back in type of which the face is not smaller than 14 point;

c. The exceptions of the contract shall appear with the same prominence as the benefits to which they apply; and

d. If the contract contains any provision purporting to make any portion of the articles, constitution or bylaws of the corporation a part of the contract, that portion shall be set forth in full.

C. 17:48E-15 Classification permitted.

15. A health service corporation may classify subscribers whereby under specified circumstances a subscriber or covered dependents may pay a participating provider of health care services an amount in addition to that payable by the corporation for those services, and the subscription certificate issued to any subscriber affected thereby shall contain the provisions thereof and shall specify the circumstances.

C. 17:48E-16 Joint ventures.

16. a. A health service corporation of this State may, (1) with the participation of any other corporation licensed pursuant to Title 17 of the Revised Statutes, Title 17B of the New Jersey Statutes, or P. L. 1973, c. 337 (C. 26:2J-1 et seq.), or licensed pursuant to similar statutes of other states, jointly issue individual or group contracts for health care and other benefits, including complete employee welfare and other employee benefit programs, or (2) with the participation of any other corporation, jointly enter into contracts to provide or receive services in connection with the providing of health care or conducting the business of insurance in accordance with the provisions of this act or as permitted by the

commissioner. The commissioner may establish any nonforfeiture requirements or reserve requirements as he deems necessary. Agreements between a health service corporation and other corporations pursuant to this section may provide for experience rating, if the experience rating is done on an equitable basis between the health service corporation and the other corporations; or for a sharing, except with respect to life insurance as defined in N. J. S. 17B:17-3, of the premiums, claims, and expenses by the participating corporations; or subject to regulation by the commissioner, for acceptance or ceding of the whole or portions of risks on a reinsurance basis, except that a health service corporation may not accept risks on a reinsurance basis which it may not accept on a primary basis pursuant to its powers as a health service corporation, and may not, under any circumstances, act as a reinsurer of life insurance. Agreements made pursuant to this section shall be filed with and approved by the commissioner before becoming effective.

b. In the case of any joint venture for the sale of insurance with other than an insurer or hospital or medical service corporation licensed to do business in this or any other state, the other partner or partners in the venture shall be licensed to sell insurance as agents pursuant to Title 17B of the New Jersey Statutes.

C. 17:48E-17 Expense limits; investments; special contingent surplus.

17. a. No health service corporation shall during any one year disburse more than 10% of the aggregate amount of the payments received from subscribers during that year as expenditures for the soliciting of subscribers, except that during the first year after the issuance of a certificate of authority a health service corporation may so disburse not more than 20% of that amount and during the second year, not more than 15%.

b. No health service corporation shall, during any one year, disburse a sum greater than 20% of the payments received from subscribers during that year as administrative expenses. The term "administrative expenses," as used in this section, shall include all expenditures for nonprofessional services and in general all expenses not directly connected with the furnishing of services or benefits, but not including expenses of soliciting subscribers.

c. The funds of any health service corporation may be invested to the same extent now or hereafter permitted by law for the investment of funds of domestic life insurance companies, including investments in for-profit subsidiaries such as insurance agencies,

suppliers of administrative services only, or any other subsidiaries permitted pursuant to N. J. S. 17B:20-4, and for the purpose of engaging in any aspect of its business directly or through one or more subsidiaries or affiliates, except that a health service corporation may not invest in a subsidiary authorized to insure risks which the health service corporation may not insure directly pursuant to its powers as a health service corporation.

d. A health service corporation may not directly supply administrative services only, but may supply administrative services through a subsidiary or affiliate, except that no health service corporation may directly or indirectly, through a subsidiary or affiliate or otherwise, make available any provider differential under an agreement to supply administrative services only.

e. Every health service corporation, after the first full calendar year of doing business as a health service corporation, shall accumulate and maintain a special contingent surplus over and above its reserves and liabilities at the rate of 2% annually of its net premium income until that surplus is not less than \$1,250,000.00. Thereafter, for any subsequent calendar year, the special contingent surplus shall be maintained at an amount not less than 2½% of the net premium income received during that year, as determined by reference to the statement of financial condition filed pursuant to section 36 of this act. The commissioner may increase the amount of special contingent surplus which shall be maintained pursuant to this subsection to an amount not exceeding 5% of the net premium income received during the preceding year. This special contingent surplus shall be contributed by each of the following two categories:

(1) Community rated, excluding open enrollment and conversion groups; and

(2) Experience rated subscribers, in the ratio that the net premium income of each category bears to the total net premium income of the health service corporation and by contributions from the category that gives rise to a diminution of the surplus required to be maintained under this section. Whenever it appears that the special contingent surplus has deviated from the amount required to be maintained by more than 2% of the aggregate amount of the net premium income received during that year, the commissioner shall approve and promulgate a plan reasonably calculated to return the special contingent surplus to the amount required to be maintained, within two years from the date of implementation of the plan specified above. Approval and promulgation of the plan

by the commissioner shall not abrogate the responsibilities of corporate officers with regard to the reporting of financial condition pursuant to section 36 of this act.

f. Nothing in subsection e. of this section or any other provision of this act shall be construed to limit the authority of the commissioner to require compliance with statutory capital, surplus or reserve requirements for a subsidiary or affiliate of a health service corporation, or for any reinsurance activities to be undertaken by a health service corporation.

C. 17:48E-18 Annual contract, renewal; family coverage.

18. a. Every individual contract made by a health service corporation shall provide coverage for a specified period of not less than one year, and no contract shall be made providing for the inception of coverage at a date later than one year after the actual date of the making of the contract, without the prior approval of the commissioner. The contract may provide that it shall be automatically renewed from year to year unless there shall have been at least 30 days' prior written notice of termination by either the subscriber or the health service corporation. In the absence of fraud or material misrepresentation in the application for a contract or for reinstatement, no contract with an individual subscriber shall be terminated by the health service corporation unless all contracts of the same type, in the same group or covering the same classification of persons are terminated under the same conditions.

b. No contract between a health service corporation and a subscriber shall entitle more than one person to coverage, except that a contract issued as a family contract may provide that coverage will be furnished to a husband and wife, or husband, wife and their dependent child or children, or the subscriber and his, or her, dependent child or children. Adult dependents of a subscriber may also be included for coverage under the contract of the subscriber.

C. 17:48E-19 Provisions of subscription certificates.

19. Every individual contract entered into between a health service corporation and a subscriber shall be in writing and a certificate stating the terms and conditions thereof shall be furnished to the subscriber to be kept by him. No subscription certificate shall be made, issued or delivered in this State unless it contains the following provisions:

a. A statement of the contract rate or amount payable to the health service corporation by or on behalf of the subscriber for the period of coverage and of the time or times at which, and the manner

in which, the amount is to be paid; and a provision requiring 30 days' written notice to the subscriber before any change in the contract, including a change in the amount of the subscription rate, shall take effect;

b. A statement of the nature of the health services to be furnished or paid for and the period during which they will be furnished or paid for; and, if there are any services to be excepted, or any benefits to be limited, a detailed statement of the exceptions or limitations printed as hereinafter specified;

c. A statement of the terms and conditions, if any, upon which the contract may be amended on approval of the commissioner or canceled, or otherwise terminated, at the option of either party. Any notice to the subscriber shall be sent by mail to the subscriber's address as shown at the time on the health service plan's records, except that, in the case of persons for whom payment under their contracts is made through a remitting agent, notice may be sent to the remitting agent, in which case it shall be the responsibility of the remitting agent to notify the subscriber. The notice shall be sent at least 30 days before the amendment, cancellation or termination of the contract takes effect. A rider or endorsement accompanying the notice, and amending the rates or other provisions of the contract, shall be deemed to be a part of the contract as of the effective date of the rider or endorsement;

d. A statement that the contract includes the endorsements thereon and attached papers, if any, and contains the entire contract;

e. A statement that no statement by the subscriber in his application for a contract shall void the contract or be used in any legal proceeding thereunder, unless the application or an exact copy thereof is included in or attached to the contract, and that no agent or representative of the health service corporation, other than an officer or officers designated therein, is authorized to change the contract or waive any of its provisions;

f. A statement that if the subscriber defaults in making any payment under the contract, the subsequent acceptance of a payment by the health service corporation or by one of its duly authorized agents shall reinstate the contract, but with respect to sickness and injury may cover any sickness as may be first manifested more than 10 days after the date of the acceptance;

g. A statement of the period of grace, which shall not be less than 10 days, allowed the subscriber for making any payment due under the contract; and

h. A contract may contain a provision that all health services furnished or paid for by a hospital service corporation shall be in accordance with the accepted medical practices in the community at the time, but the health service corporation shall not be liable for injuries resulting from negligence, misfeasance, malfeasance, nonfeasance or malpractice on the part of any provider of health care services in the course of rendering health care services to subscribers.

C. 17:48E-20 Coverage for newborn child.

20. a. Family type individual contracts shall provide that the coverage applicable for children shall be payable with respect to a newly-born child of the subscriber, or his or her spouse, from the moment of birth. Coverage for newly-born children shall consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and abnormalities. If a subscription payment is required to provide coverage for a child, the contract may require that notification of birth of a newly-born child and the required payment must be furnished to the health service corporation within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

b. Nonfamily type individual contracts which provide for coverage to the subscriber but not to family members or dependents of that subscriber shall also provide coverage to newly-born children of the subscriber, which shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital abnormalities, if application therefor and payment of the required subscription amount are made to include in the contract the coverage described in subsection a. of this section within 31 days from the date of birth of a newborn child.

C. 17:48E-21 Coverage for former spouse.

21. Whenever, pursuant to the provisions of an individual contract issued by a health service corporation, the former spouse of a named subscriber under a contract is no longer entitled to coverage as an eligible dependent by reason of divorce, separate coverage for the former spouse shall be made available by the health service corporation on an individual basis under the following conditions:

a. Application for coverage shall be made to the health service corporation by or on behalf of the former spouse no later than 31 days following the date his or her coverage under the prior contract terminated.

b. No new evidence of insurability shall be required in connection with the application for coverage but any health exception, limitation or exclusion applicable to the former spouse under the prior coverage may, at the option of the health service corporation, be carried over to the new coverage.

c. The effective date of the new coverage shall be the day following the date on which the former spouse's coverage under the prior contract terminated.

d. The benefits provided under the coverage offered to the former spouse shall be at least equal to the basic benefits provided in contracts then being offered by the health service corporation to new individual nongroup applicants of the same age and family status.

C. 17:48E-22 Coverage for handicapped child.

22. Coverage of an unmarried child, covered prior to attainment of age 19 by an individual contract under which coverage terminates at a specified age, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon the subscriber for support and maintenance, shall not terminate while the contract remains in force and the dependent remains in that condition, if the subscriber has within 31 days of the dependent's attainment of the termination age submitted proof of the dependent's incapacity as described herein. The provisions of this section shall not apply retrospectively or prospectively to require a health service corporation to insure as a covered dependent any mentally retarded or physically handicapped child of the applicant where the contract is underwritten on evidence of insurability based on health factors required to be set forth in the application. A contract heretofore or hereafter issued may, however, specifically exclude such mentally retarded or physically handicapped child from coverage.

C. 17:48E-23 Group contracts.

23. a. A health service corporation may issue to a policyholder a group contract, covering at least two employees or members at the date of issue, if it conforms to the following description:

(1) A contract issued to an employer or to the trustees of a fund established by one or more employers, or issued to a labor union or to an association formed for purposes other than obtaining a group contract, or issued to the trustees of a fund established by one or more labor unions, or by one or more employers and one or more labor unions, covering employees and members of associations and labor unions; or

(2) A contract issued to cover any other group which the commissioner determines may be covered in accordance with sound underwriting principles.

(b) Benefits may be provided for one or more members of the families or one or more dependents of persons who may be covered under a group contract referred to in paragraph (1) or (2) of subsection a. of this section.

C. 17:48E-24 Provisions of group contract forms.

24. a. Every group contract entered into by a health service corporation with any policyholder shall be in writing and a contract form stating the terms and conditions thereof shall be furnished to the policyholder to be kept by him. No group contract form shall be used unless it contains the following provisions:

(1) A statement of the contract rate payable to the health service corporation by or on behalf of the policyholder for the original period of coverage, the time or times at which, and the manner in which the contract rate due is to be paid, and the basis, if any, on which the rate may subsequently be adjusted;

(2) A provision that all contract rates due under the contract shall be paid by the policyholder, or by the designated representative of the policyholder, to the health service corporation on or before the due date thereof or within a period of grace as may be specified therein;

(3) A statement of the nature of the coverage to be provided and the period during which it will be provided, and, if there are any exclusions from coverage, a detailed statement of these exclusions;

(4) A provision that the contract, any endorsements or riders thereto, the application of the policyholder in whose name the contract is issued, a copy of which shall be attached to the contract, and the individual applications, if any, of the employees or members shall constitute the entire contract between the parties and that all statements contained in any application for coverage shall be deemed representations and not warranties;

(5) A provision that there shall be issued to the policyholder, for delivery to the employee or member, a certificate or other document which sets forth or summarizes the essential features of the coverage, including the time, place and method for making claims for benefits;

(6) A provision that all new employees or new members, as the case may be, in the groups or classes eligible for the coverage shall be added to the eligible groups or classes; and

(7) A statement of the terms and conditions, if any, upon which the contract may be terminated or amended. Any notice to the policyholder shall be effective if sent by mail to the policyholder's address as shown at the time on the corporation's records. The notice to the policyholder as herein required shall be sent at least 30 days before the termination or amendment of the contract takes effect.

b. A group contract may contain a provision that all health services furnished or paid for by a health service corporation shall be in accordance with the accepted medical practices in the community at the time, but the health service corporation shall not be liable for injuries resulting from negligence, misfeasance, malfeasance, nonfeasance or malpractice on the part of any provider of health care services in the course of rendering health care services to covered persons.

c. A health service corporation may classify employees or members under a group contract whereby under specified circumstances the employee or member or their covered dependents may pay a participating provider of health care services an amount in addition to that payable by the corporation for those services, and the group contract issued to the policyholder whose employees or members are affected thereby shall contain the provisions thereof and shall specify the circumstances.

C. 17:48E-25 "Employee" coverage.

25. The group contract may provide that the term "employee" shall include as employees of a single employer the employees of one or more subsidiary corporations and the employees, individual proprietors and partners of affiliated corporations, proprietorships and partnerships, if the business of the employer and those corporations, proprietorships or partnerships is under common control through stock ownership, contract or otherwise. The contract may provide that the term "employees" includes the individual proprietor or partners of an individual proprietorship or a partnership.

The contract may provide that the term “employees” shall include retired employees. A contract issued to trustees may provide that the term “employees” shall include the trustees or their employees, or both, if their duties are principally connected with the trusteeship. A contract issued to the trustees of a fund established by the members of an association of employers may provide that the term “employees” shall include the employees of the association.

C. 17:48E-26 Experience rating.

26. a. A group contract, covering at least 50 employees or members, may provide for the adjustment of the rate of premium at the end of the first year or any subsequent year of insurance thereunder based on the experience thereunder, both past and contemplated. No health service corporation shall use any form of experience rating plan until it shall have filed with the commissioner the formulas to be used and the classes or groups to which they are to apply. The commissioner may disapprove the formulas or classes at any time if he finds that the rates produced thereby are excessive, inadequate or unfairly discriminatory or that the formulas or classes are such as to prejudice the interests of persons who are eligible for coverage under contracts with the health service corporation which are not subject to experience rating.

b. Except for those rating formulas applicable to groups the employees or members of which are located in more than one state and which are underwritten in participation with other corporations of other states, no rating formula shall be approved by the commissioner, unless it provides that the experience rated groups will be assessed a reasonable community charge. A rating formula may provide for the allowance of an equitable discount in the event that the policyholder agrees to perform certain administrative and record keeping functions in connection with the routine maintenance of the group account.

c. Nothing in this section shall preclude a health service corporation from incorporating in the rating formulas those claim cost and utilization trend factors which it deems necessary in its discretion, so long as the rates produced are self-supporting and the formulas for classes do not prejudice the interests of persons who are eligible for coverage under contracts with the health service corporation which are not subject to experience rating.

d. For experience rated groups of 50 to 99 employees or members, the commissioner shall have the authority to determine that rates

charged depart from community rates in such a way as to assure continuity of rating principles with the community rated and experience rated groups of 100 or more.

C. 17:48E-27 Rate schedule filing.

27. No health service corporation shall issue individual or group contracts which are not experience rated until it has filed with the commissioner a full schedule of rates which are to apply to those contracts. The commissioner may disapprove the schedule at any time if he finds that the rates are excessive, inadequate or unfairly discriminatory, and it shall be unlawful for any corporation to effect any contract according to those rates thereafter.

C. 17:48E-28 Group coverage for newborn child.

28. a. Family type group coverage shall provide that the coverage applicable for children shall be payable with respect to a newly-born child of the subscriber, or his or her spouse, from the moment of birth. The coverage for newly-born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities. If a subscription payment is required to obtain coverage for a child, the contract may require that notification of birth of a newly-born child and the required payment shall be furnished to the health service corporation within 31 days after the date of birth in order to have the coverage continue beyond that 31-day period.

b. Nonfamily type group coverage, other than under contracts which provide no dependent coverage whatsoever for the subscriber's class, shall also provide coverage for newly-born children of the subscriber, which coverage shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and abnormalities, if application therefor and payment of the required subscription amount are made to include in the contract the coverage described in subsection a. of this section within 31 days from the date of birth of a newborn child.

C. 17:48E-29 Nongroup coverage for former spouse.

29. Whenever, pursuant to the provisions of a group contract issued by a health service corporation, the former spouse of an employee or member of a policyholder under a group contract is no longer entitled to coverage as an eligible dependent by reason of

divorce, separate coverage for the former spouse shall be made available by the health service corporation on an individual nongroup basis under the following conditions:

a. Application for the nongroup coverage shall be made to the health service corporation by or on behalf of the former spouse no later than 31 days following the date his or her coverage under the prior group contract terminated.

b. No new evidence of insurability shall be required in connection with the application for the nongroup coverage but any health exception, limitation or exclusion applicable to the former spouse under the prior coverage may, at the option of the health service corporation, be carried over to the new nongroup coverage.

c. The effective date of the new coverage shall be the day following the date on which the former spouse's coverage under the prior group contract terminated.

d. The benefits provided under the nongroup coverage issued to the former spouse shall be at least equal to the basic benefits provided in contracts then being issued by the health service corporation to new nongroup applicants of the same age and family status.

C. 17:48E-30 Group coverage for handicapped child.

30. Coverage of an unmarried child, covered prior to attainment of age 19 by a group contract under which coverage terminates at a specified age, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon the covered employee or member for support and maintenance, shall not terminate while the coverage of the employee or member remains in force and the dependent remains in that condition, if the employee or member has within 31 days of the dependent's attainment of the termination age submitted proof of the dependent's incapacity as described herein. The provisions of this section shall not apply retrospectively or prospectively to require a health service corporation to insure as a covered dependent any mentally retarded or physically handicapped child of the applicant where the contract is underwritten on evidence of insurability based on health factors required to be set forth in the application. Any contract heretofore or hereafter issued may, however, specifically exclude a mentally retarded or physically handicapped child from coverage.

C. 17:48E-31 Family coverage after member's death.

31. Any group contract which contains provisions for the payment by the insurer of benefits for members of the family or dependents of a person in the insured group shall provide that, subject to payment of the appropriate premium, family members or dependents are permitted to have coverage continued for at least 180 days after the death of the person in the insured group.

C. 17:48E-32 Continuation of coverage for totally disabled.

32. A group contract or individual group certificate delivered or issued for delivery in this State which covers employees or members and their dependents for health services on an expense incurred or service basis, other than for specific diseases or for accidental injuries only, shall provide that employees or members, whose coverage under the group contract or individual group certificate would otherwise terminate because of termination of employment or membership due to total disability of the employee or member, shall be entitled to continue their health services coverage under that group contract or individual group certificate for themselves and their eligible dependents, subject to all of the group contract's or individual group certificate's terms and conditions applicable to that coverage and subject to the following conditions:

a. Continuation shall only be available to any employee or member who has been continuously covered under the group contract or individual group certificate during the entire three month period ending with the termination.

b. Continuation shall be available for any person who is covered by or eligible for Medicare, subject to any nonduplication of benefits provisions of the group contract or individual group certificate.

c. In addition to hospital, medical-surgical, or major medical benefits, continuation shall include any other health care expense benefits, including dental, vision care, or prescription drug benefits, available through the insured group.

d. An employee or member electing continuation shall pay to the group contract holder or his employer, on a monthly basis in advance, the amount of contribution required by the contract holder or employer, but not more than the group rate for the coverage being continued under the group contract or individual group certificate on the due date of each payment. The employee's or member's written election for continuation, together with the first contribution required to establish contributions on a monthly basis

in advance, shall be given to the contract holder or employer within 31 days of the date the employee's or member's coverage would otherwise terminate.

e. Continuation of coverage under the group contract or individual group certificate for any person shall terminate at the first to occur of the following:

(1) Failure of the former employee or member to make timely payment of a required contribution. Termination shall occur at the end of the period for which contributions were made.

(2) The date the employee again becomes employed and eligible for benefits under another group plan providing health care expense benefits, or in the case of a qualified eligible dependent, the date the dependent becomes employed and eligible for those benefits.

(3) The date on which the group contract or individual group certificate is terminated or, in the case of any employee, the date his employer terminates participation under the group contract or individual group certificate; except that:

(a) The employee or member shall have the right to become covered under any new group contract or individual group certificate contracted for by the employer, for the balance of the period that he would have remained covered under the prior group certificate in accordance with this act had a termination of a group not occurred;

(b) The minimum level of benefits to be provided by the other group contract or individual group certificate shall be the applicable level of benefits of the prior group contract or individual group certificate reduced by any benefits payable under that prior group contract or individual group certificate; and

(c) The prior group contract or individual group certificate shall continue to provide benefits to the extent of its accrued liability and extension of benefits, but only when replacement occurred.

f. A notification of the continuation privilege shall be included in any individual group certificate or employee booklet.

g. For the purposes of this section, "total disability of an employee or member" exists only while the employee or member (1) is not engaged in and (2) is completely unable, due to sickness or injury or both, to engage in any and every gainful occupation for which the person is reasonably fitted by education, training or experience.

C. 17:48E-33 Second, third surgical opinions.

33. a. A health service corporation issuing a group or individual contract in accordance with this act, which provides payment for surgical services rendered to a person while confined in a hospital as an inpatient, shall make available benefits for a second surgical opinion for elective surgical procedures which would require an inpatient admission to a hospital. In the case of a group contract, benefits for a second surgical opinion shall be available only if requested by the group policyholder.

b. A second surgical opinion program shall provide for payment for the second surgical opinion of an eligible physician and for essential laboratory and x-ray services incidental thereto.

c. If a second surgical opinion does not confirm that the proposed elective surgical procedure is medically advisable, the program shall cover a third surgical opinion in the same manner as the second opinion.

d. A second surgical opinion program may exclude benefits (1) while a patient is confined in a hospital as an inpatient for any surgical procedure not covered by the group or individual contract, and (2) for surgical procedures in the following categories: cosmetic surgery, pregnancy-related surgery, dental surgery, podiatric surgery, and sterilization.

e. If a physician who furnishes a second or third surgical opinion also performs the surgical procedure, the second surgical opinion program need not provide payment for the second or third opinion services.

C. 17:48E-34 Alcoholism treatment benefits.

34. No group or individual contract providing health service coverage shall be delivered, issued, executed, or renewed in this State, or approved for issuance or renewal in this State by the commissioner, unless the contract provides benefits to any subscriber or other person covered thereunder for expenses incurred in connection with the treatment of alcoholism when the treatment is prescribed by a doctor of medicine. Benefits shall be provided to the same extent as for any other sickness under the contract.

Every contract shall include benefits for the treatment of alcoholism as follows:

a. Inpatient or outpatient care in a health care facility licensed pursuant to P. L. 1971, c. 136 (C. 26:2H-1 et seq.);

b. Treatment at a detoxification facility licensed pursuant to section 8 of P. L. 1975, c. 305 (C. 26:2B-14);

c. Confinement as an inpatient or outpatient at a licensed, certified, or State approved residential treatment facility, under a program which meets minimum standards of care equivalent to those prescribed by the Joint Commission on Hospital Accreditation.

Treatment or confinement at any facility shall not preclude further or additional treatment at any other eligible facility, if the benefit days used do not exceed the total number of benefit days provided for any other sickness under the contract.

C. 17:48E-35 Reconstructive breast surgery benefits.

35. Every subscription certificate and group and individual contract providing health service coverage, delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the commissioner on or after the effective date of this act, shall provide benefits for reconstructive breast surgery, including, but not limited to: the cost of prostheses and, under any contract providing outpatient x-ray or radiation therapy, benefits for outpatient chemotherapy following surgical procedures in connection with the treatment of breast cancer, which shall be included as a part of the outpatient x-ray or radiation therapy benefit. The provisions of this section shall apply to all contracts in which the health service corporation has reserved the right to change the premium. These benefits shall be provided to the same extent as for any other sickness under the contract.

C. 17:48E-36 Annual financial statement.

36. a. Every health service corporation transacting business in this State shall annually on or before the first day of March file in the Department of Insurance a statement, subscribed and sworn to by its principal officers, showing its financial condition at the close of business on the thirty-first day of December of the year last preceding, and its business for that year, which statement shall be in that form and contain those matters as the commissioner prescribes. The commissioner may also address inquiries to any health service corporation or its officers in relation to its condition of affairs, or any matter connected with its transactions, and it shall be the duty of the officers of the corporation to promptly reply in writing to all inquiries. For good cause shown, the commissioner may extend the time within which a statement shall be filed.

b. A health service corporation neglecting to make and file its annual statement in the form and within the time provided by subsection a. of this section or neglecting to reply in writing to inquires of the commissioner within a reasonable time, as specified by the commissioner, shall forfeit \$100.00 for each day's neglect, to be recovered in a civil or administrative proceeding, and upon notice by the commissioner to that effect, its authority to do new business in this State shall cease while the default continues.

C. 17:48E-37 Examination authority.

37. a. The commissioner shall have the power, whenever he deems it expedient, to make or cause to be made an examination of the assets and liabilities, method of conducting business and all other affairs of every health service corporation authorized or which has made application for authority to transact business under the provisions of this act. For the purposes of the examination, the commissioner may authorize and employ persons to conduct the examination or to assist therein as he deems advisable, which examination may be conducted in any state in which the corporation examined has an office, agent, or place of business.

b. The reasonable expense of the examination shall be fixed and determined by the commissioner, and he shall recover that expense from the health service corporation examined, which shall make payment on presentation of a detailed account of the expense. If any health service corporation, after examination, shall be adjudged by the Superior Court to be insolvent, the expense of the examination, if unpaid, shall be ordered paid out of the assets of the health service corporation. No health service corporation shall, either directly or indirectly, pay, by way of gift, credit, or otherwise, any other or further sum to the commissioner or to any person in the employ of the Department of Insurance, for extra service or for the purposes of legislation, or for any purpose whatever.

c. It shall be the duty of the officers, agents and employees of a health service corporation to exhibit all its books, records and accounts for the purpose of the examination, and otherwise to facilitate the examination so far as it may be in their power to do so, and for that purpose the commissioner and his deputies, assistants and employees shall have the power to examine, under oath, the officers, agents and employees of the health service corporation relative to its business and affairs.

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C. 17:48E-38 Fee schedule.

38. A health service corporation shall pay the following fees to the commissioner for enforcement of the provisions of this act:

- a. For filing its application and charter, \$10.00;
- b. For filing each annual statement, \$20.00;
- c. For each copy of any paper filed in the Department of Insurance, \$0.20 a sheet or folio of 100 words and \$1.00 for certifying the same.

In addition, a health service corporation shall pay on April 1 of each year a general supervisory fee to the commissioner of \$0.02 per subscriber or member covered under individual or group contracts for hospital coverage; a general supervisory fee of \$0.02 per subscriber or member covered under individual or group contracts for medical coverage; and a general supervisory fee of \$0.04 per subscriber or member covered under individual or group contracts for both hospital and medical coverage; and the first general supervisory fees shall be due as of December 31, 1985, payable April 1, 1986. The provisions of this section shall not be construed to preclude, in the case of a joint venture, any insurer from owing any premium tax due pursuant to P. L. 1945, c. 182 (C. 54:18A-1 et seq.).

C. 17:48E-39 Penalties for violations.

39. Any health service corporation of this or any other state, country or province which shall have violated any of the provisions of, or shall have neglected, failed or refused to comply with any of the requirements of, this act, except the failure to file an annual statement, shall be liable to a penalty of \$500.00, to be sued for and collected by the commissioner in a summary manner in a civil action in the name of the State. The penalties when recovered shall be paid by the commissioner into the State Treasury for the use of the State. Any officer, agent, employee or member of any health service corporation doing business in this State who shall issue, circulate or cause or permit to be circulated, any estimate, illustration, or circular of any sort misrepresenting the terms of any contract issued by the health service corporation or any other such corporation, or misrepresent the benefits or advantages promised thereby, or use any name or title of any contract or class of contracts misrepresenting the true nature thereof, or who shall solicit, negotiate or effect the issue of any contract of any health service corporation which has neglected, failed, or refused to procure a certificate of authority as provided for by this act, or who

accepts any premiums, dues, deposits, contributions, fees, assessments or things of value of any kind in consideration for a contract or certificate on behalf of the health service corporation, shall be guilty of a crime of the fourth degree. The provisions of this section shall not preclude enforcement of chapter 30 of Title 17B of the New Jersey Statutes, concerning unfair trade practices and discrimination.

C. 17:48E-40 Subject to liquidation act.

40. Health service corporations shall be subject to the "Uniform Insurers Liquidation Act," P. L. 1975, c. 113 (C. 17:30C-1 et seq.), and rehabilitation and liquidation of health service corporations shall be accomplished in accordance with that act, provided that it shall be an additional ground for rehabilitation as set forth in section 6 of P. L. 1975, c. 113 (C. 17:30C-6) if a health service corporation's subscribers decline to fewer than 100 in number.

C. 17:48E-41 Tax-exempt.

41. A health service corporation subject to the provisions of this act is hereby declared to be a charitable and benevolent institution and all of its funds shall be exempt from every State, county, district, municipal and school tax other than taxes on real estate and equipment.

C. 17:48E-42 For-profit corporations excluded.

42. The provisions of this act shall not apply to any corporation carrying on the business of life, health or accident insurance, for profit or gain, or to fraternal beneficiary associations as defined in section 1 of P. L. 1959, c. 167 (C. 17:44A-1). A health service corporation authorized to transact business pursuant to this act shall be exempt from all other provisions of Title 17B of the New Jersey Statutes, except as herein specified, but the unfair trade practices provisions of N. J. S. 17B:30-1 et seq. shall apply to health service corporations except to the extent: a. expressly excepted in this act, or b. the commissioner determines that any provisions of N. J. S. 17B:30-1 et seq. are inappropriate as applied to health service corporations.

C. 17:48E-43 Subject to review.

43. All determinations of the commissioner made under the provisions of this act shall be subject to review by the Superior Court in a proceeding in lieu of prerogative writ.

C. 17:48E-44 Rules, regulations.

44. The commissioner, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), shall promulgate rules and regulations as are necessary to effectuate the provisions of this act.

45. P. L. 1938, c. 366 (C. 17:48-1 et seq.) is supplemented as follows:

C. 17:48-2.1 Hospital service corporation merger procedure.

A hospital service corporation established pursuant to the provisions of P. L. 1938, c. 366 (C. 17:48-1 et seq.) may merge with a medical service corporation established pursuant to the provisions of P. L. 1940, c. 74 (C. 17:48A-1 et seq.), pursuant to the provisions of P. L. 1985, c. 236 (C. 17:48E-1 et seq.), provided that the board of directors of the hospital service corporation executes a merger agreement, which shall be filed with the commissioner, and which shall provide that the board of directors of the survivor corporation be constituted in the manner provided for in section 6 of P. L. 1985, c. 236 (C. 17:48E-6).

46. P. L. 1940, c. 74 (C. 17:48A-1 et seq.) is supplemented as follows:

C. 17:48A-2.1 Medical service corporation merger procedure.

A medical service corporation established pursuant to the provisions of P. L. 1940, c. 74 (C. 17:48A-1 et seq.) may merge with a hospital service corporation established pursuant to P. L. 1938, c. 366 (C. 17:48-1 et seq.), pursuant to the provisions of P. L. 1985, c. 236 (C. 17:48E-1 et seq.), provided that the board of directors of the hospital service corporation executes a merger agreement, which shall be filed with the commissioner, and which shall provide that the board of directors of the survivor corporation be constituted in the manner provided for in section 6 of P. L. 1985, c. 236 (C. 17:48E-6).

47. This act shall take effect immediately.

Approved July 15, 1985.