

LAWS = NEW JERSEY 2000

New Jersey State Library

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



2000

New Jersey State Library

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

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LAWS

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

CHAPTER 1

AN ACT appropriating \$30,000,000 from the "Garden State Green Acres Preservation Trust Fund," and appropriating and reappropriating certain other moneys, for the acquisition of lands by the State for recreation and conservation purposes.

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

1. a. There is appropriated from the "Garden State Green Acres Preservation Trust Fund," established pursuant to section 19 of P.L.1999, c.152 (C.13:8C-19), to the Department of Environmental Protection the sum of \$30,000,000 for the acquisition of lands by the State for recreation and conservation purposes. This sum shall be allocated as follows:

Project	County	Municipality	Amount
BARNEGAT BAY GREENWAY	Ocean	Barnegat Twp Eagleswood Twp Ocean Twp Stafford Twp	\$1,500,000
CAPE MAY PENINSULA	Cape May	Cape May City Cape May Point Boro Dennis Twp Lower Twp Middle Twp Sea Isle City Upper Twp West Cape May Boro	750,000

	Hopewell Twp Lawrence Twp Upper Deerfield Twp
Salem	Alloway Twp
<i>Dividing/ Nantuxent/ Cedar/ Back Creeks Greenway</i>	
Cumberland	Commercial Twp Downe Twp Fairfield Twp Lawrence Twp
<i>Maurice River Greenway</i>	
Atlantic	Buena Boro Buena Vista Twp
Cape May	Dennis Twp
Cumberland	Commercial Twp Deerfield Twp Maurice River Twp Millville City Vineland City
Gloucester	Clayton Boro Elk Twp Franklin Twp Glassboro Boro Monroe Twp Newfield Boro
Salem	Pittsgrove Twp Upper Pittsgrove Twp
<i>Salem River/ Mannington Greenway</i>	
Salem	Carneys Point Twp Elsinboro Twp Mannington Twp Pilesgrove Twp Upper Pittsgrove Twp Woodstown Boro
<i>Stow Creek Greenway</i>	
Cumberland	Greenwich Twp Stow Creek Twp
Salem	Alloway Twp Lower Alloways Creek Twp Quinton Twp

		Logan Twp Woolwich Twp	
	<i>Rancocas Creek Greenway</i>		
	Burlington	Delran Twp Eastampton Twp Hainesport Twp Lumberton Twp Medford Twp Moorestown Twp Mount Holly Twp Mount Laurel Twp Pemberton Twp Southampton Twp Springfield Twp Westampton Twp Willingboro Twp	
	<i>Trenton/ Hamilton Marsh</i>		
	Burlington	Bordentown Twp Chesterfield Twp	
	Mercer	Hamilton Twp Trenton City	
	<i>Woodbury Creek Watershed</i>		
	Gloucester	National Park Boro West Deptford Twp	
	GREAT BAY GREENWAY		1,000,000
	Atlantic	Galloway Twp Port Republic City	
	Ocean	Little Egg Harbor Twp	
	GREAT EGG HARBOR/ TUCKAHOE GREENWAY		500,000
	Atlantic	Corbin City Egg Harbor Twp Estell Manor City Folsom Boro Hamilton Twp Weymouth Twp	
	Camden	Winslow Twp	
	Cape May	Upper Twp	
	Gloucester	Franklin Twp Monroe Twp	

Burlington	Evesham Twp Medford Twp Tabernacle Twp	
Hunterdon	East Amwell Twp	
Morris	Rockaway Boro	
Passaic	Ringwood Boro	
Somerset	Franklin Twp	
Sussex	Byram Twp Hampton Twp Sandyston Twp Stillwater Twp Vernon Twp	
Warren	Hardwick Twp	
PAULINSKILL RIVER GREENWAY		1,000,000
Sussex	Fredon Twp Hampton Twp Lafayette Twp Sparta Twp Stillwater Twp	
Warren	Blairstown Twp Frelinghuysen Twp Hardwick Twp Knowlton Twp	
PEQUEST RIVER GREENWAY		1,750,000
Sussex	Andover Boro Andover Twp Fredon Twp Green Twp	
Warren	Allamuchy Twp Belvidere Town Independence Twp Liberty Twp Mansfield Twp White Twp	
PINELANDS		1,500,000
Atlantic	Brigantine City Buena Boro Buena Vista Twp Corbin City	

		Ocean Twp Plumsted Twp South Toms River Boro Stafford Twp Tuckerton Boro	
RARITAN RIVER GREENWAY			3,750,000
	Hunterdon	Bethlehem Twp Clinton Twp East Amwell Twp Franklin Twp High Bridge Boro Lebanon Twp Raritan Twp Readington Twp Tewksbury Twp Union Twp	
	Morris	Chester Twp Harding Twp Long Hill Twp Mendham Boro Mendham Twp Washington Twp	
	Somerset	Bernards Twp Branchburg Twp Bridgewater Twp Franklin Twp Hillsborough Twp Manville Boro Montgomery Twp Somerville Boro Warren Twp	
STOKES/ HIGH POINT ADDITIONS			1,500,000
	Sussex	Montague Twp Sandyston Twp Wantage Twp	
SWIMMING RIVER			1,000,000
	Monmouth	Colts Neck Twp Holmdel Twp Marlboro Twp	
TRAILS			2,500,000
	<i>Appalachian Trail Easements</i>		
	Passaic	West Milford Twp	

Warren County Trail

Warren	Harmony Twp Lopatcong Twp Washington Twp	
WATERSHED LANDS		750,000
Morris	Jefferson Twp Kinnelon Boro Rockaway Twp	
Passaic	West Milford Twp	
TOTAL		\$30,000,000

b. Any transfer of any funds, or change in project site, listed in subsection a. of this section shall require the approval of the Joint Budget Oversight Committee or its successor.

c. To the extent that moneys remain available after the projects listed in subsection a. of this section are offered funding pursuant thereto, any State project that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor.

d. There is reappropriated to the Department of Environmental Protection the unexpended balances, due to project cancellations or cost savings, of the amounts appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for State projects to acquire lands for recreation and conservation purposes, for the purpose of providing additional funding, as determined by the Department of Environmental Protection, to any State project that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

e. For the purposes of this section, "Green Acres bond act" means P.L.1995, c.204, P.L.1992, c.88, and P.L.1989, c.183.

2. This act shall take effect immediately.

Approved March 22, 2000.

lands for recreation and conservation purposes, for the purpose of providing additional funding, as determined by the Department of Environmental Protection, to any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes or that receives funding approved pursuant to section 3 of this act, section 1 of P.L.2000, c.3, or section 1 of P.L.2000, c.4, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

b. There is appropriated to the Department of Environmental Protection such sums as may be, or may become available, on or before June 30, 2000, due to interest earnings or loan repayments in any "Green Trust Fund" established pursuant to a Green Acres bond act, for the purpose of paying administrative costs of the department associated with any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act for recreation and conservation purposes or that receives funding approved from any Green Acres bond act pursuant to section 3 of this act, section 1 of P.L.2000, c.3, or section 1 of P.L.2000, c.4.

c. For the purposes of this section, "Green Acres bond act" means P.L.1995, c.204, P.L.1992, c.88, P.L.1989, c.183, P.L.1987, c.265, and P.L.1983, c.354.

3. a. The following projects to develop lands for recreation and conservation purposes are eligible for funding with moneys made available from the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.), the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, the "New Jersey Green Acres, Cultural Centers and Historic Preservation Bond Act of 1987," P.L.1987, c.265, or the "New Jersey Green Acres Bond Act of 1983," P.L.1983, c.354, and which moneys are appropriated or reappropriated pursuant to sections 1 and 2 of this act:

Local Government Unit	County	Project	Approved Amount
Atlantic County	Atlantic	Lake Lenape Park Phase II (Hamilton Twp)	\$200,000
Egg Harbor Twp	Atlantic	Tony Canale Park Ph II	250,000
Hamilton Twp	Atlantic	Leipe Tract Rec Complex	500,000
Linwood City	Atlantic	All Wars Memorial Park II	150,000

c. To the extent that moneys remain available after the projects listed in subsection a. of this section are offered funding pursuant thereto, any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, or that receives funding approved pursuant to section 1 of P.L.2000, c.3 or section 1 of P.L.2000, c.4, shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

For the purposes of this subsection, "Green Acres bond act" means P.L.1995, c.204, P.L.1992, c.88, P.L.1989, c.183, P.L.1987, c.265, and P.L.1983, c.354.

4. This act shall take effect immediately.

Approved March 22, 2000.

CHAPTER 3

AN ACT approving projects of certain local government units as eligible for funding from the State to acquire lands for recreation and conservation purposes.

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

1. a. The following projects to acquire lands for recreation and conservation purposes are eligible for funding with moneys made available from the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.), the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, the "New Jersey Green Acres, Cultural Centers and Historic Preservation Bond Act of 1987," P.L.1987, c.265, or the "New Jersey Green Acres Bond Act of 1983," P.L.1983, c.354, and which moneys are appropriated or reappropriated pursuant to sections 1 and 2 of P.L.2000, c.2:

Local Government Unit	County	Project	Approved Amount
Emerson Boro	Bergen	Land Acq	\$2,000,000
Haworth Boro	Bergen	Open Space Acq	2,000,000

1. a. The following projects to develop lands for recreation and conservation purposes are eligible for funding with moneys made available from the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.), the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, the "New Jersey Green Acres, Cultural Centers and Historic Preservation Bond Act of 1987," P.L.1987, c.265, or the "New Jersey Green Acres Bond Act of 1983," P.L.1983, c.354, and which moneys are appropriated or reappropriated pursuant to sections 1 and 2 of P.L.2000, c.2:

Local Government Unit	County	Project	Approved Amount
Mount Holly Twp	Burlington	Mill Dam Park Improvement	\$496,389
Gloucester City	Camden	Johnson Blvd Rec Dev	500,000
Gloucester Twp	Camden	Hickstown Road Dev	500,000
Lindenwold Boro	Camden	Sports Complex Dev	500,000
Winslow Twp	Camden	Donio Park 2 Dev	214,000
Millville City	Cumberland	Sharp St. Rec Complex Dev	500,000
Vineland City	Cumberland	Multi Park Improvement	500,000
Essex County	Essex	West Side Park Redevel. (Newark City)	500,000
Monroe Twp	Gloucester	Earling E. Owens Field 8	150,000
Woodbury City	Gloucester	Stewart Lake Park Dev	500,000
Jersey City	Hudson	Reservoir No.3 Dev	500,000
Kearny Town	Hudson	Riverbank Park	500,000
North Bergen Twp	Hudson	76th Street LL Field Dev	500,000
Weehawken Twp	Hudson	Weehawken Stadium IV	500,000
West New York Town	Hudson	Miller Stadium II	500,000
Middlesex County	Middlesex	Waterfront Development (Perth Amboy City)	500,000
Woodbridge Twp	Middlesex	Sewaren Marina Pk 2	500,000
Asbury Park City	Monmouth	Boardwalk Restoration	500,000
Brick Twp	Ocean	Bayside Park	389,000
Passaic City	Passaic	Roberto Clemente Field	500,000
Rahway City	Union	Waterfront Park	500,000

b. Any transfer of any funds, or change in project sponsor, site, or type, listed in subsection a. of this subsection shall require the approval of the Joint Budget Oversight Committee or its successor.

c. To the extent that moneys remain available after the projects listed in subsection a. of this section are offered funding pursuant thereto, any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, or that receives funding approved

CHAPTER 6

AN ACT changing the name of the Interstate Sanitation Commission to the Interstate Environmental Commission and the Interstate Sanitation District to the Interstate Environmental District and amending, supplementing and repealing parts of the statutory law.

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

1. R.S.32:18-3 is amended to read as follows:

Interstate environmental district created; boundaries.

ARTICLE II.

1. To that end they do agree that there shall be created and they do hereby create a district to be known as the Interstate Environmental District (hereinafter referred to as the district) which shall embrace the territory described as follows:

All the coastal, estuarial and tidal waters within or covering portions of the signatory states as follows:

- a. In Connecticut, Long Island sound and estuaries and tidal waters thereof between the easterly side of New Haven harbor at Morgan Point and the Connecticut-New York state boundary, and the Housatonic river up to the northerly boundary lines of the towns of Stratford and Milford.

- b. In New York, all of the tidal waters of greater New York city; including Kill van Kull and Arthur Kill, Long Island sound and the estuaries and tidal waters thereof between the New York city line and the New York-Connecticut state boundary and between the New York city line and the easterly side of Port Jefferson harbor; the Atlantic ocean and the estuaries and tidal waters thereof between the New York city line and the easterly side of Fire Island inlet; and the Hudson river and estuaries and tidal waters thereof between the New York and New Jersey state boundary and the northerly line of Rockland county on the westerly side and between the northerly line of New York city and the northerly line of Westchester county on the easterly side of the river.

- c. In New Jersey, the Hudson river and New York upper bay and estuaries and tidal waters thereof between the New York-New Jersey boundary and Constable Point on Constable Hook; the Kill van Kull and Arthur Kill to the mouths of the rivers entering into the Kills; Newark bay and the estuaries thereof up to the mouth of the Passaic river; and up to the mouth

of oxygen that would be required to saturate the water under the existing conditions of temperature and salinity.

"Pollution" is any foreign matter which renders waters unfit to sustain fish life and unsatisfactory for bathing.

"Sewage effluent" means the treated sewage discharged from a treatment plant.

"Suspended solids" means those solid particles carried in suspension in the untreated sewage or sewage effluent.

"Entity" means any organization or association owning, controlling or operating a sewerage system or treatment plant within a municipality.

4. R.S.32:19-1 is amended to read as follows:

Appointment of commissioners to Interstate Environmental Commission.

32:19-1. The Governor shall, by and with the advice and consent of the Senate, appoint three commissioners to the Interstate Environmental Commission created by the agreement or compact between the states of New York and New Jersey and Connecticut, each of whom shall be a resident voter of the State of New Jersey. The Commissioner of Environmental Protection and the Commissioner of Health and Senior Services shall serve as commissioners ex officio, and may designate a representative of their respective departments to represent them at all meetings, hearings and proceedings of the Interstate Environmental Commission with full power to vote and act on their respective behalf. In the event that either the Commissioner of Environmental Protection or the Commissioner of Health and Senior Services shall not qualify in accordance with the provisions of the compact, said commissioner shall designate a representative of his respective department to serve as an Interstate Environmental Commissioner until such time as the commissioner ex officio shall qualify.

Each appointive commissioner shall hold office, for a term of five years or until his successor has been appointed and qualified. At the expiration of the term of each appointive commissioner, the Governor shall, by and with the advice and consent of the Senate, appoint a successor who shall hold office for a term of five years or until his successor has been appointed and qualified. In the event of a vacancy occurring in the office of an appointive commissioner by death, resignation or otherwise, the Governor shall, by and with the advice and consent of the Senate, appoint his successor, who shall hold office for the unexpired term. Any commissioner may be removed upon charges and after hearing by the Governor. The commissioners shall have the powers and duties and be subject to the limitations provided for in the compact and agreement entered into between the signatory states and laws adopted by said states, and together with five

and the orders of the commission pursuant thereto or pursuant to laws; and to conduct investigations, inquiries or hearings at such place or places, and at such times as it shall appoint. Such investigations, inquiries or hearings may be held by or before one or more of the commissioners, or by or before any person or persons appointed as its representative and when ratified, approved or confirmed by the Interstate Environmental Commission, his or their action shall be and be deemed to be the investigation, inquiry or hearing of the Interstate Environmental Commission. All state and municipal departments, commissions, boards and bodies having to do with the waters of the state shall co-operate with the commission and shall furnish to the commission such information as the commission shall request, touching the pollution or the elimination thereof, of the waters of the district.

6. R.S.32:19-4 is amended to read as follows:

Initiation of action, proceeding due to violations, threatened violations.

32:19-4. Whenever the Interstate Environmental Commission shall be of the opinion that any person, association or corporation, municipal or otherwise, within the district is failing or omitting, or about to fail or omit to do anything required of it by its order or by the laws governing the control or elimination of pollution of the waters of the district, or is doing or is about to do anything or permitting or about to permit anything to be done contrary to or in violation of such orders or such laws or the provisions of the compact, it may direct its legal representative to commence an action or a proceeding in lieu of prerogative writ in the name of the Interstate Environmental Commission in the Superior Court for the purpose of preventing the continuance of such violations or threatened violations either by injunctive or other relief. The court shall have jurisdiction to hear and determine such action or proceeding upon the merits and grant such relief as may be appropriate.

7. R.S.32:19-5 is amended to read as follows:

Interstate Environmental Commission, powers regarded as in aid of, supplemental.

32:19-5. Any powers herein granted to the Interstate Environmental Commission shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in said commission by the states of New York and New Jersey and/or by congress or the terms of the compact.

8. R.S.32:19-10 is amended to read as follows:

C.32:19A-3 Use of services, facilities, information.

3. In carrying out its functions under this act, the Interstate Environmental Commission shall make use of the services, facilities and information of existing state, local and federal agencies wherever feasible and available.

12. Section 4 of P.L.1961, c.105 (C.32:19A-4) is amended to read as follows:

C.32:19A-4 Empowerment to accept moneys, property, donations, gifts.

4. In furtherance of the purposes of this act, the Interstate Environmental Commission is empowered to accept moneys, property and other donations or gifts from any person whatever, whether public, private or governmental, real or artificial.

13. Section 5 of P.L.1961, c.105 (C.32:19A-5) is amended to read as follows:

C.32:19A-5 Trade secret, secret process exempt from inquiry; confidentiality of information; exemptions.

5. No trade secret or secret process shall be inquired into by the Interstate Environmental Commission under this act, whether with respect to one or more of the substances or one or more of the processes, operations, techniques or devices used in connection therewith, and whenever a trade secret or secret process is involved, the activity under this act shall be limited to the identification of the device or facility from which the effluent discharged into the outer air derives, and the nature, rate and period of emission of such effluent.

All information obtained from any sampling, tracing or other specific inquiry performed under this act shall be kept and maintained as a confidential disclosure and, except as may be essential for the purpose of referring a complaint to an appropriate enforcement agency and of any enforcement proceeding by or before any such agency, shall not be disclosed or published in any way other than such as will not identify a given substance, process, operation, technique or device with the physical location or identity of the source plant or facility, or with the product made or service performed, or with the person or persons using the same.

A printed copy of the provisions of this section shall be furnished on request to any person furnishing information to the Interstate Environmental Commission and, in case of an inquiry at a plant or facility, to the person then in charge of the same.

(C.40A:11-1 et seq.); provided, however, that nothing contained in this act shall in any way affect or limit the jurisdiction, powers or rights of the State Department of Health and Senior Services, Interstate Environmental Commission, Delaware River Basin Commission, Water Policy and Supply Council of the Department of Environmental Protection, North Jersey District Water Supply Commission, Passaic Valley Sewerage Commissioners, or Passaic Valley Water Commission, or impair the obligations assumed by any municipality included in any district in any contract made prior to the creation of such district with any sewerage authority or any county sewer authority or with one or more other municipalities or with the Passaic Valley Sewerage Commissioners or with the North Jersey District Water Supply Commission.

17. Section 73 of P.L.1954, c.84 (C.43:15A-73) is amended to read as follows:

C.43:15A-73 Employees of certain authorities and commissions; State university; compensation rating and inspection bureau.

73. a. The Public Employees' Retirement System is hereby authorized and directed to enroll eligible employees of the New Jersey Turnpike Authority, the New Jersey Highway Authority, Palisades Interstate Park Commission, Interstate Environmental Commission, the Delaware River Basin Commission and the Delaware River Joint Toll Bridge Commission.

In the case of the Delaware River Joint Toll Bridge Commission, the eligible employees shall be only those who are employed on the free bridges across the Delaware river, under the control of said commission, or who are members of the retirement system at the time they begin employment with the commission.

The said employees shall be subject to the same membership, contribution and benefit provisions of the retirement system as State employees.

b. The State University of New Jersey, as an instrumentality of the State, shall, for all purposes of this act, be deemed an employer and its eligible employees, both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees and for all purposes of this act employment by the State University of New Jersey after April 16, 1945, and for the purposes of chapter 3 of Title 43 of the Revised Statutes any new employment after January 1, 1955, shall be deemed to be and shall be construed as service to and employment by the State of New Jersey.

c. The Compensation Rating and Inspection Bureau, created and established pursuant to the provisions of R.S.34:15-89, shall, for all

f. (1) The Casino Reinvestment Development Authority, created and established pursuant to P.L.1984, c.218 (C.5:12-153 et seq.), the New Jersey Urban Development Corporation, created and established pursuant to P.L.1985, c.227 (C.55:19-1 et seq.), the South Jersey Food Distribution Authority, created and established pursuant to P.L.1985, c.383 (C.4:26-1 et seq.), the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises, created and established pursuant to P.L.1985, c.386 (C.34:1B-47 et seq.), and the Catastrophic Illness in Children Relief Fund Commission, created and established pursuant to P.L.1987, c.370 (C.26:2-148 et seq.) shall each, for all purposes of this act, be deemed an employer and eligible authority, corporation, or commission. Employees, both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees.

(2) The current or former employees of the authorities, the corporation, and the commission may purchase credit for all service with the authority, corporation, or commission rendered prior to the effective date of this amendatory and supplementary act, P.L.1990, c.25 (C.43:15A-73.2 et al.), if that service would otherwise be eligible for credit in the retirement system. This purchase shall be made in the same manner and shall be subject to the same terms and conditions provided for the purchase of previous membership service by section 8 of P.L.1954, c.84 (C.43:15A-8). The authority, corporation, or commission shall pay the unfunded liability as determined by the actuary for prior service purchased by its employees in accordance with a schedule approved by the actuary. This obligation of the authority, corporation, or commission shall be known as the accrued liability for prior service credit.

(3) For any employee of the authorities or of the corporation or commission who is in service with the authority, corporation, or commission on the effective date of this amendatory and supplementary act, P.L.1990, c.25 (C.43:15A-73.2 et al.), the age of enrollment for the purposes of the member contribution rate under section 25 of P.L.1954, c.84 (C.43:15A-25) shall be the age of the employee on the date the continuous service with the authority began. Any employee who was a member of the retirement system on the date continuous service with the authority, corporation, or commission began but whose membership expired before the effective date of participation by the authority, corporation, or commission in the retirement system, and who has not withdrawn the employee contributions from the system, shall participate in the retirement system under the former membership and shall contribute to the system at the rate applicable to the former membership.

Authority pursuant to subdivision (m) of Article I of the compact creating the authority (R.S.32:3-2), as defined in section 3 of P.L.1997, c.150 (C.34:1B-146), except that only persons who are employees of the South Jersey Port Corporation on the effective date of P.L.1997, c.150 (C.34:1B-144 et al.) and are re-employed by the subsidiary or other corporation within 365 days of the effective date are eligible to participate in the program.

(b) The term "State Treasury" means the State agency responsible for the administration of the New Jersey State Health Benefits Program Act which is to be located in the Division of Pensions and Benefits in the Department of the Treasury.

C.32:18-14.1 References to Sanitation Commission deemed to refer to Environmental Commission.

20. On and after the effective date of this act, reference in any law, contract or document to the "Interstate Sanitation District" or the "Interstate Sanitation Commission" shall be deemed to mean and refer to the "Interstate Environmental District" or the "Interstate Environmental Commission," as the case may be.

Repealer.

21. Section 7 of P.L.1961, c.105 (C.32:19A-7) is repealed.

Repealer.

22. P.L.1967, c.107 (C.32:29-1 et seq.) is repealed.

23. This act shall take effect when the states of New York and Connecticut have enacted legislation changing the name of the Interstate Sanitation Commission to the Interstate Environmental Commission and the name of the Interstate Sanitation District to the Interstate Environmental District, and when the Congress of the United States has given its consent to these changes.

Approved March 23, 2000.

CHAPTER 7

AN ACT prohibiting the use of Department of Transportation property for the storage or handling of radioactive-contaminated materials and supplementing P.L.1966, c.301 (C.27:1A-1 et seq.).

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

(7) Each employer shall cause to be deducted from the salary of each member the percentage of earnable compensation prescribed in subsection (2) of this section. To facilitate the making of deductions, the retirement system may modify the amount of deduction required of any member by an amount not to exceed 1/10 of 1% of the compensation upon which the deduction is based.

(8) The deductions provided for herein shall be made notwithstanding that the minimum salary provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein, and payment of salary or compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except as to the benefits provided under this act. The chief fiscal officer of each employer shall certify to the retirement system in such manner as the retirement system may prescribe, the amounts deducted; and when deducted shall be paid into said annuity savings fund, and shall be credited to the individual account of the member from whose salary said deduction was made.

(9) With respect to employers other than the State, upon the basis of the tables recommended by the actuary which the board adopts and regular interest, the actuary shall compute the amount of the accrued liability as of June 30, 1991 under the projected unit credit method, which is not already covered by the assets of the retirement system, valued in accordance with the asset valuation method established in this section. Using the total amount of this unfunded accrued liability, the actuary shall compute the initial amount of contribution which, if the contribution is increased at a specific rate and paid annually for a specific period of time, will amortize this liability. The State Treasurer shall determine, upon the advice of the Director of the Division of Pensions and Benefits, the board of trustees and the actuary, the rate of increase for the contribution and the time period for full funding of this liability, which shall not exceed 40 years on initial application of this section as amended by this act, P.L.1994, c.62. This shall be known as the "accrued liability contribution." Any increase or decrease in the unfunded accrued liability as a result of actuarial losses or gains for the 10 valuation years following valuation year 1991 shall serve to increase or decrease, respectively, the unfunded accrued liability contribution. Thereafter, any increase or decrease in the unfunded accrued liability as a result of actuarial losses or gains for subsequent valuation years shall serve to increase or decrease, respectively, the amortization period for the unfunded accrued liability, unless an increase in the amortization period will cause it to exceed 30 years. If an increase in the amortization period as a result of actuarial losses for a valuation year would exceed 30 years, the

valuation assets allocated to the State, shall include the proceeds from the bonds issued pursuant to the "Pension Bond Financing Act of 1997," P.L.1997, c.114 (C.34:1B-7.45 et seq.), paid to the system by the New Jersey Economic Development Authority to fund the unfunded accrued liability of the system. Notwithstanding the first sentence of this paragraph, the percentage of the difference between the expected value and the full market value of the assets to be added to the expected value of the assets for the valuation period ending June 30, 1998 for the State shall be 100% and for other employers shall be 57%.

"Excess valuation assets" means, with respect to the valuation assets allocated to the State, the valuation assets allocated to the State for a valuation period less the actuarial accrued liability of the State for the valuation period, and beginning with the valuation period ending June 30, 1998, less the present value of the expected additional normal cost contributions attributable to the provisions of P.L.1999, c.428 (C.43:16A-15.8 et al.) payable on behalf of the active members employed by the State as of the valuation period over the expected working lives of the active members in accordance with the tables of actuarial assumptions applicable to the valuation period, if the sum is greater than zero. "Excess valuation assets" means, with respect to the valuation assets allocated to other employers, the valuation assets allocated to the other employers for a valuation period less the actuarial accrued liability of the other employers for the valuation period, excluding the unfunded accrued liability for early retirement incentive benefits pursuant to P.L.1993, c.99 for the other employers, and beginning with the valuation period ending June 30, 1998, less the present value of the expected additional normal cost contributions attributable to the provisions of P.L.1999, c.428 (C.43:16A-15.8 et al.) payable on behalf of the active members employed by other employers as of the valuation period over the expected working lives of the active members in accordance with the tables of actuarial assumptions applicable to the valuation period, if the sum is greater than zero.

If there are excess valuation assets allocated to the State or to the other employers for the valuation period ending June 30, 1995, the normal contributions payable by the State or by the other employers for the valuation periods ending June 30, 1995, and June 30, 1996 which have not yet been paid to the retirement system shall be reduced to the extent possible by the excess valuation assets allocated to the State or to the other employers, respectively, provided that with respect to the excess valuation assets allocated to the State, the General Fund balances that would have been paid to the retirement system except for this provision shall first be allocated as State aid to public schools to the extent that additional sums are required to

to run against the total transmittal of salary deductions for the period on the first day after such 15th day.

(11) The expenses of administration of the retirement system shall be paid by the State of New Jersey. Each employer shall reimburse the State for a proportionate share of the amount paid by the State for administrative expense. This proportion shall be computed as the number of members under the jurisdiction of such employer bears to the total number of members in the system. The pro rata share of the cost of administrative expense shall be included with the certification by the retirement system of the employer's contribution to the system.

(12) Notwithstanding anything to the contrary, the retirement system shall not be liable for the payment of any pension or other benefits on account of the employees or beneficiaries of any employer participating in the retirement system, for which reserves have not been previously created from funds, contributed by such employer or its employees for such benefits.

(13) (Deleted by amendment, P.L.1992, c.125.)

(14) Commencing with valuation year 1991, with payment to be made in Fiscal Year 1994, the Legislature shall annually appropriate and the State Treasurer shall pay into the pension accumulation fund of the retirement system an amount equal to 1.1% of the compensation of the members of the system for the valuation year to fund the benefits provided by section 16 of P.L.1964, c.241 (C.43:16A-11.1), as amended by P.L.1979, c.109.

(15) If the valuation assets are insufficient to fund the normal and accrued liability costs attributable to P.L.1999, c.428 (C.43:16A-15.8 et al.) as provided hereinabove, the normal and unfunded accrued liability contributions required to fund these costs for the State and other employers shall be paid by the State.

Repealer.

2. Section 9 of P.L.1999, c.428 (C.43:16A-15.8) is repealed.

3. This act shall take effect immediately.

Approved March 29, 2000.

CHAPTER 9

AN ACT to increase the veterans' property tax deduction and amending P.L.1963, c.171.

entitled. In addition, a claimant may receive any homestead rebate or credit provided by law.

3. This act shall take effect immediately.

Approved March 30, 2000.

CHAPTER 10

AN ACT concerning the Garden State Preservation Trust and amending P.L.1999, c.152.

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

1. Section 23 of P.L.1999, c.152 (C.13:8C-23) is amended to read as follows:

C.13:8C-23 Submission of lists of projects.

23. a. (1) At least twice each State fiscal year, the Department of Environmental Protection shall submit to the trust a list of projects that the department recommends to receive funding from: the Garden State Green Acres Preservation Trust Fund, based upon a priority system, ranking criteria, and funding policies established by the department pursuant to this act; or any Green Acres bond act with respect to moneys allocated therein for appropriation for the purpose of acquiring or developing lands for recreation and conservation purposes, based upon a priority system, ranking criteria, and funding policies established by the department pursuant to law and any rules or regulations adopted pursuant thereto.

To the extent the department receives a sufficient number of applications from local government units for the funding of projects to acquire or develop, for recreation and conservation purposes, lands located in municipalities eligible to receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), and those projects qualify for funding based upon the priority system, ranking criteria, and funding policies established by the department, in any State fiscal year the percentage of funding from the Garden State Green Acres Preservation Trust Fund for such projects recommended by the department shall be substantially equivalent to or greater than the percentage derived by dividing the total amount allocated pursuant to P.L.1983, c.354, P.L.1987, c.265, P.L.1989, c.183, P.L.1992, c.88, and P.L.1995, c.204, for local government unit projects for recreation

to Green Acres bond act moneys, the appropriation in that form is not inconsistent with the Green Acres bond act.

(3) Any transfer of moneys appropriated from the Garden State Green Acres Preservation Trust Fund, or from any Green Acres bond act with respect to moneys allocated therein for appropriation for the purpose of acquiring or developing lands for recreation and conservation purposes, or any change in project sponsor, site, or type that has received an appropriation from the fund or from a Green Acres bond act, shall require the approval of the Joint Budget Oversight Committee or its successor but shall not require the approval of the Garden State Preservation Trust.

b. (1) At least twice each State fiscal year, the State Agriculture Development Committee shall submit to the trust a list of projects that the committee recommends to receive funding from the Garden State Farmland Preservation Trust Fund, based upon a priority system, ranking criteria, and funding policies established by the committee pursuant to this act and the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.), and any rules or regulations adopted pursuant thereto. The trust shall review the list and may make such deletions, but not additions, of projects therefrom as it deems appropriate and in accordance with the procedures established for such deletions pursuant to subsection d. of this section, whereupon the trust shall approve the list. At least twice each State fiscal year: (a) the trust shall prepare, and submit to the Governor and to the President of the Senate and the Speaker of the General Assembly for introduction in the Legislature, proposed legislation appropriating moneys from the Garden State Farmland Preservation Trust Fund to fund projects on any such list; and (b) the Legislature may approve one or more appropriation bills containing a project list or lists submitted by the trust pursuant to this paragraph.

(2) Any act appropriating moneys from the Garden State Farmland Preservation Trust Fund shall identify the particular project or projects to be funded with those moneys, and any expenditure for a project for which the location is not identified by county and municipality in the appropriation shall require the approval of the Joint Budget Oversight Committee or its successor.

Notwithstanding the provisions of this paragraph to the contrary, any appropriation of moneys from the fund to pay the cost of acquisition of a fee simple title to farmland shall not be required to identify the particular project or identify its location by county or municipality, and the expenditure of those moneys shall not require the approval of the Joint Budget Oversight Committee or its successor.

(3) Any transfer of moneys appropriated from the Garden State Farmland Preservation Trust Fund, or change in project sponsor, site, or type that has received an appropriation from the fund, shall require the

be, continues to recommend funding of the project, it shall transmit its reasons therefor in writing to the Garden State Preservation Trust and place the project on the next or a subsequent list of projects submitted to the Garden State Preservation Trust pursuant to subsection a., b., or c. of this section. The Garden State Preservation Trust shall include the project in the next proposed legislation appropriating moneys from the Garden State Green Acres Preservation Trust Fund, Green Acres bond act, Garden State Farmland Preservation Trust Fund, or Garden State Historic Preservation Trust Fund, as the case may be, that is submitted to the Governor, President of the Senate, and Speaker of the General Assembly pursuant to subsection a., b., or c. of this section, together with a written report setting forth the rationale of the Garden State Preservation Trust in recommending deletion of the project from the proposed legislation and the rationale of the department, committee, or New Jersey Historic Trust, as the case may be, in recommending retention of the project in the proposed legislation.

e. The Garden State Preservation Trust may at any time suggest projects to be considered or rejected for consideration by the department, the committee, or the New Jersey Historic Trust in the preparation of recommended project funding lists pursuant to this section.

f. Projects involving the joint effort of more than one level of government or qualifying tax exempt nonprofit organization, or the joint effort of the department, the committee, and the New Jersey Historic Trust, or any combination thereof, shall be encouraged.

g. For the purposes of efficiency and convenience, nothing in this section shall prohibit the Garden State Preservation Trust from combining the project lists, in whole or in part, of the department, committee, and New Jersey Historic Trust into one proposed appropriation bill or bills to be submitted to the Governor and Legislature for consideration and enactment into law as otherwise prescribed pursuant to this section.

h. The total amount appropriated in any State fiscal year from the Garden State Green Acres Preservation Trust Fund and the Garden State Farmland Preservation Trust Fund for proposed projects pursuant to subsections a. and b. of this section shall not exceed \$200,000,000.

2. This act shall take effect immediately.

Approved April 6, 2000.

CHAPTER 11

AN ACT concerning the rehabilitation and improvement of the State transportation system and local bridges, making appropriations from the

b. Any funds appropriated for the rehabilitation and improvement of deficient bridges pursuant to the provisions of this section that are not obligated within four years of the effective date of this act shall be consolidated into a single account and redistributed to all 21 counties on the same proportional basis as the original appropriation. Funds that have not been obligated, but are required to complete a project under development, will not be subject to consolidation and redistribution.

3. There is appropriated to the Department of Transportation the sum of \$80,000,000 for the cost of the following public transportation projects:

<u>PROJECT</u>	<u>AMOUNT</u>
Construction funding for the rehabilitation of the Bergen Tunnel	\$25,000,000
Design and construction for projects at the Hoboken Terminal and Yard, including the fill-in of the Long Slip Canal, start of Yard B construction, communications link, and other work the MMC Control Center	25,000,000
Union Station; New Station on the Raritan Valley Line	<u>30,000,000</u>
TOTAL	<u>\$80,000,000</u>

4. a. Any remaining unexpended funds made available for the rehabilitation and improvement of bridges carrying county and municipal roads pursuant to the provisions of the "New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983," P.L.1983, c.363, are hereby reappropriated to the Department of Transportation. The reappropriated funds shall be administered by the department to offset any cost, eligible under the provisions of P.L.1983, c.363, for the rehabilitation and improvement of bridges carrying county and municipal roads, but only within the county to which such funds were previously appropriated. The term rehabilitation and improvement of bridges shall include emergency bridge repairs. A bridge is defined as a structure having a minimum span of 20 feet. Any funds reappropriated pursuant to the provisions of this section that are not expended or obligated within two years of the effective date of this act shall be consolidated into a single account and redistributed to all 21 counties on a formula basis for the rehabilitation and improvement of bridges, with such

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

C.17B:32B-1 Short title.

1. This act shall be known and may be cited as the "New Jersey Insolvent Health Maintenance Organization Assistance Fund Act of 2000."

C.17B:32B-2 Purpose of act.

2. The purpose of this act is to protect, subject to certain limitations, covered individuals and providers against the failure or inability of HIP Health Plan of New Jersey, Inc. and American Preferred Provider Plan, Inc. to perform certain contractual obligations due to their insolvency. The act creates a funding mechanism and authorizes this funding mechanism to pay certain unpaid contractual obligations of these insolvent health maintenance organizations incurred prior to the date of their insolvency. In addition, providers of health care services must agree to forgive one-third of those unpaid contractual obligations due them to receive payment from the funding mechanism.

This act is intended to provide only limited coverage of claims against HIP Health Plan of New Jersey, Inc. and American Preferred Provider Plan, Inc. This act is not intended to provide coverage for claims of creditors other than those of covered individuals or providers.

C.17B:32B-3 Definitions relative to certain insolvent health maintenance organizations.

3. As used in this act:

"Association" means the New Jersey Insolvent Health Maintenance Organization Assistance Association created by section 5 of this act.

"Commissioner" means the Commissioner of Banking and Insurance.

"Contractual obligation" means an obligation, arising from an agreement, policy, certificate or evidence of coverage, to a covered individual or provider incurred prior to the declaration of insolvency of a covered health maintenance organization that remains unpaid at the time of its insolvency, but does not include claims by former employees, including medical professional employees for deferred compensation, severance, vacation or other employment benefits.

"Covered health maintenance organization contract" means a policy, certificate, evidence of coverage or contract for health care services issued in New Jersey by HIP Health Plan of New Jersey, Inc. or American Preferred Provider Plan, Inc., but shall not include any contract with an employer or other person to provide health care benefits on an administrative services only basis.

"Covered individual" means an enrollee or member of HIP Health Plan of New Jersey, Inc. or American Preferred Provider Plan, Inc.

established pursuant to section 7 of this act. The association shall be supervised by the commissioner and is subject to the provisions of this act.

C.17B:32B-6 New Jersey Insolvent Health Maintenance Organization Assistance Fund.

6. a. For purposes of administration and assessment, the New Jersey Insolvent Health Maintenance Organization Assistance Fund is created, and shall be held in trust and maintained by the association as provided in this act for the purposes specified in this act.

b. The New Jersey Insolvent Health Maintenance Organization Assistance Fund is created as a limited purpose trust fund consisting of not more than \$100,000,000 as follows:

(1) \$50,000,000 to be deposited in the fund pursuant to section 17 of this act; and

(2) an additional aggregate sum of not more than \$50,000,000 collected through assessments over a three-year period as provided in section 9 of this act.

Moneys deposited in the fund pursuant to this section shall be deposited with the State Treasurer in the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L.1977, c.281 (C.52:18A-90.4), pending disbursement for the payment of eligible claims as provided in this act.

c. Moneys deposited in the fund in accordance with this act shall be used by the association to pay eligible claims of the insolvent organizations and loss adjustment expenses associated with the claims, including the cost of claims adjudication.

C.17B:32B-7 Board of directors.

7. a. The board of directors of the association shall consist of not less than five nor more than nine members, who shall be representative of the member organizations, serving terms as established in the plan of operation. The members of the board of directors shall be selected by a vote of the member organizations, subject to the approval of the commissioner, with each member organization entitled to one vote. Vacancies on the board of directors shall be filled for the remaining period of the term in the same manner as the initial appointment.

b. To allow for the selection of the initial board of directors and the organization of the association, the commissioner shall give notice to all member organizations of the time and place of an organizational meeting no later than 30 days following the effective date of this act. If the member organizations have not selected a suitable board of directors no later than 30 days following the organizational meeting, the commissioner may appoint the initial members of the board of directors.

c. In approving or appointing members to the board of directors, the commissioner shall consider, among other things, whether all member organizations are fairly represented. No representative of an association

been available to the insolvent organization or holder of a policy or contract with respect to that policy or contract.

f. The association may:

(1) enter into any contracts necessary or proper to carry out the provisions and purposes of this act;

(2) sue or be sued, including taking any legal actions including a summary proceeding necessary or proper to recover any unpaid assessments imposed pursuant to section 9 of this act and to settle claims or potential claims against it;

(3) borrow money to effectuate the purposes of this act. Any notes or other evidence of indebtedness of the association not in default shall be legal investment for domestic insurers and may be carried as admitted assets;

(4) employ or retain persons necessary to handle the financial transactions of the association, and to perform other functions as are necessary or proper under this act, which may include, but shall not be limited to, the oversight of the adjudication of the claims of the insolvent organization in order to ensure conformance with subsection g. of this section and recommendations to the board with respect to any remedial action necessary for the adjudication of those claims; and

(5) take any legal action necessary to avoid payment of improper claims.

g. Claims shall be adjudicated in accordance with standard industry practice, subject to available documentation and information. The guidelines shall include, but shall not be limited to, the establishment of procedures to ensure that:

(1) the eligible claims or other obligations are paid in accordance with the contractual reimbursement rate payable by the insolvent organization to a covered individual or provider to whom the payment is to be made;

(2) claims submitted by providers or covered individuals for payment are for eligible services or benefits under the contract or policy issued by the insolvent organization, the persons receiving the eligible services or benefits were covered individuals, and the eligible services or benefits were rendered by an eligible provider;

(3) in the case of a provider not in the network of the insolvent organization, any payment made to the provider in accordance with the provisions of section 15 of this act is made on the basis of reasonable and customary reimbursement and shall not be made at a rate that is disproportionate to the reimbursement rates applicable to network providers; and is made only on that portion of the payment due to the provider by the insolvent organization, net of any coinsurance payment due under the insolvent organization's contract with the covered individual;

(4) eligible claims are paid in accordance with coordination of benefits regulations or contract provisions;

after the due date at the percentage of interest prescribed in the Rules Governing the Courts of the State of New Jersey for judgments, awards and orders for the payment of money.

b. Fund moneys as set forth in subsection b. of section 6 of this act shall be deposited in an account in the name of the fund in the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L.1977, c.281 (C.52:18A-90.4) and shall be disbursed by the State Treasurer from time to time as needed to pay eligible claims of the insolvent organizations, upon request of the commissioner, after notification to the commissioner by the board of the amount of the disbursement needed by the association to carry out its functions under this act. The funds so disbursed from the State of New Jersey Cash Management Fund shall be deposited in an account or accounts which are in the name of, and shall remain in the custody of, the association, and which account or accounts may be drawn upon as needed by a person designated to disburse funds of the association to covered individuals and providers to pay the eligible claims of the insolvent organizations. Accounts shall be maintained in accordance with the "Governmental Unit Deposit Protection Act," P.L.1970, c.236 (C.17:9-41 et seq.). Disbursements shall be made in the name of the association by a person authorized to disburse association funds to pay eligible claims, which disbursements shall be made in accordance with the plan of operation. The commissioner may direct the association to make an interim partial payment or payments on a pro rata basis to eligible providers or covered individuals of a portion of the aggregate eligible claims payable pursuant to this act, pending any future claims audit or other verification of the eligibility of a claim. The person authorized to disburse association funds to providers shall, in the case of such partial payment, notify the provider that the claim may be subject to retrospective verification or audit and all or part of the disbursement may be reclaimed as a result of the findings. The commissioner may also direct the association to make payment, interim or otherwise, for loss adjustment expenses, including claims adjudication.

c. Assessments against member organizations shall be made in the proportion that the net written premiums received on health maintenance organization business in this State by each assessed member organization for the most recent calendar year for which premium information is available preceding the year in which the assessment is made bears to such premiums received on total health maintenance organization business in this State for that calendar year by all assessed member organizations. The net written premium paid to enroll Medicaid recipients in a Medicaid-contracting health maintenance organization, New Jersey Kid Care and similar

member organization shall annually file a certification to the commissioner that demonstrates compliance with this subsection.

i. The association shall issue to each organization paying an assessment pursuant to this act a certificate of contribution, in a form and manner prescribed by the commissioner, for the amount of the assessment so paid. All outstanding certificates shall be of equal dignity and priority without reference to amount or date of issue. A certificate of contribution may be shown by the organization in its financial statement as an asset in that form and manner and for the amount and period of time as the commissioner may approve.

C.17B:32B-10 Submission of plan of operation.

10. a. (1) The association shall submit to the commissioner a plan of operation, and any amendments thereto, necessary or suitable to assure the fair, reasonable and equitable administration of the association and the fund. The plan of operation and any amendments thereto shall become effective upon the commissioner's written approval or at the expiration of 30 days after submission if it has not been disapproved.

(2) If the association fails to submit a suitable plan of operation within 90 days following the effective date of this act, or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall adopt a plan, or amendments as necessary, to implement the provisions of this act. The plan or amendments shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

b. All member organizations shall comply with the plan of operation.

c. The plan of operation shall, in addition to any other requirements specified in this act:

(1) establish procedures for handling the assets of the association, in accordance with the provisions of this act;

(2) establish the method of reimbursing members of the board of directors under subsection d. of section 7 of this act;

(3) establish regular places and times for meetings, including telephone conference calls, of the board of directors;

(4) establish procedures for keeping records of all financial transactions of the association, its agents and the board of directors;

(5) establish procedures for selecting members of the board of directors and submitting their names to the commissioner;

(6) establish any additional procedures for the imposition of assessments under section 9 of this act; and

(7) contain additional provisions necessary or proper for the execution of the powers and duties of the association.

organization is appealing an assessment, the amount assessed shall be paid to the association and made available to meet association obligations during the pendency of an appeal. If the appeal of an assessment is successful, the amount paid in error or excess shall be returned to the member organization. Any determination of an appeal from an action of the board of directors shall be subject to review by the commissioner on the record below, and shall not be considered a contested case under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The commissioner's determination shall be a final agency decision subject to review by the Appellate Division of the Superior Court.

C.17B:32B-12 Tax credit permitted for member organizations.

12. a. A member organization shall be allowed a credit against the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), in an amount equal to 50 % of an assessment for which a certificate of contribution has been issued pursuant to subsection i. of section 9 of this act. One-fifth of that credit amount may be applied against the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5) for each of the five privilege periods beginning on or after the third calendar year commencing after the assessment was paid, provided however, that no member organization may reduce that tax liability pursuant to this section by more than 20% of the amount (determined without regard to any other credits allowed pursuant to law) otherwise due for a privilege period. If a member organization should cease doing business in this State, any credit amounts not yet applied against its liability may be applied against its liability for tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5) for the privilege period that it ceases to do business in this State.

b. Any sums that are acquired by a member organization as the result of a refund from the association pursuant to subsection g. of section 9 of this act are deemed to be assessment amounts for which a credit was allowed pursuant to subsection a. of this section. If the member organization has applied any amounts of the credit allowed pursuant to subsection a. of this section, then 50% of the amount of any refund shall be paid by the member organization to the State as the Director of the Division of Taxation in the Department of the Treasury may require until the amounts paid equal the amounts applied as credit. The association shall notify the commissioner and the director of any refunds made.

C.17B:32B-13 Examination, regulation.

13. a. The association shall be subject to examination and regulation by the commissioner. The board of directors shall submit to the commissioner each year, not later than 120 days after the close of the association's fiscal

Department of Banking and Insurance for deposit in the New Jersey Insolvent Health Maintenance Organization Assistance Fund for the purposes of that fund as provided in this act. If the State Treasurer deems it necessary, he may advance from the General Fund those moneys appropriated by this section to the Department of Banking and Insurance for deposit in the New Jersey Insolvent Health Maintenance Organization Assistance Fund. Those moneys advanced pursuant to this section shall be reimbursed from the payments made by the tobacco manufacturers pursuant to the settlement agreement entered into by the tobacco manufacturers and the State on November 23, 1998 that resolved the State's pending claim against the tobacco industry.

C.17B:32B-17 Rules, regulations.

18. The commissioner shall promulgate such rules and regulations as may be necessary to effectuate the purposes of this act.

19. This act shall take effect immediately and shall apply only to the insolvency of HIP Health Plan of New Jersey, Inc. and American Preferred Provider Plan, Inc.

Approved April 6, 2000.

CHAPTER 13

AN ACT concerning State aid to pupils in nonpublic schools and amending P.L.1974, c.79.

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

1. Section 2 of P.L.1974, c.79 (C.18A:58-37.2) is amended to read as follows:

C.18A:58-37.2 Definitions.

2. As used in this act:

- a. "Commissioner" means the State Commissioner of Education.
- b. "Nonpublic school" means an elementary or secondary school within the State, other than a public school, offering education for grades kindergarten through 12, or any combination of them, wherein any child may legally fulfill compulsory school attendance requirements and which complies with the requirements of Title VI of the Civil Rights Act of 1964 (Pub.L.88-352).

compel the attendance of witnesses, and the production of papers, books, accounts, records, payrolls, documents, and testimony, and to take depositions and affidavits in any proceeding before the commissioner.

d. If a person fails to comply with any subpoena lawfully issued, or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the Superior Court, on application by the commissioner, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

e. The commissioner is authorized to supervise the payment of amounts due to employees pursuant to Article 1 of chapter 11 of Title 34 of the Revised Statutes, and the employer may be required to make these payments to the commissioner to be held in a special account in trust for the employees, and paid on order of the commissioner directly to the employee or employees affected. The employer shall also pay the commissioner an administrative fee equal to not less than 10% or more than 25% of any payment made to the commissioner pursuant to this section. The amount of the administrative fee shall be specified in a schedule of fees to be promulgated by rule or regulation of the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The fee shall be applied to enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

f. The commissioner or his designee is authorized to enter into a reciprocal agreement with the labor department or other corresponding agency of any other state or with a person or body authorized to act on behalf of that agency, for the collection of claims and judgments for wages, administrative fees or penalties based on claims arising in each others' states.

To the extent provided for by the laws of the other state or by any reciprocal agreement entered into with an agency of the other state as provided in this subsection, the commissioner or his designee may: (1) maintain actions in the courts of the other state for the collection of claims and judgments for wages, administrative fees and penalties; and (2) assign the claims and judgments to the agency in the other state for collection.

Upon the written consent of the agency in the other state, or the person or body authorized to act on behalf of that agency, the commissioner or his designee may maintain actions in the courts of this State upon assigned claims and judgments for wages, administrative fees and penalties arising in the other state in the same manner and to the same extent that such actions by the commissioner or his designees are authorized when arising in this State, but only if the other state extends, by law or agreement, a like comity to cases arising in this State.

3. This act shall take effect immediately.

Approved April 24, 2000.

CHAPTER 16

AN ACT concerning penalties for shoplifting offenses, amending N.J.S.2C:20-11 and supplementing Title 2C of the New Jersey Statutes.

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

1. N.J.S.2C:20-11 is amended to read as follows:

Shoplifting.

a. Definitions. The following definitions apply to this section:

(1) "Shopping cart" means those push carts of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store;

(2) "Store or other retail mercantile establishment" means a place where merchandise is displayed, held, stored or sold or offered to the public for sale;

(3) "Merchandise" means any goods, chattels, foodstuffs or wares of any type and description, regardless of the value thereof;

(4) "Merchant" means any owner or operator of any store or other retail mercantile establishment, or any agent, servant, employee, lessee, consignee, officer, director, franchisee or independent contractor of such owner or proprietor;

(5) "Person" means any individual or individuals, including an agent, servant or employee of a merchant where the facts of the situation so require;

(6) "Conceal" means to conceal merchandise so that, although there may be some notice of its presence, it is not visible through ordinary observation;

(7) "Full retail value" means the merchant's stated or advertised price of the merchandise;

(8) "Premises of a store or retail mercantile establishment" means and includes but is not limited to, the retail mercantile establishment; any common use areas in shopping centers and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of such retail mercantile establishment;

(9) "Under-ring" means to cause the cash register or other sale recording device to reflect less than the full retail value of the merchandise;

(3) Shoplifting constitutes a crime of the fourth degree under subsection b. of this section if the full retail value of the merchandise is at least \$200.00 but does not exceed \$500.00.

(4) Shoplifting is a disorderly persons offense under subsection b. of this section if the full retail value of the merchandise is less than \$200.00. Additionally, notwithstanding the term of imprisonment provided in N.J.S.2C:43-6 or 2C:43-8, any person convicted of a shoplifting offense shall be sentenced to perform community service as follows: for a first offense, at least ten days of community service; for a second offense, at least 15 days of community service; and for a third or subsequent offense, a maximum of 25 days of community service and any person convicted of a third or subsequent shoplifting offense shall serve a minimum term of imprisonment of not less than 90 days.

d. Presumptions. Any person purposely concealing unpurchased merchandise of any store or other retail mercantile establishment, either on the premises or outside the premises of such store or other retail mercantile establishment, shall be prima facie presumed to have so concealed such merchandise with the intention of depriving the merchant of the possession, use or benefit of such merchandise without paying the full retail value thereof, and the finding of such merchandise concealed upon the person or among the belongings of such person shall be prima facie evidence of purposeful concealment; and if such person conceals, or causes to be concealed, such merchandise upon the person or among the belongings of another, the finding of the same shall also be prima facie evidence of willful concealment on the part of the person so concealing such merchandise.

e. A law enforcement officer, or a special officer, or a merchant, who has probable cause for believing that a person has willfully concealed unpurchased merchandise and that he can recover the merchandise by taking the person into custody, may, for the purpose of attempting to effect recovery thereof, take the person into custody and detain him in a reasonable manner for not more than a reasonable time, and the taking into custody by a law enforcement officer or special officer or merchant shall not render such person criminally or civilly liable in any manner or to any extent whatsoever.

Any law enforcement officer may arrest without warrant any person he has probable cause for believing has committed the offense of shoplifting as defined in this section.

A merchant who causes the arrest of a person for shoplifting, as provided for in this section, shall not be criminally or civilly liable in any manner or to any extent whatsoever where the merchant has probable cause for believing that the person arrested committed the offense of shoplifting.

of the municipality, if the officer has completed the training required pursuant to paragraph 4 of subsection a. of section 3 of P.L.1983, c.525 (C.4:19-15.16a). Only certified animal control officers who have completed the training may be authorized by the governing body to so act as an officer for detection, apprehension and arrest of offenders; however, officers who have completed the training shall not have the authority to so act unless authorized by the governing body which is employing the officer or contracting for the officer's services.

2. This act shall take effect immediately.

Approved April 28, 2000.

CHAPTER 18

AN ACT concerning fleeing from law enforcement officers and amending N.J.S.2C:29-1 and N.J.S.2C:29-2.

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

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

Obstructing administration of law or other governmental function.

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

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

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

Resisting arrest, eluding officer.

2C:29-2. Resisting Arrest; Eluding Officer. a. (1) Except as provided in paragraph (3), a person is guilty of a disorderly persons offense if he

Upon conviction the court shall collect forthwith the New Jersey driver's licenses of the person and forward such license or licenses to the Director of the Division of Motor Vehicles along with a report indicating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If the court is for any reason unable to collect the license or licenses of the person, the court shall cause a report of the conviction or adjudication of delinquency to be filed with the director. That report shall include the complete name, address, date of birth, eye color, and sex of the person and shall indicate the first and last day of the suspension or postponement period imposed by the court pursuant to this section. The court shall inform the person orally and in writing that if the person is convicted of personally operating a motor vehicle or a vessel, whichever is appropriate, during the period of license suspension or postponement imposed pursuant to this section the person shall, upon conviction, be subject to the penalties set forth in R.S.39:3-40 or section 14 of P.L.1995, c.401 (C.12:7-83), whichever is appropriate. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of violation of R.S.39:3-40 or section 14 of P.L.1995, c.401 (C.12:7-83), whichever is appropriate. If the person is the holder of a driver's or vessel operator's license from another jurisdiction, the court shall not collect the license but shall notify the director who shall notify the appropriate officials in the licensing jurisdiction. The court shall, however, in accordance with the provisions of this section, revoke the person's non-resident driving or vessel operating privileges, whichever is appropriate, in this State.

For the purposes of this subsection, it shall be a rebuttable presumption that the owner of a vehicle or vessel was the operator of the vehicle or vessel at the time of the offense.

3. This act shall take effect immediately.

Approved April 28, 2000.

CHAPTER 19

AN ACT concerning community service 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:

condition of recertification for every certified nurse aide and personal care assistant; except that the commissioner, in lieu of conducting follow-up criminal history record background checks for purposes of recertification, may provide for an alternative means of determining whether a certified nurse aide or personal care assistant has been convicted of a crime or disorderly persons offense which would disqualify that person from certification, including, but not limited to, a match of a person's Social Security number or other identifying information with records of criminal proceedings in this and other states. If the commissioner elects to implement this alternative means of determining whether a certified nurse aide or personal care assistant has been convicted of a crime or disorderly persons offense which would disqualify that person from certification, the commissioner shall report to the Governor and the Legislature prior to its implementation on the projected costs and procedures to be followed with respect to its implementation and setting forth the rationale therefor.

A person shall be disqualified from certification if that person's criminal history record background check reveals a record of conviction of any of the following crimes and offenses:

- (1) In New Jersey, any crime or disorderly persons offense:
 - (a) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:11-1 et seq., N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq. or N.J.S.2C:15-1 et seq.; or
 - (b) against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et seq.; or
 - (c) involving theft as set forth in chapter 20 of Title 2C of the New Jersey Statutes; or
 - (d) involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a. of N.J.S.2C:35-10.
- (2) In any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in paragraph (1) of this subsection.

b. Notwithstanding the provisions of subsection a. of this section, no person shall be disqualified from certification on the basis of any conviction disclosed by a criminal history record background check performed pursuant to sections 2 through 6 and section 14 of P.L.1997, c.100 (C.26:2H-83 through 87 and C.53:1-20.9a) if the person has affirmatively demonstrated to the Commissioner of Health and Senior Services clear and convincing evidence of the person's rehabilitation. In determining whether a person has affirmatively demonstrated rehabilitation, the following factors shall be considered:

- (1) the nature and responsibility of the position which the convicted person would hold, has held or currently holds, as the case may be;

subsection d. of this section or the applicant's prospective employer if known, or a certified nurse aide or personal care assistant who is required to undergo a criminal history record background check pursuant to section 2 of P.L. 1997, c.100 (C.26:2H-83) and that person's employer, as applicable, of the person's qualification or disqualification for certification under sections 2 through 6 of P.L. 1997, c.100 (C.26:2H-83 through 87). If the person is disqualified, the conviction or convictions which constitute the basis for the disqualification shall be identified in the notice to the person, but shall not be identified in the notice to the person's employer or prospective employer.

c. The person who is the subject of the background check shall have 30 days from the date of the written notice of disqualification to petition the commissioner for a hearing on the accuracy of the person's criminal history record information or to establish the person's rehabilitation under subsection b. of section 2 of P.L. 1997, c.100 (C.26:2H-83). The commissioner shall notify the person's employer or prospective employer of the person's petition for a hearing within five days following the receipt of the petition from the person. Upon the issuance of a final decision upon a petition to the commissioner pursuant to this subsection, the commissioner shall notify the person and the person's employer or prospective employer as to whether the person remains disqualified from certification under sections 2 through 6 of P.L. 1997, c.100 (C.26:2H-83 through 87).

d. An applicant for certification may be issued conditional certification and may be employed as a nurse aide or a personal care assistant conditionally for a period not to exceed 60 days, pending completion of a criminal history record background check required under sections 2 through 6 of P.L. 1997, c.100 (C.26:2H-83 through 87) by the Division of State Police in the Department of Law and Public Safety based upon an examination of its own files in accordance with section 14 of P.L. 1997, c.100 (C.53:1-20.9a), and for an additional period not to exceed 60 days pending completion of a criminal history record background check by federal authorities as arranged for by the Division of State Police pursuant to section 14 of P.L. 1997, c.100 (C.53:1-20.9a), if the person submits to the commissioner a sworn statement attesting that the person has not been convicted of any crime or disorderly persons offense as described in section 2 of P.L. 1997, c.100 (C.26:2H-83). A person who submits a false sworn statement shall be disqualified from certification as a nurse aide or a personal care assistant, as the case may be, and shall not have an opportunity to establish rehabilitation pursuant to subsection b. of section 2 of P.L. 1997, c.100 (C.26:2H-83).

A conditionally employed person, or an employed person certified as a nurse aide or a personal care assistant, who disputes the accuracy of the criminal history record information and who files a petition requesting a hearing pursuant to subsection c. of this section may remain employed by

(2) A licensed health care facility or other entity shall be immune from liability for any actions taken in good faith pursuant to paragraph (1) of this subsection and shall be presumed to be acting in good faith unless it is shown by clear and convincing evidence that the health care facility or other entity acted with actual malice toward the employee.

(3) The person terminated from employment pursuant to paragraph (1) of this subsection shall have 30 days from the date of the termination to petition the commissioner for a hearing on the accuracy of the information about the conviction reported to the commissioner or to establish why the person should not be terminated from employment, and disqualified from certification, as a nurse aide or personal care assistant. The commissioner shall notify the person's employer of the person's petition for a hearing within five days following the receipt of the petition from the person. Upon the issuance of a final decision upon a petition to the commissioner pursuant to this paragraph, the commissioner shall notify the person and the person's employer as to whether:

(a) the person is to be reinstated in his employment as a nurse aide or personal care assistant and retain his certification; or

(b) the person's termination from employment as a nurse aide or personal care assistant stands and the person remains disqualified from certification.

g. The commissioner shall provide for a registry of all persons who have successfully completed all training and competency evaluation requirements for certification as a nurse aide or personal care assistant and shall provide for the inclusion in the registry of information about the disqualification of any person from certification pursuant to sections 2 through 6 of P.L.1997, c.100 (C.26:2H-83 through 87); for which purposes, the commissioner may use an existing registry established pursuant to statute or regulation, subject to the requirements of federal law. The registry shall include the specific documented findings constituting the basis for that disqualification, except that the information shall indicate that the person was convicted of a crime or disorderly persons offense as described in section 2 of P.L.1997, c.100 (C.26:2H-83), but shall not identify the conviction or convictions which constitute the basis for the disqualification.

3. Section 4 of P.L.1997, c.100 (C.26:2H-85) is amended to read as follows:

C.26:2H-85 Assumption of cost of background checks.

4. The Department of Health and Senior Services shall assume the cost of the criminal history record background check conducted on an applicant for nurse aide or personal care assistant certification, or a certified nurse aide or personal

c. Oath or affirmation of office. Within 30 days after receipt of the commission, each appointee shall take, subscribe and file in the office of the Secretary of State the oath or affirmation prescribed by law.

d. Duties and powers. The board shall have the following duties and powers: (1) It shall hold annual meetings and such other meetings as it may deem necessary at such times and places as the board shall prescribe and a majority of the board including one officer shall constitute a quorum. (2) It shall elect from its members and prescribe the duties of a president and secretary-treasurer, each of whom shall serve for one year and until a successor is elected. (3) It shall appoint and prescribe the duties of an executive secretary to the board who need not be a member thereof but who shall be a citizen of the United States, a graduate of a college or university with a major in nursing education, a registered nurse of this State with at least five years' experience in teaching or administration or both in an accredited school of professional nursing, or have equivalent qualifications as determined by the board. The executive secretary shall hold office during the will and pleasure of the board. (4) It shall employ and prescribe the duties of such persons as in its judgment shall be necessary for the proper performance and execution of the duties and powers of the board. (5) It shall determine and pay reasonable compensation and necessary expenses of the executive secretary and all employees of the board. (6) It shall pay to each member of the board the compensation hereinafter provided. (7) It shall have a common seal, keep an official record of all its meetings, and through its secretary-treasurer report annually to the Governor the work of the board. (8) It shall examine applicants for a license or renewals thereof, issue, renew, revoke and suspend licenses, as hereinafter provided. (9) It shall in its discretion investigate and prosecute all violations of provisions of this act. (10) It shall keep an official record which shall show the name, age, nativity and permanent place of residence of each applicant and licensee and such further information concerning each applicant and licensee as the board shall deem advisable. The record shall show also whether the applicant was examined, licensed or rejected under this and any prior act. Copies of any of the entries of the record or of any certificate issued by the board may be authenticated by any member of the board under its seal and when so authenticated shall be evidence in all courts of this State of the same weight and force as the original thereof. For authenticating a copy of any entry or entries contained in its record the board shall be paid a fee of \$3.00, but such authentication, if made at the request of any public agency of this or any other jurisdiction, may be without fee. (11) In its discretion it may publish at such times as it shall determine a list of nurses licensed under this act, a list of schools of nursing accredited or approved under this act, and such other information as it shall deem advisable. (12) It

revocation, and suspension of that certification. (24) It shall review applications for homemaker home-health aide certification and shall issue, suspend, revoke, or fail to renew certifications and conduct investigations pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.). (25) It shall require that nursing school curricula include, and shall prescribe standards for, the training of registered professional nurses in the supervision of, and the delegation of nursing tasks to, unlicensed assistive personnel, and shall further prescribe standards establishing the criteria for determining those tasks which registered professional nurses may delegate to unlicensed assistive personnel working under their supervision and the type of supervision required with respect to those personnel. (26) It shall prescribe standards and requirements for unlicensed assistive personnel, including initial education and continuing education and a competency evaluation program, which these personnel shall satisfy in order to work in this State. As used in this paragraph and in paragraph (25) of this subsection, "unlicensed assistive personnel" means any unlicensed or uncertified personnel employed by a licensed health care facility that perform nursing tasks which do not require the skill or judgment of a registered professional nurse and which are assigned to them by, and carried out under the supervision of, a registered professional nurse. (27) It may require licensees to meet continuing education requirements as a condition of relicensure.

e. Compensation. Each member of the board shall receive \$15.00 per day for each day in which such member is actually engaged in the discharge of duties and traveling and other expenses necessarily incurred in the discharge of duties.

5. Section 7 of P.L.1997, c.100 (C.45:11-24.3) is amended to read as follows:

C.45:11-24.3 Background checks for homemaker-home health aide certification applicant.

7. a. The New Jersey Board of Nursing in the Division of Consumer Affairs in the Department of Law and Public Safety shall not issue a homemaker-home health aide certification to any applicant, except on a conditional basis as provided for in subsection d. of section 8 of P.L.1997, c.100 (C.45:11-24.4), unless the board first determines, consistent with the requirements of sections 7 through 13 of P.L.1997, c.100 (C.45:11-24.3 through 24.9), that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify that person from being certified. A homemaker-home health aide certified by the board prior to the effective date of P.L.2000, c.20 and upon whom a criminal history record background check has not been conducted

tively demonstrated to the New Jersey Board of Nursing in the Division of Consumer Affairs clear and convincing evidence of the person's rehabilitation. In determining whether a person has affirmatively demonstrated rehabilitation, the following factors shall be considered:

- (1) the nature and responsibility of the position which the convicted person would hold, has held or currently holds, as the case may be;
- (2) the nature and seriousness of the offense;
- (3) the circumstances under which the offense occurred;
- (4) the date of the offense;
- (5) the age of the person when the offense was committed;
- (6) whether the offense was an isolated or repeated incident;
- (7) any social conditions which may have contributed to the offense; and
- (8) any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the person under their supervision.

c. If a person subject to the provisions of sections 7 through 13 of P.L.1997, c.100 (C.45:11-24.3 through 24.9) refuses to consent to, or cooperate in, the securing of a criminal history record background check, the New Jersey Board of Nursing shall, as applicable:

- (1) not issue a homemaker-home health aide certification and shall notify the applicant, and the applicant's employer if the applicant is conditionally employed as provided in subsection d. of section 8 of P.L.1997, c.100 (C.45:11-24.4) or the applicant's prospective employer if known, of that denial; or
- (2) revoke the person's current homemaker-home health aide certification and notify the person, and the person's employer, if known, of that revocation.

6. Section 8 of P.L.1997, c.100 (C.45:11-24.4) is amended to read as follows:

C.45:11-24.4 Qualification, disqualification for certification; petition for hearing.

8. a. An applicant for homemaker-home health aide certification, or a certified person who is required to undergo a criminal history record background check pursuant to section 7 of P.L.1997, c.100 (C.45:11-24.3), shall submit to the New Jersey Board of Nursing that individual's name, address and fingerprints taken on standard fingerprint cards by a State or municipal law enforcement agency. The board is authorized to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use

be disqualified from certification as a homemaker-home health aide and shall not have an opportunity to establish rehabilitation pursuant to subsection b. of section 7 of P.L.1997, c.100 (C.45:11-24.3).

A conditionally employed person, or an employed person certified as a homemaker-home health aide, who disputes the accuracy of the criminal history record information and who files a petition requesting a hearing pursuant to subsection c. of this section may remain employed by that person's employer until the board rules on the person's petition but, pending the board's ruling, the employer shall not permit the person to have unsupervised contact with patients or clients who are 60 years of age or older.

e. (1) A home care services agency that has received an application from or conditionally employed an applicant for homemaker-home health aide certification, or has employed a certified homemaker-home health aide, and

(a) receives notice from the board that the applicant or certified homemaker-home health aide, as applicable, has been determined by the board to be disqualified from certification as a homemaker-home health aide pursuant to sections 7 through 13 of P.L.1997, c.100 (C.45:11-24.3 through 24.9); or

(b) terminates its employment of a conditionally employed applicant for homemaker-home health aide certification or a certified homemaker-home health aide because the person was disqualified from employment at the home care services agency on the basis of a conviction of a crime or disorderly persons offense as described in section 7 of P.L.1997, c.100 (C.45:11-24.3) after commencing employment at the home care services agency; shall be immune from liability for disclosing that disqualification or termination in good faith to another home care services agency.

(2) A home care services agency which discloses information pursuant to paragraph (1) of this subsection shall be presumed to be acting in good faith unless it is shown by clear and convincing evidence that the home care services agency acted with actual malice toward the person who is the subject of the information.

f. (1) A home care services agency, upon receiving notice from the board that a person employed by it as a homemaker-home health aide, including a conditionally employed person, has been convicted of a crime or disorderly persons offense as described in section 7 of P.L.1997, c.100 (C.45:11-24.3) after commencing employment at the home health care agency or other entity, shall:

(a) immediately terminate the person's employment as a homemaker-home health aide; and

(b) report information about the conviction and termination to the board in a manner prescribed by the board, which shall thereupon deem the person

of Law and Public Safety shall conduct a criminal history record background check, including a name and fingerprint identification check, of:

(1) each applicant for nurse aide or personal care assistant certification submitted to the Department of Health and Senior Services and of each applicant for homemaker-home health aide certification submitted to the New Jersey Board of Nursing in the Division of Consumer Affairs; and

(2) each nurse aide or personal care assistant certified by the Department of Health and Senior Services and each homemaker-home health aide certified by the New Jersey Board of Nursing, as required pursuant to P.L.1997, c.100 (C.26:2H-83 et al.).

b. For the purpose of conducting a criminal history record background check pursuant to subsection a. of this section, the Division of State Police shall examine its own files and arrange for a similar examination by federal authorities. The division shall immediately forward the information obtained as a result of conducting the check to the Commissioner of Health and Senior Services, in the case of an applicant for nurse aide or personal care assistant certification, and to the New Jersey Board of Nursing in the Division of Consumer Affairs in the Department of Law and Public Safety, in the case of an applicant for homemaker-home health aide certification.

9. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety, in consultation with the Commissioner of Health and Senior Services, shall report to the Governor and the Legislature no later than one year after the effective date of this act on the feasibility and cost of implementing a criminal history record background check requirement for all persons employed by home health agencies licensed by the Department of Health and Senior Services or by health care service firms, employment agencies or registries, temporary help service firms or personnel consultants regulated by the Division of Consumer Affairs, who are assigned to provide health care services in a home-based or other community setting and are not required to undergo a criminal history record background check pursuant to P.L.1997, c.100 (C.26:2H-83 et al.). The report shall include a detailed plan for implementation of a criminal history record background check requirement.

10. The Legislature shall annually appropriate from the General Fund to the Department of Health and Senior Services and the Department of Law and Public Safety such funds as the State Treasurer recommends to effectuate the purposes of this act.

11. This act shall take effect on the 90th day after enactment.

Approved May 3, 2000.

tion shall, to the extent not inconsistent with the provisions of P.L.1995, c.278 (C.19:60-1 et al.), conform to the procedure for nominating candidates by direct petition under chapter 13 of Title 19 of the Revised Statutes. Notwithstanding the provisions of R.S.19:13-5, however, a petition of nomination for such office shall be signed by at least 10 persons, one of whom may be the candidate, and filed with the secretary of the board of education on or before four p.m. of the 50th day preceding the date of the school 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.

Any candidate may withdraw as a candidate in a school election by filing a notice in writing, signed by the candidate, of such withdrawal with the secretary of the board of education before the 44th day before the date of the election, and thereupon the name of that candidate shall be withdrawn by the secretary of the board of education and shall not be printed on the ballot.

A vacancy created by a declination of nomination or withdrawal by, or death of, a nominee, or in any other manner, shall be ineligible to be filled under the provisions of R.S.19:13-19 or otherwise.

Whenever written objection to a petition of nomination hereunder shall have been made and timely filed with the secretary of the board of education, the board of education shall file its determination of the objection on or before the 44th day preceding the school election. The last day upon which a candidate may file with the Superior Court a verified complaint setting forth any invasion or threatened invasion of the candidate's rights under the candidate's petition of nomination shall be the 46th day before the election. The last day upon which a candidate whose petition of nomination or any affidavit thereto is defective may amend such petition or affidavit shall be the 44th day before the election.

2. This act shall take effect immediately.

Approved May 9, 2000.

CHAPTER 23

AN ACT concerning the continuity of certain contracts, securities and instruments affected by the Euro and supplementing Title 2A of the New Jersey Statutes.

the Euro, the Euro shall be a commercially reasonable substitute and substantial equivalent that may be either:

- (1) used in determining the value of that currency; or
- (2) tendered, in each case at the conversion rate specified in, and otherwise calculated or rounded, as appropriate, in accordance with, the regulations adopted by the Council of the European Union.

b. If a subject or medium of payment of a contract, security or instrument is the ECU, the Euro shall be a commercially reasonable substitute and substantial equivalent that may be either:

- (1) used in determining the value of the ECU; or
- (2) tendered, in each case at the conversion rate specified in, and otherwise calculated or rounded, as appropriate, in accordance with, the regulations adopted by the Council of the European Union.

c. Performance of any obligations described in subsection a. or b. of this section may be made in the currency or currencies originally designated in the contract, security or instrument, so long as the currency or currencies remain legal tender, or in Euros, but not in any other currency, if that other currency has been substituted or replaced by the Euro or is a currency that is considered a denomination of the Euro and has a fixed conversion rate with respect to the Euro.

C.2A:49A-38 Existing contracts, securities, instruments unaffected by introduction of Euro.

5. None of the following shall have the effect of discharging or excusing performance under any contract, security or instrument, or give a party the right to unilaterally alter or terminate any contract, security or instrument:

- a. The introduction of the Euro;
- b. The tendering of Euros in connection with any obligation in compliance with subsection a. or b. of section 4 of this act;
- c. The determining of the value of any obligation in compliance with subsection a. or b. of section 4 of this act; or
- d. The calculating or determining of the subject or medium of payment of a contract, security or instrument with reference to interest rate or other basis that has been substituted or replaced due to the introduction of the Euro and is a commercially reasonable substitute and substantial equivalent.

C.2A:49A-39 Existing specific agreements unaffected by introduction of Euro.

6. The provisions of this act shall not alter or impair, and shall be subject to, any agreements between the parties with specific reference to or agreement regarding the introduction of the Euro.

unexpected, and an investigation has been conducted under the provisions of section 9 of P.L.1967, c.234 (C.52:17B-86), and the parent, parents or legal guardian of the child request an autopsy, the same shall be performed, by (1) the State Medical Examiner, or an assistant designated by him or by (2) the county medical examiner or a deputy or assistant county medical examiner provided either has the recognized training or experience in forensic pathology or by (3) such competent forensic pathologists as may be authorized by the State Medical Examiner; except that when the suspected cause of death of a child under one year of age is sudden infant death syndrome or the child is between one and three years of age and the death is sudden and unexpected, upon the request of the parent, parents or legal guardian of the child, a pediatric pathologist, if available, shall assist in the performance of the autopsy under the direction of a forensic pathologist. The county medical examiner shall notify the parent, parents or legal guardian of the child that they may request that a pediatric pathologist assist in the performance of the autopsy. A detailed description of the findings written during the progress of such autopsy and the conclusions drawn therefrom shall thereupon be filed in the offices of the State Medical Examiner, the county medical examiner and the county prosecutor. The county medical examiner shall make available a copy of these findings and conclusions to the closest surviving relative of the decedent within 90 days of the receipt of a request therefor, unless the death is under active investigation by a law enforcement agency. If the suspected cause of death of a child under one year of age is sudden infant death syndrome or if the child is between one and three years of age and the death is sudden and unexpected, the findings and conclusions shall be reported to the child's parent, parents or legal guardian and the State Department of Health and Senior Services within 48 hours after the death of the child.

It shall be the duty of any county medical examiner to call upon the State Medical Examiner or an assistant State medical examiner, or other person authorized and designated by the State Medical Examiner, to make an examination or perform an autopsy whenever he deems it necessary or desirable, and it shall be the duty of the State Medical Examiner or assistant State medical examiner to perform such examination, except in such cases as a competent pathologist is so authorized by the State Medical Examiner to perform such autopsy. The necessary expenses for transportation of a body for autopsy by the State Medical Examiner or an assistant State medical examiner or an authorized pathologist and such

d. The protocols shall authorize the medical examiner or other authorized person to take tissue samples for research purposes if the parent, parents or legal guardian of the deceased child provides written consent for the taking of tissue samples for research purposes.

e. The sudden infant death syndrome autopsy protocol shall provide that if the findings in the autopsy are consistent with the definition of sudden infant death syndrome specified in the protocol, the person who conducts the autopsy shall state on the death certificate that sudden infant death syndrome is the cause of death.

3. This act shall take effect immediately.

Approved May 11, 2000.

CHAPTER 25

AN ACT concerning meningitis, supplementing Title 26 of the Revised Statutes and Title 18A of the New Jersey Statutes, and making an appropriation.

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

C.26:2X-1 Public awareness campaign relative to meningitis.

1. The Commissioner of Health and Senior Services shall establish a public awareness campaign to inform the general public about the clinical significance of meningitis and its public health implications, including its causes and the most effective means of prevention and treatment.

C.18A:61D-7 Provision of information regarding meningitis to students at four-year colleges.

2. Beginning with the 2000-2001 school year, each four-year public or private institution of higher education in this State, in a manner prescribed by regulation of the Commissioner of Health and Senior Services and consistent with the purposes of section 1 of P.L.2000, c.25 (C.26:2X-1), shall:

a. provide information about meningitis to all prospective students prior to their matriculation, and include with that information notice of the availability and benefits of a meningitis vaccination; and

b. develop procedures for facilitating, receiving and recording student responses to the information provided about meningitis and

2. No municipality shall be liable for any payments relating to trash collection from any apartment building or from any apartment complex for any period prior to the municipal budget year beginning on or after January 1, 2001. Nothing herein shall affect any agreements entered into prior to the enactment of P.L.2000, c.26 or prevent any municipality from negotiating or entering into an agreement under which the municipality will reimburse the owners of an apartment building or apartment complex for any portion of the costs of solid waste collection and disposal.

3. The Department of Community Affairs shall survey the progress of negotiations of agreements between municipalities and apartment owners to address the issues of the collection and disposal of solid waste generated by the residents of the qualified apartment buildings and garden apartment complexes and submit a report to the Senate and General Assembly on the anticipated fiscal and operational impact on municipalities on or before October 1, 2000.

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

C.40A:4-45.3 Municipalities; limitation 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. (Deleted by amendment, P.L.1990, c.89.)

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. (1) An increase based upon 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 and emergency appropriations made pursuant to N.J.S.40A:4-46. Emergency temporary appropriations and emergency appropriations 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.

- q. (Deleted by amendment, P.L.1990, c.89.)
- 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;
- s. (Deleted by amendment, P.L.1990, c.89.)
- t. Amounts expended in preparing and implementing a housing element and fair share plan pursuant to the provisions of P.L.1985, c.222 (C.52:27D-301 et al.) and any amounts received by a municipality under a regional contribution agreement pursuant to section 12 of that act;
- u. Amounts expended to meet the standards established pursuant to the "New Jersey Public Employees' Occupational Safety and Health Act," P.L.1983, c.516 (C.34:6A-25 et seq.);
- v. (Deleted by amendment, P.L.1990, c.89.)
- w. Amounts appropriated for expenditures resulting from the impact of a hazardous waste facility as described in subsection c. of section 32 of P.L.1981, c.279 (C.13:1E-80);
- x. Amounts expended to aid privately owned libraries and reading rooms, pursuant to R.S.40:54-35;
- y. (Deleted by amendment, P.L.1990, c.89.)
- z. (Deleted by amendment, P.L.1990, c.89.)
- aa. Extraordinary expenses, approved by the Local Finance Board, required for the implementation of an interlocal services agreement;
- bb. Any expenditure mandated as a result of a natural disaster, civil disturbance or other emergency that is specifically authorized pursuant to a declaration of an emergency by the President of the United States or by the Governor;
- cc. Expenditures for the cost of services mandated by any order of court, by any federal or State statute, or by administrative rule, directive, order, or other legally binding device issued by a State agency which has identified such cost as mandated expenditures on certification to the Local Finance Board by the State agency;
- dd. Expenditures of amounts actually realized in the local budget year from the sale of municipal assets if appropriated for non-recurring purposes or otherwise approved by the director;
- ee. Any local unit which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), whether or not a local unit is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), and which has available surplus pursuant to the spending limitations imposed by P.L.1976, c.68 (C.40A:4-45.1 et seq.), may appropriate and expend an amount of that surplus approved by the director and the Local Finance Board as an exception to the spending limitation. Any determination approving the

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

1. Section 1 of P.L.1987, c.83 (C.23:5-45.1) is amended to read as follows:

C.23:5-45.1 Daily limit for taking striped bass.

1. a. Except as permitted pursuant to subsection c. of this section, a person shall not take from the marine waters of the State in any one day, or have in his possession at any time, more than two striped bass. One of the striped bass taken in accordance with this subsection shall be at least 28 inches in length and the other shall be at least 24 inches but less than 28 inches in length.

b. 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 the minimum size limits specified in subsections a. and c. of this section shall be presumed to be a violation of this section.

c. The Commissioner of Environmental Protection, by public notice placed in the New Jersey Register, shall establish management measures for striped bass in and upon the marine waters of the State, which management measures shall be consistent with the Striped Bass Management Plan of the Atlantic States Marine Fisheries Commission. Upon the approval of the Atlantic States Marine Fisheries Commission, these management measures shall provide for the taking in one day, or the possession at any time, of striped bass in addition to the two striped bass permitted pursuant to subsection a. of this section and shall include the size and quantity limits and the areas and the seasons for the taking of such additional striped bass.

The department shall monitor the catch provided for in this subsection and provide for its discontinuance as necessary to keep the State in compliance with the allowances of the commission.

2. This act shall take effect immediately.

Approved May 16, 2000.

CHAPTER 28

AN ACT authorizing an intergovernmental transfer program under the Medicaid program, supplementing Title 30 of the Revised Statutes and making an appropriation therefor.

"Participating governmental entity" means any governmental entity that owns a nursing facility enrolled in the Medicaid program and qualifies for a supplemental payment under the Medicaid State plan, and which signs an intergovernmental transfer agreement.

"State account" means the account maintained at the bank by the State Treasurer for the purpose of the intergovernmental transfer program.

"Supplemental payment" means the Medicaid payment made by the State to a participating governmental entity for a specified fiscal year, as set forth and provided for in an intergovernmental transfer agreement.

C.30:4D-19.4 Intergovernmental transfer program established.

3. There is established an intergovernmental transfer program subject to the provisions of this act.

a. Notwithstanding the provisions of any other law to the contrary, a governmental entity eligible to receive a supplemental payment is authorized to participate in the intergovernmental transfer program and to take all actions necessary to effectuate completion of the intergovernmental transfer program, including, but not limited to:

(1) entering into agreements, including an intergovernmental transfer agreement, with any entity, including the State Treasurer, the Commissioner of Human Services, the Commissioner of Health and Senior Services and other participating governmental entities;

(2) cooperating with a bank in the execution of any additional documentation required by the bank to effect the borrowing by any participating governmental entity through the issuance of short-term notes in the manner prescribed for the issuance of tax anticipation notes pursuant to N.J.S.40A:4-64, except that the short-term notes shall not be subject to the provisions of N.J.S.40A:4-66, or in any other manner permitted by law, and to pledge to the bank a security interest in all of its right, title and interest in and to its participant account for repayment of short-term notes;

(3) transferring participating governmental entity funds to the State account;

(4) executing certifications, letters of instruction or other instruments necessary to effectuate the intergovernmental transfer program; and

(5) receiving and utilizing supplemental payments received in accordance with the Medicaid State plan, in the manner set forth under the terms of an intergovernmental transfer agreement and as may be necessary to achieve the purposes of the intergovernmental transfer agreement.

CHAPTER 29

AN ACT concerning executor's commissions and amending N.J.S.3B:18-14 and repealing N.J.S.3B:18-1 and N.J.S.3B:18-15.

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

1. N.J.S.3B:18-14 is amended to read as follows:

Corpus commissions.

3B:18-14. Corpus commissions. Commissions on all corpus received by the fiduciary may be taken as follows:

5% on the first \$200,000 of all corpus received by the fiduciary;

3.5% on the excess over \$200,000 up to \$1,000,000;

2% on the excess over \$1,000,000; and

1% of all corpus for each additional fiduciary provided that no one fiduciary shall be entitled to any greater commission than that which would be allowed if there were but one fiduciary involved.

Such commissions may be reduced by the court having jurisdiction over the estate only upon application by a beneficiary adversely affected upon an affirmative showing that the services rendered were materially deficient or that the actual pains, trouble and risk of the fiduciary in settling the estate were substantially less than generally required for estates of comparable size.

Repealer.

2. N.J.S.3B:18-1 and N.J.S.3B:18-15 are repealed.

3. This act shall take effect immediately.

Approved June 16, 2000.

CHAPTER 30

AN ACT concerning transcript fees and preparation and amending N.J.S.2B:7-4.

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

1. N.J.S.2B:7-4 is amended to read as follows:

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

C.34:2-21.17f Inapplicability of C.34:2-21.17 under certain circumstances; "educational program in science" defined.

1. Section 17 of P.L.1940, c.153 (C.34:2-21.17) shall not apply to minors under the age of 18 who have successfully reached the ninth or higher grade level and who have the approval of a parent or guardian to participate or work in any educational program in science. A school student shall not participate or work in the program more than 20 hours per week during the school year.

As used in this act "educational program in science " means a program in which any minor under the age of 18 who has successfully reached the ninth or higher grade level participates in a scientific project or activity located in a research facility pursuant to an educational program under the supervision of the minor's school and adult sponsors from private business and industry, provided that no supervision by a school shall be required if the minor is a high school graduate.

C.34:2-21.17g Rules, regulations.

2. The Commissioner of Labor, in consultation with the Commissioner of Education, shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to implement the provisions of this act.

3. This act shall take effect immediately. Prior to the adoption of regulations pursuant to section 2 of this act, participation in an educational program in science shall be subject to the approval of the Commissioner of Labor.

Approved June 23, 2000.

CHAPTER 32

AN ACT concerning municipal authority to regulate nudity on all lands within municipal borders and under the jurisdiction of the State and amending R.S.40:48-1.

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

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

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

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

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

Building regulations; wooden structures. 13. Regulate and control the construction, erection, alteration and repair of buildings and structures of every kind within the municipality; and to prohibit, within certain limits, the construction, erection or alteration of buildings or structures of wood or other combustible material;

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

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

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

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

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

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

Theaters, schools, churches and public places. 20. Regulate the use of theaters, cinema houses, public halls, schools, churches, and other places where numbers of people assemble, and the exits therefrom, so that escape therefrom may be easily and safely made in case of fire or panic; and to

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

Fences. 29. Regulate the size, height and dimensions of any fences between the lands of adjoining owners, whether built or erected as division or partition fences between such lands, and whether the same exist or be erected entirely or only partly upon the lands of any such adjoining owners, or along or immediately adjacent to any division or partition line of such lands. To provide, in such ordinance, the manner of securing, fastening or shoring such fences. In the case of fences thereafter erected contrary to the provisions thereof, the governing body may provide for a penalty for the violation of such ordinance, and in the case of such fence or fences erected or existing at the time of the passage of any such ordinance, may provide therein for the removal, change or alteration thereof, so as to make such fence or fences comply with the provisions of any such ordinance;

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

Government Energy Aggregation Programs. 31. Establish programs and procedures pursuant to which the municipality may act as a government aggregator pursuant to sections 40 through 45 of P.L.1999, c.23 (C.48:3-89 through C.48:3-94). Notwithstanding the provisions of any other law, rule or regulation to the contrary, a municipality acting as a government aggregator pursuant to P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed to be operating any form of public utility service pursuant to R.S.40:62-1 et seq., to the extent such municipality is solely engaged in the provision of such aggregation service and not otherwise owning or operating any plant or facility for the production or distribution of gas, electricity, steam or other product as provided in R.S.40:62-12.

2. This act shall take effect immediately.

Approved June 23, 2000.

CHAPTER 33

AN ACT concerning possession and consumption of alcoholic beverages by underaged persons, supplementing Title 40 of the Revised Statutes and amending R.S.40:48-1.

c. (1) No ordinance shall prohibit an underaged person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony, or rite or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.

(2) As used in this section:

"Guardian" means a person who has qualified as a guardian of the underaged person pursuant to testamentary or court appointment.

"Relative" means the underaged person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

d. No ordinance shall prohibit possession of alcoholic beverages by any such person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the Revised Statutes, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post secondary educational institution; however, no ordinance enacted pursuant to this section shall be construed to preclude the imposition of a penalty under this section, R.S.33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

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

Ordinances; general purpose.

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

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

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

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

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

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

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

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

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

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

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

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

Excavations. 21. Regulate excavations below the established grade or curb line of any street, not greater than eight feet, which the owner of any land may make, in the erection of any building upon his own property; and to provide for the giving of notice, in writing, of such intended excavation to any adjoining owner or owners, and that they will be required to protect and care for their several foundation walls that may be endangered by such excavation; and to provide that in case of the neglect or refusal, for 10 days, of such adjoining owner or owners to take proper action to secure and protect the foundations of any adjacent building or other structure, that the party or parties giving such notice, or their agents, contractors or employees, may enter into and upon such adjoining property and do all necessary work to make such foundations secure, and may recover the cost of such work and labor in so protecting such adjacent property; and to make such further and other provisions in relation to the proper conduct and performance of said work as the governing body or board of the municipality may deem necessary and proper;

Government Energy Aggregation Programs. 31. Establish programs and procedures pursuant to which the municipality may act as a government aggregator pursuant to sections 40 through 45 of P.L.1999, c.23 (C.48:3-89 through C.48:3-94). Notwithstanding the provisions of any other law, rule or regulation to the contrary, a municipality acting as a government aggregator pursuant to P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed to be operating any form of public utility service pursuant to R.S.40:62-1 et seq., to the extent such municipality is solely engaged in the provision of such aggregation service and not otherwise owning or operating any plant or facility for the production or distribution of gas, electricity, steam or other product as provided in R.S.40:62-12.

3. This act shall take effect immediately.

Approved June 28, 2000.

CHAPTER 34

AN ACT to amend "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2000 and regulating the disbursement thereof," approved June 28, 1999 (P.L.1999, c.138).

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

1. The following language provision is added to section 1 of P.L.1999, c.138, the fiscal year 2000 annual appropriations act:

DEBT SERVICE
66 DEPARTMENT OF THE TREASURY
70 Government Direction, Management and Control
76 Management and Administration

From the various appropriations hereinabove for the payment of interest on and redemption of certain State general obligation bonds, there is transferred \$14,200,000 which is allocated for the purchase and retirement of State Pension Funding Bonds, Series 1997B, issued by the New Jersey Economic Development Authority. The State Treasurer shall select the maturities of the State Pension Funding Bonds to be purchased, provided that the selection shall be made from bonds with principal amounts that are scheduled to mature in or after the year 2015. The allocation contained herein represents the savings

2. The Commissioner of Transportation shall designate that portion of State Highway Route No. 18 located in the counties of Monmouth and Middlesex, except for that portion thereof in the Township of Old Bridge designated by Joint Resolution No. 2 of 1996 as the "Purple Heart Memorial Highway," as the "World War II Veterans' Memorial Highway."

3. The Commissioner of Transportation is authorized to erect appropriate signs bearing the name designated by section 2 of this act.

4. There is hereby established in the Department of Transportation the World War II Veterans' Memorial Highway Committee which shall consist of seven members as follows: The Commissioner of Transportation or the commissioner's designee, the Adjutant General of the Department of Military and Veterans' Affairs, or the adjutant general's designee, and five public members appointed by the Governor who shall be a representative cross section of World War II veterans, from New Jersey, one of whom shall be appointed upon recommendation of the President of the Senate and one of whom shall be appointed upon recommendation of the Speaker of the General Assembly. Any vacancy in the membership of the committee shall be filled in the same manner as the original appointments were made. It shall be the duty of the committee to approve of the design of appropriate statuary to commemorate the contributions of World War II veterans, and to recommend a location for the statuary on or adjacent to the "World War II Veterans' Memorial Highway" designated by section 2 of this act or at another suitable location. The Commissioner of Transportation shall fix the location of the statuary and site the statuary thereon. The statuary shall include, but not be limited to, representations of World War II veterans from the Army, the Navy, the Marine Corps, the Army Air Corps, the Coast Guard, the Medical Corps services, and the Office of Strategic Services. The statuary shall include representations of both male and female veterans, including in the latter representations members of the Women's Army Auxiliary Corps (WACS) and the Women's Appointed Volunteer Emergency Service (WAVES). The committee shall be authorized to expend the funds appropriated by section 5 of this act for the cost of designing, fabricating and siting the commemorative statuary provided for herein, which statuary, upon the expiration of this section, shall be under the ownership, jurisdiction and control of the Department of Transportation.

5. There is appropriated to the Department of Transportation \$25,000 from the General Fund to carry out the purposes provided in section 4 of this act.

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.1999, c.138, there is appropriated out of the General Fund the following sum for the purpose specified:

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
42 Natural Resource Management
GRANTS-IN-AID

12-4875 Parks Management: \$1,000,000
 Grants-In-Aid:
 12 Land Acquisition, Sterling Forest, NY (\$1,000,000)

2. This act shall take effect immediately.

Approved June 30, 2000.

CHAPTER 38

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, 2000 and regulating the disbursement thereof," approved June 28, 1999 (P.L.1999, c.138).

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.1999, c.138, there is appropriated out of the General Fund the following sum for the purpose specified:

74. DEPARTMENT OF STATE
30. EDUCATIONAL, CULTURAL AND INTELLECTUAL DEVELOPMENT
37. Cultural and Intellectual Development Services
05 Support of the Arts
2530 Council on the Arts
GRANTS-IN-AID

05-2530 Cultural Projects \$500,000
 Grants:
 05 Crossroads Theatre Company (500,000)

The corporation shall make contributions to the retirement system for the liability for the prior service credit in the same manner provided for employer contributions for the liability for service credit transferred from another State-administered, county or municipal retirement system under subsection b. of section 9 of P.L.1989, c.204 (C.43:16A-1.2). The actuary of the retirement system shall determine the liability for the prior service as provided in this section.

The corporation shall make contributions to the retirement system for the liability for the additional prior service credit provided by P.L.2000, c.39 in the same manner provided for employer contributions for the liability for service credit transferred from another State-administered, county or municipal retirement system under subsection b. of section 9 of P.L.1989, c.204 (C.43:16A-1.2).

2. This act shall take effect immediately.

Approved June 30, 2000.

CHAPTER 40

AN ACT appropriating \$12,000,000 from the "Garden State Green Acres Preservation Trust Fund," and reappropriating certain other moneys, to provide grants to assist qualifying tax exempt nonprofit organizations to acquire or develop lands for recreation and conservation purposes.

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

1. a. (1) There is appropriated from the "Garden State Green Acres Preservation Trust Fund," established pursuant to section 19 of P.L.1999, c.152 (C.13:8C-19), to the Department of Environmental Protection the sum of \$11,400,000 to provide grants to assist qualifying tax exempt nonprofit organizations to acquire lands for recreation and conservation purposes. The following projects are eligible for funding with the moneys appropriated pursuant to this paragraph:

Nonprofit Organization	Project	County	Municipality	Approved Amount
Cedar Run Conservancy	Greenway Project	Burlington	Medford Twp	\$240,000

Hunterdon Land Trust Alliance				500,000
	Delaware River Bluffs	Hunterdon	East Amwell Twp Kingwood Twp	
	Watershed Acquisition	Hunterdon	Delaware Twp East Amwell Twp Kingwood Twp West Amwell Twp	
Monmouth Conservation Foundation	Open Space Plans	Monmouth	Holmdel Twp Middletown Twp	500,000
Monmouth County Historical Society	Taylor-Butler House Acq	Monmouth	Middletown Twp	320,000
Morris Land Conservancy				500,000
	South Branch Preserve	Morris	Mount Olive Twp	
	Wheeler Tract	Morris	Montville Twp	
Natural Lands Trust				500,000
	Burden Hill	Cumberland	Stow Creek Twp	
	Forest Protection Initiative	Salem	Alloway Twp Lower Alloways Creek Twp Quinton Twp	
	Dividing Creek Wetlands Protection	Cumberland	Downe Twp	
New Jersey Conservation Foundation				700,000
	Burden Hills Forest Protection Initiative	Cumberland Salem	Stow Creek Twp Alloway Twp Lower Alloways Creek Twp Quinton Twp	
	Forked River Mountain Add 2	Ocean	Lacey Twp	
	Highlands-Arcadia Lake Acq	Passiac	West Milford Twp	

			Hardwick Twp Hope Twp Knowlton Twp Mansfield Twp White Twp	
	Limestone Forest Acq	Sussex	Andover Boro Andover Twp Frankford Twp Fredon Twp Green Twp Hampton Twp Lafayette Twp Sandyston Twp Stillwater Twp Wantage Twp	
		Warren	Allamuchy Twp Blairstown Twp Frelinghuysen Twp Hardwick Twp Hope Twp Knowlton Twp White Twp	
	Paulinskill Greenway	Warren	Blairstown Twp Frelinghuysen Twp Hardwick Twp Knowlton Twp	
The Haddonfield Foundation	Tatem Colonial Garden	Camden	Haddonfield Boro	103,000
The Nature Conservancy				700,000
	Cape May Project Area	Cape May	Cape May City Cape May Point Boro Dennis Twp Lower Twp Middle Twp West Cape May Boro	
		Cumberland	Maurice River Twp	
	Delaware Bay Greenway	Cumberland	Downe Twp Fairfield Twp Lawrence Twp Maurice River Twp Millville City	
	High Mt. Project Area	Passaic	Wayne Twp	

Nonprofit Organization	Project	County	Municipality	Approved Amount
Greater Newark Conservancy, Inc.	Outdoor Learning Center Dev	Essex	Newark City	\$500,000
Trust for Public Land	Multi-Playgrounds Dev	Essex	Newark City	100,000
TOTAL				\$600,000

(3) Any transfer of any funds, or change in project sponsor, site, or type, listed in this subsection shall require the approval of the Joint Budget Oversight Committee or its successor.

b. To the extent that moneys remain available after the projects listed in subsection a. of this section are offered funding pursuant thereto, any project of a qualifying tax exempt nonprofit organization that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor.

c. There is reappropriated to the Department of Environmental Protection the unexpended balances, due to project withdrawals, cancellations, or cost savings, of the amounts appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund to assist qualifying tax exempt nonprofit organizations to acquire or develop lands for recreation and conservation purposes, for the purpose of providing additional funding, as determined by the Department of Environmental Protection, to any project of a qualifying tax exempt nonprofit organization that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

d. For the purposes of this section, "Green Acres bond act" means P.L.1995, c.204, P.L.1992, c.88, and P.L.1989, c.183.

2. This act shall take effect immediately.

Approved June 30, 2000.

ending June 30, 2000 and regulating the disbursement thereof," approved June 28, 1999 (P.L.1999, c.138).

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.1999, c.138, there is appropriated out of the General Fund the following sum for the purpose specified:

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
42 Natural Resource Management
GRANTS-IN-AID

20-4880 Wildlife Management.	\$95,000
<i>Grants-In-Aid:</i>	
Northwest New Jersey Community Action	
Program (NORWESCAP)	(\$95,000)

The amount appropriated hereinabove shall be provided as a grant to Northwest New Jersey Community Action Program (NORWESCAP) for the administration of its venison donation program, specifically for administration of the program, transportation costs and costs for processing donated venison.

2. This act shall take effect immediately.

Approved June 30, 2000.

CHAPTER 43

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, 2000 and regulating the disbursement thereof," approved June 28, 1999 (P.L.1999, c.138).

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.1999, c.138 there is appropriated out of the General Fund the following sum for the purpose specified:

State University. Students enrolled in graduate programs of Rutgers University shall be selected to participate in the program as fellows.

C.52:11-81 Selection, assignment of fellows; stipend.

3. Eight fellows shall be selected each year pursuant to section 5 of this act, and shall be assigned to work with the New Jersey Legislature as follows: four Fellows shall be assigned to work in the Office of Legislative Services; one Fellow shall be assigned to work in the Senate Majority Office; one Fellow shall be assigned to work in the Senate Minority Office; one Fellow shall be assigned to work in the General Assembly Majority Office; and one Fellow shall be assigned to work in the General Assembly Minority Office. Each fellow shall receive a stipend during the period of internship with the Legislature.

C.52:11-82 Henry J. Raimondo New Jersey Legislative Fellows Program Advisory Committee.

4. There is established a Henry J. Raimondo New Jersey Legislative Fellows Program Advisory Committee, consisting of the following members: the Executive Director of the Office of Legislative Services; the Executive Director of the Senate Majority Office; the Executive Director of the Senate Minority Office; the Executive Director of the General Assembly Majority Office; the Executive Director of the General Assembly Minority Office; and five members of the Rutgers University faculty, to be appointed by the Director of the Eagleton Institute of Politics of Rutgers University.

C.52:11-83 Appointment of director.

5. The Director of the Eagleton Institute of Politics of Rutgers University shall appoint the director of the Henry J. Raimondo New Jersey Legislative Fellows Program, who shall administer the program and, with the aid of the advisory committee, recruit and select the fellows.

C.52:11-84 Tuition, fee support; matching appropriations.

6. Rutgers University shall provide tuition and fee support for the fellows for the academic year. The State shall appropriate funds in each fiscal year to finance the stipends provided to fellows pursuant to section 3 of this act in an amount equal to the annual tuition and fee support provided by Rutgers University in that academic year.

7. There is appropriated to the Legislature for the Henry J. Raimondo New Jersey Legislative Fellows Program from the General Fund the sum of \$60,000 to finance the stipends of the fellows.

8. This act shall take effect immediately.

Approved June 30, 2000.

agriculture or the Center for Wildlife Damage Control in the New Jersey Agriculture Experiment Station at Rutgers, The State University, the county board of agriculture may apply to the Division of Fish and Wildlife for designation of a special deer management area. The application shall describe the nature and extent of crop damage incurred, and delineate the area proposed for designation as a special deer management area. If the division determines that the significant crop damage has been caused by an overpopulation of deer in the area described in the application, it shall designate it as a special deer management area. In designating a special deer management area, the division may, after consultation with the county board of agriculture, modify the area proposed for designation in an application. The county board of agriculture or the division may request the Center for Wildlife Damage Control to coordinate and facilitate the application and designation of a special deer management area pursuant to this subsection.

b. Whenever a municipality determines that the deer population has caused significant damage to property, not including damage to agricultural property, in the municipality or has caused a significant number of vehicle collisions therein, the municipality may apply to the Division of Fish and Wildlife for designation of a special deer management area. Two or more municipalities may submit a single application for the designation of an area that includes more than one municipality. The application shall describe the nature and extent of property damage or vehicle collisions caused by deer, and delineate the area proposed for designation as a special deer management area. If the division determines that the significant damage to property or the significant vehicle collisions has been caused by an overpopulation of deer in the area described in the application, it shall designate it as a special deer management area. In designating a special deer management area, the division may, after consultation with the municipality, modify the area proposed for designation in an application.

c. Whenever the owner or operator of an airport determines that the existing population of deer within its boundaries and immediately adjacent property constitutes a hazard to the safe operation of aircraft, the owner or operator of the airport may apply to the Division of Fish and Wildlife for designation of a special deer management area. The application shall describe the nature and extent of the hazard to safe operations of aircraft, and delineate the area proposed for designation as a special deer management area. If the division determines that there is a hazard to the safe operation of aircraft at the airport due to deer in the area described in the application, it shall designate it as a special deer management area. In designating a special deer management area, the

(8) include such additional information as the division may determine to be necessary to properly review a community based deer management plan.

c. The division shall promptly review a community based deer management plan submitted pursuant to this act, and either approve the plan, approve the plan subject to modification, or disapprove the plan and return it to the applicant setting forth in writing the reasons for its decision. If the division approves a community based deer management plan, the division shall submit it to the Fish and Game Council for its review and action pursuant to section 3 of this act.

d. Whenever practicable, a community based deer management plan shall provide for the donation of deer in accordance with the venison donation program established pursuant to section 1 of P.L.1997, c.268.

e. For the purposes of this act, "alternative control method" or "alternative deer control method" means any technique, other than traditional hunting, employed to reduce a deer population, which may include, but need not be limited to, controlled hunting, shooting by an authorized agent, capture and euthanization, capture and removal, and fertility control.

C.23:4-42.5 Exemption, variation from certain laws, etc. for implementation of alternative control methods.

3. a. The Fish and Game Council may authorize an exemption or variation from the following laws, rules or regulations to the extent necessary and appropriate to implement the alternative control methods set forth in an approved community based deer management plan:

- (1) any provision of the State Fish and Game Code;
- (2) any rule or regulation adopted by the council;
- (3) the following provisions of Title 23 of the Revised Statutes: (a) R.S. 23:4-13; (b) subsections a., b. and c. of R.S.23:4-16; (c) P.L.1939, c.172 (C.23:4-24.1); (d) section 11 of P.L.1990, c.29 (C.23:4-24.1a); (e) R.S.23:4-44; (f) R.S.23:4-45; and (g) R.S.23:4-48; and
- (4) the provisions of subsection c. of N.J.S. 2C:39-3.

b. The council shall authorize an exemption or variation from one or more of the laws, rules or regulations set forth in subsection a. of this section only upon a determination that the approved community based deer management plan adequately provides for the safety of the public. The council may condition the exemption or variation from one or more of the laws, rules or regulations set forth in subsection a. of this section on the implementation of one or more specific measures it determines to be reasonably necessary to ensure public safety, including but not limited to the on-site presence of law enforcement officers or on-site inspection by division personnel.

d. Defaced firearms. Any person who knowingly has in his possession any firearm which has been defaced, except an antique firearm or an antique handgun, is guilty of a crime of the fourth degree.

e. Certain weapons. Any person who knowingly has in his possession any gravity knife, switchblade knife, dagger, dirk, stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar leather band studded with metal filings or razor blades imbedded in wood, ballistic knife, without any explainable lawful purpose, is guilty of a crime of the fourth degree.

f. Dum-dum or body armor penetrating bullets. (1) Any person, other than a law enforcement officer or persons engaged in activities pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his possession any hollow nose or dum-dum bullet, or (2) any person, other than a collector of firearms or ammunition as curios or relics as defined in Title 18, United States Code, section 921 (a) (13) and has in his possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has in his possession any body armor breaching or penetrating ammunition, which means: (a) ammunition primarily designed for use in a handgun, and (b) which is comprised of a bullet whose core or jacket, if the jacket is thicker than .025 of an inch, is made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72 or greater on the Rockwell B. Hardness Scale, and (c) is therefore capable of breaching or penetrating body armor, is guilty of a crime of the fourth degree. For purposes of this section, a collector may possess not more than three examples of each distinctive variation of the ammunition described above. A distinctive variation includes a different head stamp, composition, design, or color.

g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j. or k. of this section shall apply to any member of the Armed Forces of the United States or the National Guard, or except as otherwise provided, to any law enforcement officer while actually on duty or traveling to or from an authorized place of duty, provided that his possession of the prohibited weapon or device has been duly authorized under the applicable laws, regulations or military or law enforcement orders. Nothing in subsection h. of this section shall apply to any law enforcement officer who is exempted from the provisions of that subsection by the Attorney General. Nothing in this section shall apply to the possession of any weapon or device by a law enforcement officer who has confiscated, seized or otherwise taken possession of said weapon or device as evidence of the commission of a crime or because he believed it to be possessed illegally by the person from whom it was taken, provided that said law enforce-

rily completed a training course approved by the Police Training Commission in the use of a nightstick.

j. Any person who knowingly has in his possession a large capacity ammunition magazine is guilty of a crime of the fourth degree unless the person has registered an assault firearm pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is maintained and used in connection with participation in competitive shooting matches sanctioned by the Director of Civilian Marksmanship of the United States Department of the Army.

k. Handcuffs. Any person who knowingly has in his possession handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under circumstances not manifestly appropriate for such lawful uses as handcuffs may have, is guilty of a disorderly persons offense. A law enforcement officer shall confiscate handcuffs possessed in violation of the law.

6. Section 1 of P.L.1997, c.268 is amended to read as follows:

C.23:4-42.7 Venison, donation program, permanent.

1. a. The Commissioner of Health and Senior Services, in consultation with the Commissioner of Environmental Protection, the Secretary of Agriculture and the chairman of the Fish and Game Council, shall establish a venison donation program. The program shall permit, under controlled conditions, the slaughter, processing, distribution, and serving of venison donated by recreational hunters to nonprofit charitable organizations, in accordance with guidelines established by the Commissioner of Health and Senior Services and the State Fish and Game Code established pursuant to section 32 of P.L.1948, c.448 (C.13:1B-30), in order to protect the health and safety of those persons consuming the donated venison.

b. The Commissioner of Health and Senior Services, in consultation with the Commissioner of Environmental Protection, the Secretary of Agriculture, the chairman of the Fish and Game Council, and the United Bow Hunters of New Jersey, shall study the feasibility of expanding the program to include venison obtained from hunters licensed by the Department of Environmental Protection to participate in crop depredation control activities or obtained as a result of the implementation of other methods to manage and control deer populations, including but not limited to those established by sections 1 through 4 of P.L.2000, c.46 (C.23:4-42.3 through C.23:4-42.6), and shall expand the program accordingly if the commissioner deems it appropriate.

7. Section 5 of P.L.1997, c.268 is amended to read as follows:

CHAPTER 48

AN ACT concerning the rate of tax under the petroleum products gross receipts tax, amending P.L.1990, c.42.

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

1. Section 3 of P.L.1990, c.42 (C.54:15B-3) is amended to read as follows:

C.54:15B-3 Petroleum products tax.

3. a. There is imposed on each company which is engaged in the refining or distribution, or both, of petroleum products and which distributes such products in this State a tax at the rate of two and three-quarters percent (2 3/4%) of its gross receipts derived from the first sale of petroleum products within this State; provided however, that the applicable tax rate for fuel oils, aviation fuels and motor fuels subject to tax under R.S.54:39-1 et seq. shall be converted to a cents per gallon rate, rounded to the nearest cent, that shall be calculated by the use of the average retail price per gallon of unleaded regular gasoline in December 1990, as determined in a survey of retail gasoline prices that included a Statewide representative random sample conducted in December 1990 for that month by the Board of Public Utilities, Office of the Economist, and shall be effective for the tax due for months ending after that date; and

b. There is imposed on each company that imports or causes to be imported, other than by a company subject to and having paid the tax on those imported petroleum products that have generated gross receipts taxable under subsection a. of this section, petroleum products for use or consumption by it within this State a tax at the rate of two and three-quarters percent (2 3/4%) of the consideration given or contracted to be given for such petroleum products if the consideration given or contracted to be given for all such deliveries made during a quarterly period exceeds \$5,000; provided however, that the applicable tax rate for fuel oils, aviation fuels and motor fuels subject to tax under R.S.54:39-1 et seq. shall be converted to a cents per gallon rate, rounded to the nearest cent, that shall be calculated by the use of the average retail price per gallon of unleaded regular gasoline in December 1990, as determined in a survey of retail gasoline prices that included a Statewide representative random sample conducted in December 1990 for that month by the Board of Public Utilities, Office of the Economist, and shall be effective for the tax due for months ending after that date.

2. This act shall take effect immediately.

Approved June 30, 2000.

Braidi	Cumberland	Vineland	33	125,000
Groetsch	Cumberland	Vineland	42	150,000
Smaniotto	Cumberland	Vineland	29	100,000
Gloucester/ Lewis	Gloucester	Elk	90	275,000
Gloucester/ McCann	Gloucester	Elk	51	125,000
Gloucester/ Richards	Gloucester	Elk	48	150,000
Gloucester/ Wagner	Gloucester	Elk	137	300,000
Gloucester/ Hurff	Gloucester/ Salem	Franklin/Elk/ Upper Pittsgrove	241	550,000
Gloucester/ Clemick	Gloucester/ Salem	Franklin/ Upper Pittsgrove	83	150,000
Gloucester/ Moore	Gloucester/ Salem	Franklin/ Upper Pittsgrove	84	175,000
Gloucester/ Gary C. Gardiner, Inc.	Gloucester	Harrison	149	550,000
Gloucester/ Ashcraft	Gloucester	So. Harrison	19	75,000
Gloucester/ Royal Oak Farm, Inc.	Gloucester	So. Harrison	29	100,000
Gloucester/ Sunnybrook Nursery Inc.	Gloucester	So. Harrison	96	250,000
Gloucester/ Visali	Gloucester	So. Harrison/ Harrison	89	275,000
Gloucester/ Duffield	Gloucester	Washington	149	1,100,000
Coleman	Salem	Alloway	40	100,000
Mehaffey	Salem	Alloway	112	200,000
Ray	Salem	Alloway	176	200,000
Turner	Salem	Alloway	104	175,000
Simkins	Salem	Alloway/ Upper Pittsgrove	97	175,000
Vengenock	Salem	Elsinboro	140	200,000
Sylvester	Salem	Lower Alloways Creek	365	275,000
Emel	Salem	Mannington	52	100,000
Myers	Salem	Mannington	257	450,000
Goforth	Salem	Pilesgrove	102	200,000
Richman & Hendricks	Salem	Pilesgrove	74	150,000
Seays	Salem	Pilesgrove	56	125,000
Waddington	Salem	Pilesgrove	32	75,000
Ware	Salem	Pilesgrove	27	75,000
DuBois, H. & S.	Salem	Pittsgrove	119	225,000
Dubois, R.	Salem	Pittsgrove	85	150,000
Garrison, C.	Salem	Pittsgrove	56	125,000
Garrison, G. & M.	Salem	Pittsgrove	110	150,000
Garrison, S. & J.	Salem	Pittsgrove	76	150,000

1. The following projects are eligible for funding with monies made available from the "Garden State Farmland Preservation Trust Fund," established pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20), and appropriated to the State Agriculture Development Committee pursuant to section 1 of P.L.2000, c.49:

Project (Farm)	County	Municipality	Acres (+/-)	Approved Amount Not to Exceed
Burlington/ Bunting	Burlington	Chesterfield	80	\$ 200,000
Burlington/ Collier	Burlington	Chesterfield	95	325,000
Burlington/ DiPaola	Burlington	Chesterfield	52	150,000
Burlington/ Hlubik, M.	Burlington	Chesterfield	60	150,000
Burlington/ Lebak	Burlington	Chesterfield	71	225,000
Burlington/ Mahon/Ranalli	Burlington	Chesterfield	76	175,000
Burlington/ Hathaway	Burlington	Florence	29	150,000
Burlington/ Staub	Burlington	Florence	80	175,000
Burlington/ Berger	Burlington	Mansfield	70	425,000
Burlington/ Carbelli	Burlington	Mansfield	93	200,000
Burlington/ Kanter	Burlington	Mansfield	92	225,000
Burlington/ Blom	Burlington	North Hanover	49	200,000
Burlington/ Theiss	Burlington	North Hanover	95	275,000
Burlington/ Allen	Burlington	Southampton	152	475,000
Burlington/ Anderson	Burlington	Springfield	118	325,000
Burlington/ Bauma, J. & J.	Burlington	Springfield	79	125,000
Burlington/ Bauma, J. & R.	Burlington	Springfield	54	125,000
Burlington/ Engle	Burlington	Springfield	162	475,000
Burlington/ Ewing	Burlington	Springfield	164	300,000
Burlington/ Neville	Burlington	Springfield	103	150,000
Burlington/ Phillips, A.	Burlington	Springfield	40	100,000

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

1. The following projects are eligible for funding with monies made available from the "Garden State Farmland Preservation Trust Fund," established pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20), and appropriated to the State Agriculture Development Committee pursuant to section 1 of P.L.2000, c.49:

Project (Farm)	County	Municipality	Acres (+/-)	Approved Amount Not to Exceed
Hilltop Farms, LLC	Hunterdon	Delaware	137	450,000
Koplowitz	Hunterdon	Delaware	40	125,000
Moore	Hunterdon	Delaware	47	225,000
East Amwell/ Amwell Valley Cons.	Hunterdon	East Amwell	340	1,350,000
East Amwell/ Batlle	Hunterdon	East Amwell	76	350,000
East Amwell/ Kanach, G. & J.	Hunterdon	East Amwell	51	250,000
East Amwell/ Kanach, J.J. & M.	Hunterdon	East Amwell	50	250,000
East Amwell/ McLarty Estate	Hunterdon	East Amwell	91	400,000
East Amwell/ Menchek	Hunterdon	East Amwell	50	250,000
Michisk	Hunterdon	Franklin/ Raritan	53	225,000
Holland Twp/ Kinney	Hunterdon	Holland	179	325,000
Readington Twp/ Romano	Hunterdon	Readington	110	675,000
Readington Twp/ Schley #1	Hunterdon	Readington	101	675,000
Readington Twp/ Schley #2	Hunterdon	Readington	62	425,000
Staats, G.	Hunterdon	Readington	56	400,000
Morris/ Rienau	Morris	Mendham Boro	31	225,000
Morris/ Knothe	Morris	Randolph	43	525,000
Morris/ Lindaberry	Morris	Washington	42	300,000
Vermeulen & Son	Somerset	Branchburg	53	325,000
Marshall	Somerset	Franklin	30	225,000
Davis	Somerset	Hillsborough	43	300,000
Somerset/ Kanach	Somerset	Hillsborough	363	2,100,000
McLachlan	Somerset	Hillsborough	28	150,000
Norz, R.	Somerset	Hillsborough	42	250,000

1. In addition to the amounts appropriated under P.L.1999, c.138, there is appropriated out of the General Fund, unless otherwise specifically indicated, the following sums for the purposes specified:

22 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development and Environmental Management
41 Community Development Management
STATE AID

04-8030 Local Government Services \$54,500,000
 Total State Aid Appropriation, Community
 Development Management \$54,500,000
State Aid:
 04 Special Municipal Aid Act (\$54,500,000)

Of the amount appropriated hereinabove for the Special Municipal Aid Act, the following aid allocations shall be made: Jersey City, \$15,550,000; Camden, \$13,500,000; Irvington, \$9,000,000; East Orange, \$9,000,000; and Paterson, \$7,000,000; and the amount of \$450,000 shall be available to the Division of Local Government Services in the Department of Community Affairs for the cost of developing a financial recovery plan for Jersey City.

50 Economic Planning, Development and Security
55 Social Services Programs
GRANTS-IN-AID

05-8050 Community Resources \$2,956,000
 Total Grants-in-Aid Appropriation,
 Social Services Programs \$2,956,000
Grants-in-Aid:
 05 Opsail 2000 (\$2,956,000)

The amount appropriated hereinabove for Opsail 2000 shall be available to reimburse local governments for costs incurred as a result of Opsail 2000 as determined by the Director of the Division of Local Government Services and approved by the Director of the Division of Budget and Accounting.

Department of Community Affairs, Total State Appropriation \$57,456,000

34 DEPARTMENT OF EDUCATION
30 Educational, Cultural and Intellectual Development
31 Direct Educational Services and Assistance
STATE AID

01-5120 General Formula Aid \$53,032,685
(From Property Tax Relief Fund (\$53,032,685))
 Total State Aid Appropriation, Direct Educational
 Services and Assistance \$53,032,685
(Total From Property Tax Relief Fund . (\$53,032,685))

06 State Police Sergeants' Contract	(\$7,313,000)
06 State Police Additional Narcotics Detectives and Patrol Supervisors	(600,000)
Department of Law and Public Safety, Total State Appropriation	<u>\$7,913,000</u>

94 INTER-DEPARTMENTAL ACCOUNTS
70 Government Direction, Management and Control
74 General Government Services
9410 Employee Benefits
DIRECT STATE SERVICES

03-9410 Employee Benefits	<u>\$2,000,000</u>
Total Direct State Services Appropriation, Employee Benefits	<u>\$2,000,000</u>
<i>Direct State Services:</i>	
Special Purpose:	
03 State Employees' Health Benefits	(\$2,000,000)

9420 Other Inter-Departmental Accounts

<u>DIRECT STATE SERVICES</u>	
04-9420 Other Inter-Departmental Accounts	<u>\$2,244,000</u>
Total Direct State Services Appropriation, Other Inter- Departmental Accounts	<u>\$2,244,000</u>
<i>Direct State Services:</i>	
Special Purpose:	
04 Opsail 2000	(\$2,244,000)

The amount appropriated hereinabove for Opsail 2000 may be allocated by the Director of the Division of Budget and Accounting to the various departments and agencies.

9430 Salary Increases and Other Benefits
DIRECT STATE SERVICES

05-9430 Salary Increases and Other Benefits	<u>\$61,877,000</u>
Total Direct State Services Appropriation, Salary Increases and Other Benefits	<u>\$61,877,000</u>
<i>Direct State Services:</i>	
Special Purpose:	
05 Salary Increases and Other Benefits	(\$61,877,000)

GRANTS-IN-AID

05-9430 Salary Increases and Other Benefits	<u>\$19,869,000</u>
Total Grants-in-Aid Appropriation, Salary Increases and Other Benefits	<u>\$19,869,000</u>

Grants-in-Aid:

05 Salary Increases - Higher Education Employees	(\$19,869,000)
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Inter-Departmental Accounts, Total State Appropriation	<u>\$85,990,000</u>
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CHAPTER 53

Note: In approving the following act, certain items were deleted or reduced by the Governor. For a statement of those items, see the Governor's statement appended to Senate Bill No. 2000, dated June 30, 2000.

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2001 and regulating the disbursement thereof.

**ANTICIPATED RESOURCES
FOR THE FISCAL YEAR 2000 - 2001
GENERAL FUND**

Undesignated Fund Balance, July 1, 2000 \$200,143,000

Major Taxes

Sales	\$6,023,000,000
Corporation Business	1,582,000,000
Motor Fuels	515,000,000
Transfer Inheritance	575,000,000
Motor Vehicle Fees	406,338,000
Insurance Premiums	300,000,000
Petroleum Products Gross Receipts	217,000,000
Cigarette	199,000,000
Realty Transfer	80,000,000
Alcoholic Beverage Excise	80,000,000
Corporation Banks and Financial Institutions	40,000,000
Savings Institutions	14,000,000
Tobacco Products Wholesale Sales	12,000,000
Public Utility Excise (Reform)	<u>8,700,000</u>
Total -- Major Taxes	<u>\$10,052,038,000</u>

Miscellaneous Taxes, Fees, Revenues

Executive Branch --

Department of Agriculture:

Fertilizer Inspection Fees \$165,000

Miscellaneous Revenue 5,000

Subtotal, Department of Agriculture \$170,000

Department of Banking and Insurance:

Actuarial Services \$60,000

Bank Assessments 4,387,000

Banking -- Examination Fees 3,194,000

Banking -- Licenses and Other Fees 3,728,000

FAIR Act Administration 13,400,000

Insurance -- Special Purpose Assessment 13,500,000

Insurance Examination Billings 1,500,000

Material within summary of appropriations is not enacted as part of the law and is intended for the purpose of displaying summaries of the items of appropriations set forth elsewhere.

New Jersey Pollutant Discharge Elimination System/Stormwater Permits	15,000,000
New Jersey Water Supply Authority Debt Service Repayments	770,000
Parks Management Fees and Permits	4,200,000
Parks Management Fines	175,000
Pesticide Control Fees	4,042,000
Pesticide Control Fines	35,000
Radiation Protection Fees	4,037,000
Radiation Protection Fines	29,000
Radon Testers Certification	306,000
Shellfish and Marine Fisheries	7,000
Solid Waste -- Utility Regulation Assessments	2,200,000
Solid Waste -- Utility Regulation Fines	15,000
Solid Waste Fines -- DEP	600,000
Solid Waste Management Fees -- DEP	7,335,000
Solid and Hazardous Waste Disclosure	3,708,000
Spring Meadow Golf Course	500,000
Stream Encroachment	1,365,000
Toxic Catastrophe Prevention Fees	1,200,000
Toxic Catastrophe Prevention Fines	50,000
Treatment Works Approval	1,100,000
Underground Storage Tanks	1,450,000
Water Allocation	2,000,000
Water Supply Management Regulations	1,330,000
Water/Wastewater Operators Licenses	302,000
Waterfront Development Fees	1,133,000
Well Permits/Well Drillers/Pump Installers Licenses	1,100,000
Wetlands	12,000
Worker and Community Right to Know -- Fines	<u>990,000</u>
Subtotal, Department of Environmental Protection	<u>\$94,960,000</u>
Department of Health and Senior Services:	
Admission Charge Hospital Assessment	\$6,000,000
Animal Control Act	385,000
Health Care Reform	1,200,000
Licenses, Fines, Permits, Penalties, and Fees	790,000
Rabies Control	<u>460,000</u>
Subtotal, Department of Health and Senior Services	<u>\$8,835,000</u>
Department of Human Services:	
Child Care Licensing/Adoption Law	\$300,000
Early Periodic Screening and Diagnostic Testing	36,872,000
HMO Recoveries and Rebates -- NJ ACCESS	1,260,000
Marriage License Fees	1,309,000

State Board of Nursing	2,900,000
State Board of Occupational Therapists and Assistants	57,000
State Board of Ophthalmic Dispensers and Ophthalmic Technicians	189,000
State Board of Optometrists	257,000
State Board of Orthotics and Prosthesis	32,000
State Board of Pharmacy	1,150,000
State Board of Physical Therapy	246,000
State Board of Professional Engineers and Land Surveyors	798,000
State Board of Professional Planners	120,000
State Board of Psychological Examiners	431,000
State Board of Public Movers and Warehousemen	228,000
State Board of Real Estate Appraisers	312,000
State Board of Respiratory Care	134,000
State Board of Shorthand Reporting	76,000
State Board of Social Workers	490,000
State Board of Veterinary Medical Examiners	157,000
Other Boating Fees	1,000
Pleasure Boat Licenses	2,300,000
Securities Enforcement	5,398,000
State Police -- Fingerprint Fees	1,014,000
State Police -- Other Licenses	185,000
State Police -- Private Detective Licenses	220,000
Violent Crime Compensation	<u>3,930,000</u>
Subtotal, Department of Law and Public Safety	<u>\$37,144,000</u>
Department of Military and Veterans' Affairs:	
Soldiers' Homes	<u>\$24,824,000</u>
Subtotal, Department of Military and Veterans' Affairs	<u>\$24,824,000</u>
Department of Transportation:	
Air Safety Fund	\$965,000
Applications and Highway Permits	1,300,000
Auto Body Repair Shop Licensing	692,000
Autonomous Transportation Authorities	24,500,000
Commercial Bus Safety -- Fines	50,000
Drunk Driving Fines	710,000
Good Driver	67,716,000
Heavy Duty Diesel Fines	1,002,000
Interest on Purchase of Right-of-Way	94,000
Logo Sign Program Fees	300,000
Motor Vehicle Database -- Automated Access	10,000,000
Motor Vehicle Inspection Fund	70,245,000

Fringe Benefit Recoveries from Colleges and Universities	55,000,000
Fringe Benefit Recoveries from Federal and Other Funds	96,000,000
Fringe Benefit Recoveries from School Districts	13,000,000
Indirect Cost Recovery -- DEP Other Funds	12,000,000
MTF Revenue Fund	46,000,000
Rent of State Building Space	1,792,000
Social Security Recoveries from Federal and Other Funds	<u>43,000,000</u>
Subtotal, Inter-Departmental Accounts	<u>\$312,467,000</u>
The Judiciary:	
Court Fees	<u>\$57,817,000</u>
Subtotal, Judicial Branch	<u>\$57,817,000</u>
Total -- Miscellaneous Taxes, Fees, Revenues ..	<u>\$1,844,374,000</u>

Interfund Transfers

Beaches and Harbor Fund	\$75,000
Clean Communities Account Fund	1,725,000
Clean Waters Fund	115,000
Correctional Facilities Construction Fund	30,000
Correctional Facilities Construction Fund -- 1987	304,000
Cultural Center and Historic Preservation Fund -- 1987	100,000
Dam Restoration and Clean Water Fund -- 1992	287,000
Developmental Disabilities Waiting List Reduction Fund ..	350,000
Energy Conservation Fund	150,000
Fund for the Support of Free Public Schools	5,350,000
Hazardous Discharge Fund	12,000
Hazardous Discharge Site Cleanup Fund	16,269,000
Housing Assistance Fund	26,000
Human Services Facilities Construction Fund	25,000
Jobs, Education and Competitiveness Fund	250,000
Jobs, Science and Technology Fund	1,000
Judiciary Bail Fund	1,600,000
Judiciary Child Support and Paternity Fund	1,300,000
Judiciary Probation Fund	300,000
Judiciary Special Civil Fund	125,000
Judiciary Superior Court Miscellaneous Fund	200,000
Legal Services Trust Fund	11,013,000
Mortgage Assistance Fund	1,100,000
Motor Vehicle Security Responsibility Fund	8,000
New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-Way Preservation Fund	250,000
Natural Resources Fund	250,000
New Jersey Bridge Rehabilitation and Improvement Fund ..	650,000
New Jersey Green Acres Fund (Act of 1983)	1,050,000
New Jersey Spill Compensation Fund	13,782,000

Casino Revenue Fund

Undesignated Fund Balance, July 1, 2000	\$2,775,000
Boarding House Rental Assistance Fund	200,000
Casino Simulcasting Fund	165,000
Gross Revenue Tax	350,400,000
Investment Earnings	<u>1,600,000</u>
Total Resources, Casino Revenue Fund	<u>\$355,140,000</u>

Gubernatorial Elections Fund

Undesignated Fund Balance, July 1, 2000	\$2,663,000
Taxpayers' Designations	<u>1,500,000</u>
Total Resources, Gubernatorial Elections Fund	<u>\$4,163,000</u>

Total Resources, All State Funds, \$22,301,115,000

Federal Revenue

Executive Branch --

Department of Agriculture:

Child Nutrition -- Administration	\$3,146,000
Child Nutrition -- Child Care	45,720,000
Child Nutrition -- School Lunch	139,803,000
Child Nutrition -- Special Milk	1,461,000
Child Nutrition -- Summer Programs	9,388,000
Cooperative Gypsy Moth Suppression	48,000
Farmland Preservation	1,050,000
Fish Inspection Services	100,000
Indemnities -- Cattle, Swine and Fowl Diseases ...	40,000
Jobs Bill	1,247,000
Nutrition Education and Training	179,000
School Breakfast	23,108,000
Team Nutrition Training	249,000
Various Federal Programs and Accruals	<u>268,000</u>
Subtotal, Department of Agriculture ...	<u>\$225,807,000</u>

Department of Community Affairs:

Community Services Block Grant	\$13,606,000
Domestic Violence Fatality Review Board	75,000
Emergency Shelter Grants Program	1,480,000
Moderate Rehabilitation Housing Assistance .	14,012,000
National Affordable Housing -- HOME	
Investment Partnerships	7,581,000
Section 8 Existing Housing Rental Assistance .	53,007,000
Section 8 Housing Voucher Program	61,902,000
Shelter Plus Care Program	602,000
Small Cities Block Grant Program	11,211,000
Weatherization Assistance Program	2,978,000
Various Federal Programs and Accruals	<u>64,000</u>
Subtotal, Department of	
Community Affairs	<u>\$166,518,000</u>

National Community Service -- Urban School Services Corp	6,615,000
Pre-School Incentive Grant -- Administration/Discretionary	12,186,000
Promise Fellows	70,000
Public Charter Schools	3,068,000
Reading Excellence	15,626,000
Safe & Drug-Free Schools -- Governor's Portion Discretionary	2,196,000
School to Work Opportunities	6,000,000
Technology Literacy Challenge Fund	10,455,000
Title I -- Accountability Claims	4,000,000
Title I Administration Program Improvement	950,000
Title I -- Capital Expenses	550,000
Title I -- LEA Disadvantaged	183,000,000
Title I, Part D -- Neglected & Delinquent	2,429,000
Vocational Education -- Basic Grants, Administration	22,954,000
Vocational Education Technical Preparation	2,300,000
Various Federal Programs and Accruals	<u>254,000</u>
Subtotal, Department of Education	<u>\$553,241,000</u>
Department of Environmental Protection:	
Air Deposition	\$250,000
Air Pollution Maintenance Program	6,319,000
Appalachian Trail Improvement (ISTEA)	50,000
Appalachian Trail Viewshed Acquisition (ISTEA)	500,000
Archaeological & History/GIS Inventory (ISTEA)	1,700,000
Artificial Reef Program	325,000
Boat Access (Fish and Game)	400,000
Cape May Point State Park Bikeway (ISTEA)	200,000
Clean Vessels	1,000,000
Climate Change Action Plan (Recycling of Landfill Gases)	100,000
Coastal Zone Management Implementation	4,900,000
Community Assistance Program	200,000
Conashank Point	215,000
Consolidated Forest Management	1,536,000
Construction Grants Program	57,600,000
Delaware and Raritan East Side Path	565,000
Delaware and Raritan Canal Route #1 Crossing (ISTEA)	825,000
Delaware and Raritan Canal State Park Old Rose to Mulberry St. (ISTEA)	250,000
Delaware and Raritan Canal State Park Bordentown Outlet (ISTEA)	820,000
Endangered Species	60,000

Voluntary Clean-up -- Site Specific	450,000
Voluntary Clean-up Program	500,000
Water Monitoring and Planning	1,000,000
Water Pollution Control Program	<u>3,350,000</u>
Subtotal, Department of Environmental Protection	<u>\$188,207,000</u>
Department of Health and Senior Services:	
AIDS Incarcerated Individuals in Corrections .	\$1,675,000
Abstinence Education -- FHS	843,000
Asthma Surveillance and Coalition Building	300,000
Center for Birth Defects Research and Prevention	1,600,000
Childhood Lead Poisoning	1,039,000
Clinical Laboratory Improvement Amendments Program	550,000
Comprehensive AIDS Resources Grant	48,000,000
Comprehensive Breast and Cervical Cancer ...	3,200,000
Comprehensive State Based Tobacco Use Prevention Programs	2,600,000
Demonstration Program to Conduct Health Assessments	2,098,000
Development & Validation of Mail Survey of Chemical Exposure	180,000
Early Intervention Program for Infants and Toddlers with Disabilities (Part H)	11,065,000
Epidemiology 2000 -- Electronic Surveillance ...	540,000
Essex County Healthy Start Initiative	2,000,000
Evaluating Client-Centered HIV Prevention Counseling	1,000,000
Family Planning Program -- Title X	3,100,000
Federal Lead Abatement Program	450,000
Food Inspection	274,000
HIV/AIDS Prevention and Education Grant ..	15,275,000
HIV/AIDS Surveillance Grant	7,142,000
Housing Opportunities for Persons with AIDS .	2,342,000
Immunization Project	6,400,000
Lyme Disease Research	200,000
Maternal and Child Health Block Grant	12,700,000
Medicare/Medicaid Inspections of Nursing Facilities	9,700,000
New Jersey Project: Providing a MED Home in a Neighborhood of Services	124,000
New Jersey Targeted Seabrook Capacity Expansion Program	791,000
National Council on Aging -- Senior Employment Services Project	3,000,000
National Program of Cancer Registries	1,800,000
Older Americans Act -- Title III	33,928,000

Various Federal Programs and Accruals	<u>2,706,000</u>
Subtotal, Department of Human Services	<u>\$4,175,392,000</u>
Department of Labor:	
Comprehensive Services for Independent Living	\$700,000
Current Employment Statistics	2,269,000
Disabled Veterans' Outreach Program	2,325,000
Employment Services	23,500,000
Employment Services Cost Reimbursable Grants -- Migrant Housing	50,000
Employment Services Grants -- Alien Labor Certification	2,318,000
Federal Public Employees Occupational Safety and Health Act	1,800,000
JTPA Title III D Discretionary Funding	15,000,000
Job Training Partnership Act	83,538,000
Local Veteran's Employment Representatives	1,425,000
OASI (DDS) Intelligent Workstation Activities	1,000,000
OSHA Data Collection Survey	80,000
Occupational Informational Coordinating Program	149,000
Occupational Safety Health Act , On-Site Consultation	1,700,000
Occupational Wage Survey -- Labor Market Information	309,000
Occupational Wage Survey -- Alien Certification	204,000
Old Age and Survivors Insurance -- Disability Determination	40,900,000
One Stop Labor Market Information	862,000
Redesigned Occupational Safety and Health (ROSH)	404,000
Rehabilitation of Supplemental Security Income Beneficiaries	2,000,000
Supported Employment	1,200,000
Technical Assistance Training	1,700,000
Technology Related Assistance Project	700,000
Trade Adjustment Assistance Project	9,200,000
Unemployment Insurance	92,800,000
Vocational Rehabilitation Act of 1973	42,500,000
Welfare to Work	22,000,000
Work Opportunity Tax Credit	725,000
Various Federal Programs and Accruals	<u>190,000</u>
Subtotal, Department of Labor	<u>\$351,548,000</u>
Department of Law and Public Safety:	
Bulletproof Vest Partnership	\$200,000
Challenge Grant	300,000
Child Passenger Protection Education	200,000

Army Facilities Service Contracts	1,050,000
Army National Guard Statewide	
Security Agreement	660,000
Army Training Technology Lab	401,000
Atlantic City Air Base -- Service Contracts	2,310,000
Atlantic City Operations and Maintenance	60,000
Cemetery New Construction	3,000,000
Design and Construction of Vineland	
Memorial Veterans' Home	23,953,000
Facilities Support Contract	4,587,000
Fire Fighter/Crash Rescue Service	
Cooperative Funding Agreement	1,186,000
Hazardous Waste Environmental	
Protection Program	1,235,000
McGuire Air Force Base -- Service Contracts	1,624,000
McGuire Operations and Maintenance	71,000
Medicare Part A Receipts for Resident Care and	
Operational Costs	2,329,000
National Guard Communications Agreement	1,600,000
New Jersey National Guard Challenge	
Youth Program	1,996,000
New Jersey National Guard Counter Drug	
Program Interservice State - Federal	12,000
Reefex Environmental Program	672,000
Training Site Facilities Maintenance Agreements	63,000
Training and Equipment Pool Sites	502,000
Transitional Housing	980,000
Veterans' Education Monitoring	651,000
Veterans' Honor Guard	<u>145,000</u>
Subtotal, Department of Military and	
Veterans' Affairs	<u>\$50,587,000</u>
Department of State:	
Basic Block Grant	\$111,000
Leveraging Educational Assistance Partnership	1,100,000
NJ GEAR UP	1,648,000
National Endowment for the Arts Partnership	632,000
National Health Service Corps -- Student Loan	
Repayment Program	158,000
National Telecommunications Information	
Agency	1,250,000
Student Loan Administrative Cost Deduction	
and Allowance	15,675,000
Various Federal Programs and Accruals	<u>315,000</u>
Subtotal, Department of State	<u>\$20,889,000</u>
Department of Transportation:	
Airport Fund	\$9,400,000
Emergency Repairs: Replace Route 46 Bridge	
over Peckmans River, Passaic County	7,000,000

tion of their status. Nothing contained in this section or in this act shall be construed to prohibit the payment due upon any encumbrance or pre-encumbrance made under any appropriation contained in any appropriation act of the previous year or years. Furthermore, balances held by pre-encumbrances as of June 30, 2000 are available for payments applicable to fiscal year 2000 as determined by the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with a listing of all pre-encumbrances outstanding as of July 31, 2000 together with an explanation of their status. On or before December 1, 2000, the State Treasurer, in accordance with the provisions of section 37 of article 3 of P.L.1944, c.112 (C.52:27B-46), shall transmit to the Legislature the Annual Financial Report of the State of New Jersey for the fiscal year ending June 30, 2000, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 2000.

31 LEGISLATURE

70 Government Direction, Management and Control

71 Legislative Activities

0001 Senate

DIRECT STATE SERVICES

01-0001 Senate	<u>\$10,519,000</u>
Total Direct State Services	
Appropriation, Senate	<u>\$10,519,000</u>

Direct State Services:

Personal Services:

Senators (40)	(\$1,412,000)
Salaries and Wages	(3,885,000)
Members' Staff Services	(4,000,000)
Materials and Supplies	(150,000)
Services Other Than Personal	(962,000)
Maintenance and Fixed Charges	(80,000)
Additions, Improvements and Equipment ...	(30,000)

The unexpended balance as of June 30, 2000 in this account is appropriated.

0002 General Assembly

DIRECT STATE SERVICES

01-0002 General Assembly	<u>\$16,157,000</u>
Total Direct State Services Appropriation,	
General Assembly	<u>\$16,157,000</u>

Direct State Services:

Personal Services:

Assemblypersons (80)	(\$2,812,000)
Salaries and Wages	(4,245,000)
Members' Staff Services	(7,900,000)
Materials and Supplies	(155,000)
Services Other Than Personal	(860,000)
Maintenance and Fixed Charges	(150,000)

New Jersey State Library

The Office of Legislative Services shall monitor, review and report to both houses of the Legislature on each new anti-smoking initiative funded in fiscal year 2001 from the Tobacco Settlement Fund.

0010 Intergovernmental Relations Commission

DIRECT STATE SERVICES

09-0010 Legislative Commission \$395,000

Total Direct State Services Appropriation,

Intergovernmental Relations Commission \$395,000

Direct State Services:

Special Purpose:

09 Expenses of Commission (\$30,000)

09 The Council of State Governments . (143,000)

09 National Conference of State

Legislatures (161,000)

09 Northeast States Association for

Agriculture Stewardship, Council

of State Governments (25,000)

09 Eastern Trade Council - The Council

of State Governments (36,000)

The unexpended balance as of June 30, 2000 in this account is appropriated.

0014 Joint Committee on Public Schools

DIRECT STATE SERVICES

09-0014 Legislative Commission \$350,000

Total Direct State Services Appropriation,

Joint Committee on Public Schools \$350,000

Direct State Services:

Special Purpose:

09 Expenses of the Commission (\$350,000)

The unexpended balance as of June 30, 2000 in this account is appropriated.

0018 State Commission of Investigation

DIRECT STATE SERVICES

09-0018 Legislative Commission \$2,913,000

Total Direct State Services Appropriation,

State Commission of Investigation \$2,913,000

Direct State Services:

Special Purpose:

09 Expenses of the Commission . . . (\$2,913,000)

The unexpended balance as of June 30, 2000 in this account is appropriated.

0026 Commission on Business Efficiency in the Public Schools

DIRECT STATE SERVICES

09-0026 Legislative Commission \$95,000

Total Direct State Services Appropriation,

Commission on Business Efficiency in

the Public Schools \$95,000

0062 School Transportation Study Commission

The unexpended balance as of June 30, 2000 in this account is appropriated.

The Legislature, Total State Appropriation \$61,617,000

**Summary of Legislature Appropriations
(For Display Purposes Only)**

Appropriations by Category:

Direct State Services \$61,617,000

Appropriation by Fund:

General Fund \$61,617,000

06 OFFICE OF THE CHIEF EXECUTIVE**70 Government Direction, Management and Control****76 Management and Administration****DIRECT STATE SERVICES**

01-0300 Executive Management \$5,620,000

Total Direct State Services Appropriation,

The Office of the Chief Executive \$5,620,000

*Direct State Services:**Personal Services:*

Salaries and Wages (\$4,344,000)

Materials and Supplies (96,000)

Services Other Than Personal (561,000)

Maintenance and Fixed Charges (131,000)

Special Purpose:

01 National Governors' Association . . (175,000)

01 Coalition of Northeastern
Governors (48,000)

01 Education Commission of
the States (91,000)

01 National Conference of
Commissioners On Uniform
State Laws (42,000)

01 Brian Stack Intern Program (10,000)

01 Allowance to the Governor of
Funds Not Otherwise Appropriated,
For Official Reception on Behalf of
the State, Operation of an Official
Residence and Other Expenses (95,000)

Additions, Improvements and Equipment . . . (27,000)

The unexpended balance as of June 30, 2000 in this account is appropriated.

Office of the Chief Executive,

Total State Appropriation \$5,620,000

99 Affirmative Action and Equal

Employment Opportunity (28,000)

Receipts from laboratory test fees are appropriated to support the Animal Health Laboratory program. The unexpended balance as of June 30, 2000 in the Animal Health Laboratory program is appropriated for the same purpose.

Receipts from the seed laboratory testing and certification programs are appropriated for program costs. The unexpended balance as of June 30, 2000 in the seed laboratory testing and certification account is appropriated for the same purpose.

In addition to the amounts hereinabove, there is appropriated up to \$35,000 for the Gypsy Moth program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from Nursery Inspection fees are appropriated for Nursery Inspection program costs. The unexpended balance as of June 30, 2000 in the Nursery Inspection fee account is appropriated for the same purpose.

Receipts from the sale or studies of beneficial insects are appropriated to support the Beneficial Insect Laboratory. The unexpended balance as of June 30, 2000 in the Sale of Insects account is appropriated for the same purpose.

Receipts from Stormwater Discharge Permit program fees are appropriated for program costs. The unexpended balance as of June 30, 2000 in the Stormwater Discharge Permit Program account is appropriated for the same purpose.

Receipts from dairy licenses and inspections are appropriated for program costs.

Receipts in excess of the amount anticipated from feed, fertilizer, and liming material registrations and inspections are appropriated for program costs.

Receipts from inspection fees derived from fruit, vegetable, fish, red meat, and poultry inspections are appropriated for the cost of conducting fruit, vegetable, fish, and poultry inspections.

The unexpended balance as of June 30, 2000 in the Promotion/Market Development account is appropriated for the same purpose.

Receipts in excess of those anticipated, generated at the rate of \$.20 per gallon of wine, vermouth and sparkling wines sold by plenary winery and farm winery licenses issued pursuant to R.S.33:1-10, and certified by the Director of the Division of Taxation, are appropriated to the Department of Agriculture from the alcoholic beverage excise tax for expenses of the Wine Promotion Program. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts derived from the distribution of commodities, sale of containers, and salvage of commodities, in accordance with applicable federal regulations, are appropriated for Commodity Distribution expenses.

GRANTS-IN-AID

03-3330	Resource Development Services	\$1,304,000
06-3360	Marketing Services	430,000
08-3360	Farmland Preservation	<u>1,600,000</u>
	Total Grants-in-Aid Appropriation, Agricultural	
	Resources, Planning and Regulation	<u>\$3,334,000</u>

before January 1, 2000 pursuant to P.L.1983, c.32; c. lands certified by the State Agriculture Development Committee to be within a municipally approved program or other farmland preservation program subsequent to January 1, 2000 pursuant to P.L.1983, c.32.

The unexpended balance as of June 30, 2000 in the Soil and Water Conservation Grant account is appropriated for the same purpose.

STATE AID

06-3360 Marketing Services	\$8,942,000
08-3380 Farmland Preservation	<u>150,000</u>
Total State Aid Appropriation, Agricultural Resources, Planning and Regulation	<u>\$9,092,000</u>

State Aid:

06 School Breakfast Program	(\$1,938,000)
06 Non-Public Nutrition Aid	(439,000)
06 School Lunch Aid	(6,565,000)
08 Payments in Lieu of Taxes	(50,000)
08 Right to Farm Program	(100,000)

The unexpended balance as of June 30, 2000 in the School Breakfast account is appropriated for the same purpose.

CAPITAL CONSTRUCTION

02-3320 Animal and Plant Disease Control	\$150,000
99-3370 Administration and Support Services	<u>450,000</u>
Total Capital Construction Appropriation, Agricultural Resources, Planning and Regulation	<u>\$600,000</u>

Capital Projects:

02 Renovations to Phillip Alampi Beneficial Insect Laboratory	(\$150,000)
99 Data Processing - Network Upgrade	(450,000)

Department of Agriculture, Total State Appropriation	<u>\$23,386,000</u>
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Summary of Department of Agriculture Appropriations (For Display Purposes Only)

Appropriations by Category:

Direct State Services	\$10,360,000
Grants-in-Aid	3,334,000
State Aid	9,092,000
Capital Construction	600,000

Appropriation by Fund:

General Fund	\$23,386,000
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New Jersey Small Employer Health Benefits Program Board, created pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.), such sums as may be necessary to carry out the provisions of those acts, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of the New Jersey Automobile Insurance Guaranty Fund such sums as may be necessary to satisfy the financial obligations of the New Jersey Automobile Full Insurance Underwriting Association, as set forth in the "Fair Automobile Insurance Reform Act of 1990," P.L.1990, c.8 (C.17:33B-1 et al.), subject to the provisions of subsection e. of section 23 of P.L.1990, c.8 (C.17:33B-5).

Upon certification by the Commissioner of Banking and Insurance pursuant to subparagraph (b) of paragraph (9) of subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8) that loans in an amount less than \$160,000,000 per calendar year will satisfy the current and anticipated financial obligations of the Market Transition Facility without reference to the amount of funds remaining from the sale of the Market Transition Facility Senior Lien Revenue Bonds, there is appropriated out of the New Jersey Automobile Insurance Guaranty Fund such sums as may be necessary to satisfy the obligation of the New Jersey Property Liability Insurance Guaranty Fund to make refunds according to law in the amount of any exemption due pursuant to subparagraph (b) of paragraph (9) of subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8).

The amount hereinabove for Unsatisfied Claims is appropriated out of the Unsatisfied Claim and Judgment Fund and, in addition, there are appropriated out of that fund additional sums as may be necessary for the payment of claims pursuant to section 7 of P.L.1952, c.174 (C.39:6-67), and for such additional costs as may be required to administer the fund pursuant to P.L.1952, c.174 (C.39:6-61 et seq.).

Receipts in excess of anticipated revenues from examination and licensing fees, bank assessments, fines and penalties and the unexpended balances as of June 30, 2000, not to exceed \$250,000, are appropriated to the Division of Banking, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 2000 in the Pinelands Development Credit Bank account is appropriated for the same purpose.

In addition to the sum hereinabove, such other sums as the Director of the Division of Budget and Accounting shall determine are appropriated from the assessments of the insurance industry pursuant to P.L.1995, c.156 (C.17:1C-19 et seq.).

The amount hereinabove for the Division of Insurance accounts is payable from receipts received from the Special Purpose Assessment of insurance companies pursuant to section 2 of P.L.1995, c.156 (C.17:1C-20). If the Special Purpose Assessment cap calculation is less than the amount herein appropriated for this purpose for the Division of Insurance, the appropriation shall be reduced to the level of funding supported by the Special Purpose Assessment cap calculation.

All monies deposited in the Division of Motor Vehicles Surcharge Fund are appropriated to the Market Transition Facility Revenue Fund in accordance with the provisions of P.L.1994, c.57 (C.34:1B-21.1 et seq.).

02 Council on Affordable Housing . . .	(1,419,000)
02 Main Street New Jersey	(200,000)
03 Office of Neighborhood Empowerment	(1,350,000)
04 Special Municipal Aid Act -- Administration	(2,000,000)
18 Local Fire Fighters' Training	(375,000)
32 Carnival Amusement Ride Safety Advisory Board	(1,000)
32 Safety Commission	(3,000)
Additions, Improvements and Equipment . . .	(41,000)

The amount hereinabove for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 2000 in the Housing Code Enforcement program classification, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 2000, in the several Uniform Construction Code program classification fee accounts, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 2000 in the Planned Real Estate Development Full Disclosure Act fees account together with any receipts in excess of the amount anticipated is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts received by the Uniform Construction Code Revolving Fund attributable to that portion of the surcharge fee in excess of \$0.0006, and to surcharges on other construction, shall be dedicated to the general support of the Uniform Construction Code Program, and, notwithstanding the provisions of section 2 of P.L.1979, c.121 (C.52:27D-124.1), shall be available for training and non-training purposes. Notwithstanding the provision of law to the contrary, unexpended balances as of June 30, 2000 in the Uniform Construction Code Revolving Fund are appropriated.

Such sums as may be required for the registration of builders and reviewing and paying claims under the "New Home Warranty and Builders' Registration Act," P.L.1977, c.467 (C.46:3B-1 et seq.), are appropriated from the New Home Warranty Security Fund in accordance with section 7 of P.L.1977, c.467 (C.46:3B-7), subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for the Workplace Standards program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 2000 in the Uniform Fire Code program classification, together with any receipts in excess of the amount anticipated is

associated expenses, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 2000 in the Special Urban Services program classification is appropriated.

The unexpended balance as of June 30, 2000 in the Special Municipal Aid Act - Administration account is appropriated.

Notwithstanding any provisions of P.L.1983, c.530 (C.55:14K-1 et seq.) to the contrary, the Commissioner of the Department of Community Affairs shall have authority to disburse funds, not to exceed \$1,000,000, from the Boarding Home Rental Assistance Fund established pursuant to section 14 of P.L.1983, c.530 (C.55:14K-14) for the purpose of making loans to assist fraternities and sororities in compliance with fire suppression system retrofit requirements in private housing used exclusively to provide sleeping quarters for college students.

There is appropriated from the Petroleum Overcharge Reimbursement Fund the sum of \$300,000 for the expenses of the Green Homes Office in the Division of Housing and Community Resources, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

01-8010 Housing Code Enforcement	\$919,000
02-8020 Housing Services	7,495,000
03-8040 Special Urban Services	28,200,000
04-8030 Local Government Services	36,416,000
18-8017 Uniform Fire Code	<u>8,571,000</u>
Total Grants-in-Aid Appropriation,	
Community Development Management	<u>\$81,601,000</u>

Grants-in-Aid:

01 Cooperative Housing Inspection	(\$919,000)
02 Supplemental Shelter Support	(1,000,000)
02 Shelter Assistance	(2,000,000)
02 Prevention of Homelessness	(4,460,000)
02 Neighborhood Housing Services of Trenton, Inc. -- Home Ownership	(35,000)
03 New Jersey Redevelopment Authority - Mercer County Projects	(3,000,000)
03 Brownfields Redevelopment Grants	(15,000,000)
03 Downtown Living Initiative	(7,500,000)
03 College/University Homebuyers' Fund	(2,500,000)
04 Absecon City - Veterans' Park Rehabilitation	(25,000)
04 Allentown Borough - Emergency Equipment	(47,000)
04 Asbury Park City - Recreation	(23,000)
04 Atlantic County Regional First Response Defibrillator Program	(125,000)

04 Clifton City - William Street Fire Station	(150,000)
04 Clifton City - Wabash and Crooks Avenue Flooding	(350,000)
04 Clifton City - Traffic Cameras	(250,000)
04 Clinton Township - Municipal Building	(100,000)
04 Closter Borough - Police Department Interborough Project	(150,000)
04 Commercial Township - Recreation Facilities	(75,000)
04 Delanco Township - First Response Vehicle	(33,000)
04 Delran Township - ADA Compliance	(50,000)
04 Demarest Borough - Public Works Building Replacement	(250,000)
04 Dumont Borough - Fire Vehicles and Equipment	(250,000)
04 Dunellen Borough - Senior Citizens Recreation Facility Construction	(75,000)
04 East Greenwich Township - Replacement of Unsafe Lighting	(50,000)
04 East Greenwich Township - Municipal Building Rehabilitation	(560,000)
04 East Rutherford Borough - Playground Equipment	(65,000)
04 East Rutherford Borough - Senior Center	(100,000)
04 East Rutherford Borough - Police Department	(35,000)
04 East Newark Borough - Public Safety Enhancements	(50,000)
04 Eastampton Township - Recreation Projects	(200,000)
04 Edgewater Park Township - First Responder Vehicle	(33,000)
04 Edgewater Borough - Public Safety Enhancements	(59,000)
04 Elizabeth City - Wilson Park Enhancement Project	(75,000)
04 Elizabeth City - Midtown Improvements	(50,000)
04 Elmwood Park Borough - Police Station Upgrade and Equipment	(95,000)
04 Elsinboro Township - Bulkhead Project	(350,000)
04 Emerson Borough - Emergency Service Equipment	(100,000)
04 Englishtown Borough - Weamaconk Lake Dredging	(100,000)

04 Hightstown Borough - Main Street Renovations	(150,000)
04 Hillside Township - Municipal Purposes	(500,000)
04 Hoboken City - Expand Crime Prevention Initiatives	(75,000)
04 Hoboken City - Fire Equipment Replacement	(75,000)
04 Holmdel Township - Landscape Improvements, Route 35	(25,000)
04 Holmdel Township - Senior Citizens Center Recreational Equipment	(26,000)
04 Holmdel Township - Police Department Bayshore Task Force	(85,000)
04 Hopewell Borough - Historic Train Station Improvements	(25,000)
04 Howell Township - Parks and Recreation	(35,000)
04 Howell Township Police Department - Communications Equipment	(200,000)
04 Howell Township - Aldrich Lake Draining, Dredging and Restoration	(175,000)
04 Hudson County - Replacement Lighting for Columbus Park, Hoboken	(100,000)
04 Jackson Township - Recreation Facilities	(100,000)
04 Keansburg Borough - Fuel Tank	(55,000)
04 Keansburg Borough Police Department - Emergency Generator	(50,000)
04 Keansburg Borough Public Works - Beach Equipment	(50,000)
04 Kearny Town - First Ward Police Substation	(50,000)
04 Keyport Borough - Recreational Improvements	(90,000)
04 Lacey Township - Gille Park Pavilion	(75,000)
04 Lacey Township - Recreation Improvements	(70,000)
04 Lakewood Township - Municipal Building Elevator Renovation and Emergency Vehicle	(75,000)
04 Lavallette Borough - Erosion Mitigation	(75,000)
04 Little Falls Township - Municipal Improvements	(200,000)
04 Little Falls Township - Senior Center	(95,000)
04 Little Silver Borough - Parker Homestead Restoration	(100,000)
04 Little Falls Township - Community Center Repairs	(40,000)

04	Middletown Township - First Aid Squad, Vehicle Purchase	(90,000)
04	Middletown Township - Croydon Hall Senior Center Equipment	(25,000)
04	Millburn Township - Recreation Facilities Improvement	(100,000)
04	Millstone Township (Monmouth) - Technology	(75,000)
04	Monmouth County - M-26 Local Bus Route Service Enhancement Project	(20,000)
04	Monmouth County Park System - S.P.U.R.	(50,000)
04	Monroe Township (Gloucester) - Main Street Revitalization	(100,000)
04	Montclair Township - Repair of Municipal Structures	(150,000)
04	Moorestown Township - Strawbridge Lake Dredging	(200,000)
04	Mount Laurel Township - Police Department Equipment	(182,000)
04	Mount Holly Township - Recreation and Community Center	(50,000)
04	New Milford Borough - Recreation Capital Improvements	(100,000)
04	Newfield Borough -- Municipal Improvements	(125,000)
04	New Hanover Township - Recreation Equipment	(35,000)
04	New Providence Borough - Centennial Park Renovations	(75,000)
04	New Brunswick City - Senior Citizen Center	(20,000)
04	North Haledon Borough - Municipal Building ADA Compliance	(75,000)
04	North Brunswick Township - Municipal Improvements	(100,000)
04	North Caldwell Borough - Baseball Field Lighting	(20,000)
04	North Haledon Borough - Recreation . . .	(10,000)
04	North Arlington Borough - Ridge Road Beautification	(120,000)
04	North Brunswick Township - Municipal Complex Improvements . . .	(200,000)
04	North Brunswick Township - Schmidt Lane Pump Station	(200,000)
04	North Caldwell Borough - Fire Department Response Vehicle	(40,000)

04 Plumsted Township - Municipal Building	(50,000)
04 Point Pleasant Borough - Boardwalk Improvements	(500,000)
04 Prospect Park Borough - Senior Citizen Services	(10,000)
04 Rahway City - Main Street Business Improvements	(50,000)
04 Red Bank Borough - Count Basie Field Upgrade	(100,000)
04 Ridgefield Borough - Public Safety Equipment	(200,000)
04 Ringwood Borough - Public Safety Communications Equipment	(150,000)
04 Riverside Township - Police Vehicles	(52,000)
04 Riverton Borough - Underground Storage Tank Closure and Pump Station Upgrade	(75,000)
04 Riverton Borough - First Response Vehicle	(33,000)
04 Rochelle Park Township - Public Safety Equipment	(150,000)
04 Roosevelt Borough - Community Recreation and Education Programs	(30,000)
04 Roseland Borough - Recreation Field Improvements	(70,000)
04 Roselle Park Borough - Capital Projects	(50,000)
04 Roselle Borough - Downtown Business Center Improvements	(50,000)
04 Roxbury Township Teen Center	(60,000)
04 Rumson Borough - Emergency Medical Service	(25,000)
04 Rutherford Borough - Special Service Unit Vehicle	(155,000)
04 Rutherford Borough - Renovations to Lincoln Park	(30,000)
04 Saddle Brook Township - Community/ Recreation Facility	(150,000)
04 Saddle Brook Township - Fire Department Improvements	(50,000)
04 Sandyston Township - Municipal Building	(100,000)
04 Scotch Plains Township - Recreation Facility Improvements	(75,000)
04 Sea Bright Borough - Public Safety	(350,000)
04 Seaside Heights Borough - Planning Initiatives	(75,000)

04	Sussex County - Courthouse Renovations	(1,000,000)
04	Swedesboro Borough - Park Upgrades . .	(38,000)
04	Teterboro Borough - Road Repair	(15,000)
04	Tinton Falls Borough - Municipal Building	(100,000)
04	Totowa Borough - Municipal Enhancements	(310,000)
04	Trenton City - Senior Centers	(500,000)
04	Union Township (Union) - Chestnut Hill Park Improvements	(25,000)
04	Union City - 17th Street Park Renovations	(50,000)
04	Union Township (Union) - Senior Center Transportation	(50,000)
04	Union City - Ambulance Purchase	(65,000)
04	Union City - Enhancement of Senior Citizen Program	(10,000)
04	Union Township (Union) - Utility Vehicle	(50,000)
04	Union City - Girardo Park Renovations . .	(50,000)
04	Union Beach Borough - EMS Building Repairs	(50,000)
04	Vernon Township - Fire Equipment	(200,000)
04	Vernon Township - Project	(500,000)
04	Voorhees Township - Police Department Building	(300,000)
04	Voorhees Township - Development of Lion's Lake Area	(500,000)
04	Voorhees Township - Senior Citizen Bus	(70,000)
04	Waldwick Borough - Public Safety Building	(250,000)
04	Wall Township - Recreation Program . . .	(90,000)
04	Wallington Borough - Volunteer Fire Department Equipment	(40,000)
04	Wallington Borough - Police Department Renovations	(150,000)
04	Wallington Borough - Department of Recreation	(150,000)
04	Wanaque Borough - Ringwood Avenue Water Main	(150,000)
04	Warren County Fire Training Academy .	(150,000)
04	Washington Township (Morris) - Recreational Facility	(85,000)
04	Wayne Township - Schuyler Colfax House Museum Restoration	(150,000)
04	Weehawken Township - Recreation	(50,000)

- Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.
- The unexpended balance as of June 30, 2000 in the Shelter Assistance account is appropriated.
- The Commissioner of the Department of Community Affairs shall report to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, not later than March 1, 2001, statistical and financial information on the expenditure of funds from the Shelter Assistance account for fiscal year 2001. Such information shall specifically include the number, types, location and costs of beds made available for occupancy with the funds appropriated herein.
- Upon determination by the Commissioner that all eligible shelter assistance projects have received funding from the amount appropriated for Shelter Assistance from receipts of the portions of the realty transfer tax dedicated to the Neighborhood Preservation Nonlapsing Revolving Fund, any available balance in the Shelter Assistance account may be transferred to the Neighborhood Preservation Fair Housing account, subject to the approval of the Director of the Division of Budget and Accounting.
- The unexpended balance as of June 30, 2000 in the Prevention of Homelessness account is appropriated.
- There is appropriated to the Revolving Housing Development and Demonstration Grant Fund an amount not to exceed 50% of the penalties derived from bureau activities in the Housing Code Enforcement program classification, subject to the approval of the Director of the Division of Budget and Accounting.
- Receipts from repayment of loans from the Downtown Business Improvement Loan Fund, together with the unexpended balance of such loan fund as of June 30, 2000 and any interest thereon are appropriated for the purposes of P.L.1998, c.115 (C.40:56-71.1 et seq.).
- Such amounts necessary for the payment of principal and interest on outstanding notes of the Hackensack Meadowlands Development Commission are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of section 35 of P.L.1975, c.326 (C.13:17-10.1), sections 10 and 11 of P.L.1981, c.306 (C.13:1E-109 and C.13:1E-110), section 8 of P.L.1985, c.368 (C.13:1E-176), or any rules and regulations adopted pursuant thereto, or any order issued by the Board of Public Utilities to the contrary, if the aggregate balance in the closure and post-closure escrow accounts established by the Hackensack Meadowlands Development Commission for the closure and post-closure monitoring of the sanitary landfill facilities operated by the Hackensack Meadowlands Development Commission is in excess of the amount necessary, as calculated pursuant to the financial plan for the closure and post-closure of the sanitary landfill facilities prepared by the Hackensack Meadowlands Development Commission and approved by the Department of Environmental Protection for the proper closure and post-closure monitoring of the sanitary landfill facilities, an amount equal to the excess amount, or \$3,205,000 whichever is less, shall be withdrawn from the escrow accounts by the Hackensack Meadowlands Development Commission and paid

sanitary landfills owned or to be acquired by the Hackensack Meadowlands Development Commission, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

02-8020 Housing Services	\$17,425,000
04-8030 Local Government Services	860,628,000
<i>(From General Fund</i>	<i>\$37,868,000)</i>
<i>(From Property Tax Relief Fund ..</i>	<i>822,760,000)</i>
06-8015 Uniform Construction Code	<u>46,000</u>
Total State Aid Appropriation, Community	
Development Management	<u>\$878,099,000</u>
<i>(Total From General Fund</i>	<i>55,339,000)</i>
<i>(Total From Property Tax</i>	
<i>Relief Fund</i>	<i>822,760,000)</i>

State Aid:

02 Neighborhood Preservation	
(P.L.1975, c.248 and c.249)	(\$2,750,000)
02 Neighborhood Preservation --	
Fair Housing (P.L.1985, c.222)	(13,925,000)
02 Relocation Assistance	(750,000)
04 Extraordinary Aid (C.52:27D-	
118.36) (PTRF)	(25,000,000)
04 Consolidated Municipal Property	
Tax Relief Aid (PTRF)	(787,760,000)
04 County Prosecutors Salary Increase	
(P.L. 1996, c.99)	(508,000)
04 Legislative Initiative Municipal	
Block Grant Program	(33,825,000)
04 Domestic Violence Training Cost	
Reimbursement -- Local Law	
Enforcement Agencies	(250,000)
04 Regional Efficiency Development	
Incentive Grant Program (PTRF) ..	(10,000,000)
04 Watershed Moratorium Offset Aid ...	(3,285,000)
06 Municipal Memberships in Building	
Codes Association	(46,000)

Of the sum hereinabove for Neighborhood Preservation -Fair Housing, a sum not to exceed \$300,000 may be used for matching on a 50/50 basis for the administrative costs of the Federal Small Cities Block Grant.

Any receipts in excess of the amount anticipated in the Neighborhood Preservation-Fair Housing account are appropriated.

Of the sum hereinabove for Neighborhood Preservation, an amount not to exceed \$200,000 is payable from revenues transferred to the General Fund from the Mortgage Assistance Fund created by section 4 of P.L.1976, c.94, and shall be expended for purposes authorized by section 5 of P.L.1976, c.94 which are also

The amount appropriated hereinabove for the Legislative Initiative Municipal Block Grant Program shall be distributed to the same municipalities and in the same proportions as the distributions received therefrom during fiscal year 2000.

Notwithstanding any law to the contrary, the amount hereinabove for Consolidated Municipal Property Tax Relief Aid shall be distributed in the same amounts, and to the same municipalities which received funding pursuant to the fiscal year 2000 annual appropriations act, P.L.1999, c.138, and adjusted according to the provisions of section 2 of P.L.1999, c.168 (C.52:27D-442), or pursuant to other amendatory or supplementary law except that the amount to be received by the City of Newark in the December 1, 2000 payment shall be reduced by an amount not to exceed \$2,200,000 and appropriated to the Division of Taxation for any aspect of the revaluation of real property in Newark, and \$700,000 shall be paid for in lieu of taxes to the municipality in which the new sexual predators facility is located. These appropriations shall be subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for Consolidated Municipal Property Tax Relief Aid shall be distributed on the following schedule: on or before July 15, 35% of the total amount due; August 1, 10% of the total amount due; September 1, 30% of the total amount due; October 1, 15% of the total amount due; November 1, 5% of the total amount due; and December 1, 5% of the total amount due.

Notwithstanding any law to the contrary, from the amount received from the Consolidated Municipal Property Tax Relief Aid program, each municipality shall be required to distribute to each fire district within its boundaries the amount received by the fire district from the Supplementary Aid for Fire Services program pursuant to the provisions of the fiscal year 1995 annual appropriations act, P.L.1994, c.67.

Municipalities that received Municipal Revitalization Program aid in fiscal year 1995 pursuant to the provisions of P.L.1994, c.67 shall continue to be subject to the provisions of the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.), and the Director of the Division of Local Government Services may withhold aid payments or portions thereof from any municipality that fails to comply with those provisions, until such time as the director determines the municipality to be in compliance.

The amount for Extraordinary Aid shall be distributed in a manner consistent with the provisions of section 5 of P.L.1991, c.63 (C.52:27D-118.36).

Notwithstanding the provisions of sections 5 and 9 of P.L.1991, c.63 (C.52:27D-118.36 and C.52:27D-118.40) to the contrary, the amount appropriated for Extraordinary Aid may be used for payments to eligible municipalities for costs associated with activities which improve operations and provide short and long term property tax savings, including but not limited to shared and regionalized services, enhanced tax and revenue collection efforts, and other activity which can be demonstrated to meet the above requirements.

Notwithstanding any law to the contrary, whenever funds appropriated as State aid and payable to any municipality, which municipality requests and receives the approval of the Local Finance Board, such funds may be pledged as a guarantee for payment of principal and interest on any bond anticipation notes issued

GRANTS-IN-AID

05-8050 Community Resources	\$22,326,000
15-8051 Women's Programs	<u>4,707,000</u>
Total Grants-in-Aid Appropriation,	
Social Services Programs	<u>\$27,033,000</u>

Grants-in-Aid:

05 Center for Hispanic Policy, Research and Development	(2,625,000)
05 Recreation for the Handicapped	(650,000)
05 Special Olympics	(450,000)
05 Trenton Urban Gardening Program	(50,000)
05 Camden Urban Gardening Project	(50,000)
05 Battleship New Jersey	(250,000)
05 Senior Citizens Activity Network - New Jersey Senior Olympics	(75,000)
05 Faith-Based Community Development Initiative	(5,000,000)
05 Grant to ASPIRA	(100,000)
05 Roseland Volunteer Fire Department - Equipment	(12,000)
05 Verona Volunteer Fire Department - Equipment	(100,000)
05 Homeless Solutions, Morristown	(90,000)
05 Laurence Harbor Senior Center - Renovations	(170,000)
05 High Park Gardens, Newark	(20,000)
05 Contact We Care, Inc.	(50,000)
05 Aljira, a Center for Contemporary Art, Newark	(10,000)
05 Committee to Save Our Soldier, River Edge - Restoration of Statue	(15,000)
05 Metuchen-Edison YMCA and the Jewish Community Center of Middlesex County - Community Center	(350,000)
05 Morasha/Heritage, Lakewood	(100,000)
05 Lakewood Fire Commissioners, District No. 1	(50,000)
05 North Ward Center, Inc., Newark	(75,000)
05 Newark Do Something Fund	(100,000)
05 Puerto Rican Congress, Inc., Lakewood ..	(50,000)
05 Old Bridge Township - Recreational Equipment	(35,000)
05 International Youth Organization, Newark	(25,000)
05 River Edge Cultural Center - Exhibit and Concerts	(4,000)
05 Cherry Hill Fire Department - Geographic Information System	(80,000)

05 Delaware Schooner Project	(150,000)
05 Newark Symphony Hall	(250,000)
05 Metropolitan Resurrection Community Center, Newark	(40,000)
05 Dumont Volunteer Fire Department Ladder Co. 2	(100,000)
05 Leisure Village Association, Lakewood - Emergency Generator	(100,000)
05 New Egypt First Aid and Emergency Squad, Inc.	(11,000)
05 East Side Community Center, Newark . .	(10,000)
05 Lake Musconetcong Regional Planning Board - Weed Harvester	(190,000)
05 Indian Mills Volunteer Fire Company - Facility Improvements	(200,000)
05 Caregivers of Lakewood, Inc.	(60,000)
05 Madison Park Fire Company, Old Bridge	(15,000)
05 The Roebling Rescue Squad, Inc. - Equipment	(30,000)
05 Lakewood First Aid & Emergency Inc. . .	(63,000)
05 Northwest New Jersey Community Action Program - Building Renovation .	(100,000)
05 Lakewood Community Mediation Center	(25,000)
05 Kenilworth Volunteer Fire Department - Renovations	(200,000)
05 Livingston Board of Education - Hillside School Playground	(25,000)
05 Society Hill Block Watchers Group, Newark	(25,000)
05 Lincoln Park Cultural Arts District	(5,000)
05 Hoboken Veterans Organization - Monument Renovation	(75,000)
05 Sisters of Mercy, Asbury Park - Mercy Center	(102,000)
05 Wayne Fire Department Company No. 5 - Facility Repairs	(75,000)
05 Neptune Township Little League	(10,000)
05 YMCA of Eastern Union County - Capital Project	(100,000)
05 Wayne Community Volunteer Fire Company No. 1	(55,000)
05 Skylands Botanical Garden, Ringwood - Carriage House Renovation	(200,000)
05 Police Athletic League Program, Wayne .	(43,000)
05 Bayshore Senior Center	(50,000)

05 Somerset County Cultural Diversity Coalition	(70,000)
05 Lambertville Education Foundation - Recreational Facility	(3,000)
05 Long Branch School District/Greater Long Branch NAACP - Community Diversity Program	(25,000)
05 Barnegat Bay Decoy & Baymen's Museum, Inc. - Tuckerton Seaport	(50,000)
05 United Churches for Community Empowerment, Inc. - Project Homework, Camden	(39,000)
05 West Ward Cultural Center, Inc., Newark	(75,000)
05 Retired and Senior Volunteer Program of Middlesex County	(8,000)
05 Bergen County Fire Police Association - Expanded Training	(5,000)
05 Concerned Parents for Head Start, Paterson - Facility Development	(100,000)
05 CUMAC-Echo, Inc., Paterson - Elevator Lift for Food Pantry Depot	(28,000)
05 Hoboken Volunteer Ambulance Corps - Radio Repeater System	(50,000)
05 American Red Cross, Hudson County Chapter	(50,000)
05 Cohanzick Zoo, Bridgeton - Expansion	(50,000)
05 Appel Farm Arts and Music Center - Summer Arts Program	(350,000)
05 Endeavor Emergency Squad, Inc., Burlington - Ambulance Replacement	(72,000)
05 Urban League of Hudson County	(30,000)
05 Hispanic Affairs and Resource Center of Monmouth County, Asbury Park	(15,000)
05 Millville Thunderbolt Club	(75,000)
05 Monmouth County Business Incubator, Inc., Asbury Park	(40,000)
05 Jewish Family Service of Atlantic and Cape May Counties	(25,000)
05 Bayonne Economic Opportunity Foundation - Community Action Program	(25,000)
05 Allen Community Life Center, Atlantic City	(100,000)
05 Salvation Army, Atlantic City	(100,000)
05 Saint Joseph's Home Transitional Housing Program, Jersey City - The Nurturing Place	(50,000)

05	The Community YMCA, Red Bank - Skate Board Park	(60,000)
05	Monmouth County Alliance Steering Subcommittee - Drug Prevention Program	(45,000)
05	Aberdeen Board of Fire Commissioners District No. 2 - Equipment and Vehicle ..	(80,000)
05	Lakewood Jewish Community Services - Community Center	(300,000)
05	Project SCHOLAR, Asbury Park	(11,000)
05	Ocean Grove Historic Preservation Society - Neptune Performing Arts Center Restoration	(50,000)
05	Southern Monmouth Area Regional Technical Search and Rescue	(10,000)
05	Monmouth County Chapter, U.S. Lifesaving Association - National Competition Team	(10,000)
05	Hazlet Soccer Association - Field Improvements	(180,000)
05	South Bound Brook Food Pantry, Reformed Church	(39,000)
05	Interfaith Neighbors, Inc., Asbury Park	(50,000)
05	P.A.C.O., Jersey City	(100,000)
05	Bergen-Lafayette Little League	(25,000)
05	Greenville-Westside Little League	(25,000)
05	Passaic County Multidisciplinary Teen-Child Advocacy Center	(20,000)
05	One Ease-ELink	(40,000)
05	Hogar Infantil	(40,000)
05	Hispanic Multi-Purpose Service	(25,000)
05	Haledon Emergency Ambulance Association, Inc. - Renovate Prospect Park Facility	(10,000)
05	Paterson Inter-Faith Community Organization	(10,000)
05	Passage Theater Company - Expand After-School Training	(10,000)
05	Morgan Volunteer First Aid Squad, Sayreville - Crash Truck	(60,000)
05	Volunteer Fire Department, South Amboy - Bunker Pants and Scott Airpacks	(60,000)
05	Police Athletic League, Gloucester City .	(100,000)
05	Asbury Park Job Training Center	(250,000)
15	Women for Women, Union County	(30,000)

The Office of State Planning is authorized to collect reasonable fees for the distribution of its publications, and receipts derived from such fees are appropriated for the Office of State Planning.

The unexpended balances as of June 30, 2000 in the Brownfields Site Inventory and Redevelopment Task Force Account is appropriated for the same purposes.

GRANTS-IN-AID

39-8450 Office of State Planning \$300,000
 Total Grants-In-Aid Appropriation, Governmental
 Review and Oversight \$300,000
Grants-In-Aid:
 39 Highlands Regional Planning Grants . . (\$300,000)

76 Management and Administration

DIRECT STATE SERVICES

99-8070 Administration and Support Services \$3,282,000
 Total Direct State Services Appropriation,
 Management and Administrative Services . . . \$3,282,000
Direct State Services:
 Personal Services:
 Salaries and Wages (\$2,054,000)
 Materials and Supplies (10,000)
 Services Other Than Personal (356,000)
 Maintenance and Fixed Charges (26,000)
 Special Purpose:
 99 Affirmative Action and Equal
 Employment Opportunity (60,000)
 Additions, Improvements and Equipment . . (776,000)

GRANTS-IN-AID

99-8070 Administration and Support Services \$5,000,000
 Total Grants-in-Aid Appropriation, Management
 and Administrative Services \$5,000,000
Grants:
 99 Planning Assistance for Counties and
 Other Local Agencies (\$3,000,000)
 99 Cyberdistricts (2,000,000)

Department of Community Affairs,
 Total State Appropriation \$1,025,065,000

Summary of Department of Community Affairs Appropriations (For Display Purposes Only)

Appropriations by Category:
 Direct State Services \$33,032,000
 Grants-in-Aid 113,934,000
 State Aid 878,099,000

- 13 State Match -- Women's
Assessment Center (489,000)
- 13 State Match -- Edward Byrne
Drug Treatment Grant (53,000)
- 13 Drug Testing -- Assumption of
Federal Funding (261,000)
- Additions, Improvements and Equipment . . (241,000)
- The unexpended balance as of June 30, 2000 in the Integrated Information Systems Development account is appropriated to provide funding for the cost of replacing the Department of Corrections S/36 Correctional Management Information System subject to the approval of the Director of the Division of Budget and Accounting, the expenditures of which shall directly improve the department's ability to collect fines, restitutions, penalties, surcharges or other debts owed by inmates.
- The appropriation hereinabove for Drug Courts shall be transferred to the appropriate agencies in the amounts necessary to implement this initiative, subject to the approval of the Director of the Division of Budget and Accounting.
- The unexpended balance as of June 30, 2000 in the Drug Courts account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.
- The unexpended balance as of June 30, 2000 in the Civilly Committed Sexual Offender Facility account is appropriated for the same purpose.
- In addition to the amount appropriated hereinabove for the Civilly Committed Sexual Offender Facility, the Commissioner of Corrections may transfer up to \$4,938,000 from the Kearny Unit account in the Adult Diagnostic and Treatment Center, Avenel budget, subject to the approval of the Director of the Division of Budget and Accounting.
- Of the sums appropriated hereinabove for Video Teleconferencing, an amount shall be transferred to the Judiciary and the Office of the Public Defender for telephone line charges, subject to the approval of the Director of the Division of Budget and Accounting.
- In addition to the sums appropriated hereinabove for Video Teleconferencing, the Commissioner of the Department of Corrections, with the approval of the Director of the Division of Budget and Accounting, shall transfer or credit to this account, an amount up to \$200,000 from other appropriations in the department to reflect savings in central transportation operations due to the use of video teleconferencing equipment.
- In addition to the sums appropriated above, funds may be transferred from the Victims of Crime Compensation Board to the Department of Corrections for the department's new computer system, which will facilitate the collection of monies owed by inmates, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

13-7025 Institutional Program Support	<u>\$165,040,000</u>
Total Grants-in-Aid Appropriation, System-	
Wide Program Support	<u>\$165,040,000</u>

7045 Vroom Central Reception and Assignment Facility**DIRECT STATE SERVICES**

07-7045 Institutional Control and Supervision \$18,469,000
 08-7045 Institutional Care and Treatment 11,977,000
 99-7045 Administration and Support Services 2,830,000

Total Direct State Services Appropriation,
 Vroom Central Reception and
 Assignment Facility \$33,276,000

*Direct State Services:**Personal Services:*

Salaries and Wages (\$23,372,000)
 Food in Lieu of Cash (116,000)
 Materials and Supplies (4,925,000)
 Services Other Than Personal (4,090,000)
 Maintenance and Fixed Charges (610,000)

Special Purpose:

07 Other Special Purpose (2,000)
 Additions, Improvements and Equipment .. (161,000)

7050 East Jersey State Prison**DIRECT STATE SERVICES**

07-7050 Institutional Control and Supervision \$40,841,000
 08-7050 Institutional Care and Treatment 15,848,000
 99-7050 Administration and Support Services 7,124,000

Total Direct State Services Appropriation,
 East Jersey State Prison \$63,813,000

*Direct State Services:**Personal Services:*

Salaries and Wages (\$41,185,000)
 Food in Lieu of Cash (175,000)
 Materials and Supplies (7,279,000)
 Services Other Than Personal (9,062,000)
 Maintenance and Fixed Charges (1,284,000)

Special Purpose:

07 Northern Regional Pre-
 Release Center (4,665,000)
 Other Special Purpose (2,000)
 Additions, Improvements and Equipment .. (161,000)

7055 South Woods State Prison**DIRECT STATE SERVICES**

07-7055 Institutional Control and Supervision \$43,935,000
 08-7055 Institutional Care and Treatment 24,444,000
 99-7055 Administration and Support Services 11,038,000

Total Direct State Services Appropriation,
 South Woods State Prison \$79,417,000

7070 Mid-State Correctional Facility**DIRECT STATE SERVICES**

07-7070 Institutional Control and Supervision \$11,130,000
 08-7070 Institutional Care and Treatment 4,834,000
 99-7070 Administration and Support Services 2,834,000

Total Direct State Services Appropriation,
 Mid-State Correctional Facility \$18,798,000

*Direct State Services:**Personal Services:*

Salaries and Wages (\$13,969,000)
 Food in Lieu of Cash (63,000)
 Materials and Supplies (1,829,000)
 Services Other Than Personal (2,365,000)
 Maintenance and Fixed Charges (411,000)
 Additions, Improvements and Equipment . . (161,000)

7075 Riverfront State Prison**DIRECT STATE SERVICES**

07-7075 Institutional Control and Supervision \$17,569,000
 08-7075 Institutional Care and Treatment 9,341,000
 99-7075 Administration and Support Services 3,924,000

Total Direct State Services Appropriation,
 Riverfront State Prison \$30,834,000

*Direct State Services:**Personal Services:*

Salaries and Wages (\$21,207,000)
 Food in Lieu of Cash (103,000)
 Materials and Supplies (3,291,000)
 Services Other Than Personal (5,346,000)
 Maintenance and Fixed Charges (725,000)

Special Purpose:

Other Special Purpose (1,000)
 Additions, Improvements and Equipment . . (161,000)

7080 Edna Mahan Correctional Facility for Women**DIRECT STATE SERVICES**

07-7080 Institutional Control and Supervision \$17,993,000
 08-7080 Institutional Care and Treatment 9,547,000
 99-7080 Administration and Support Services 5,043,000

Total Direct State Services Appropriation,
 Edna Mahan Correctional Facility
 for Women \$32,583,000

*Direct State Services:**Personal Services:*

Salaries and Wages (\$22,653,000)
 Food in Lieu of Cash (124,000)
 Materials and Supplies (4,213,000)
 Services Other Than Personal (4,466,000)

08-7110 Institutional Care and Treatment 14,435,000
 99-7110 Administration and Support Services 3,475,000
 Total Direct State Services Appropriation,
 Garden State Youth Correctional Facility .. \$41,863,000

Direct State Services:

Personal Services:

Salaries and Wages (\$28,044,000)
 Food in Lieu of Cash (123,000)
 Materials and Supplies (4,474,000)
 Services Other Than Personal (8,068,000)
 Maintenance and Fixed Charges (691,000)

Special Purpose:

08 State Match -- Residential
 Substance Abuse Treatment Grant . (301,000)
 Other Special Purpose (1,000)
 Additions, Improvements and Equipment .. (161,000)

7120 Albert C. Wagner Youth Correctional Facility

DIRECT STATE SERVICES

07-7120 Institutional Control and Supervision \$27,550,000
 08-7120 Institutional Care and Treatment 10,259,000
 99-7120 Administration and Support Services 4,251,000
 Total Direct State Services Appropriation,
 Albert C. Wagner Youth
 Correctional Facility \$42,060,000

Direct State Services:

Personal Services:

Salaries and Wages (\$27,554,000)
 Food in Lieu of Cash (122,000)
 Materials and Supplies (3,531,000)
 Services Other Than Personal (5,562,000)
 Maintenance and Fixed Charges (804,000)

Special Purpose:

07 Adult Offender Boot Camp (4,325,000)
 Other Special Purpose (1,000)
 Additions, Improvements and Equipment .. (161,000)

Receipts derived from the Upholstery Program at the Albert C. Wagner Youth
 Correctional Facility, and any unexpended balance as of June 30, 2000 are
 appropriated for the operation of the program with surplus funds being credited
 to the institution's Inmate Welfare Fund, subject to the approval of the Director
 of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

99-7120 Administration and Support Services \$13,100,000
 Total Capital Construction Appropriation,
 Albert C. Wagner Youth
 Correctional Facility \$13,100,000

03 Parolee Electronic Monitoring Program	(4,297,000)
03 Intensive Supervision/ Surveillance Program	(5,130,000)
03 High Impact Diversion Program ..	(4,228,000)
03 Parolee Drug Treatment	(2,639,000)
03 State Match -- Truth in Sentencing Grant	(509,000)
Additions, Improvements and Equipment ..	(161,000)

7280 State Parole Board**DIRECT STATE SERVICES**

05-7280 State Parole Board	<u>\$10,155,000</u>
Total Direct State Services Appropriation, State Parole Board	<u>\$10,155,000</u>

*Direct State Services:**Personal Services:*

Salaries and Wages	(\$8,786,000)
Materials and Supplies	(175,000)
Services Other Than Personal	(370,000)
Maintenance and Fixed Charges	(125,000)

Special Purpose:

05 Eligibility Determinations and Monitoring	(454,000)
Additions, Improvements and Equipment ..	(245,000)

10 Public Safety and Criminal Justice**19 Central Planning, Direction and Management****DIRECT STATE SERVICES**

99-7000 Administration and Support Services	<u>\$18,944,000</u>
Total Direct State Services Appropriation, Central Planning, Direction and Management	<u>\$18,944,000</u>

*Direct State Services:**Personal Services:*

Salaries and Wages	(\$15,251,000)
Materials and Supplies	(483,000)
Services Other Than Personal	(1,763,000)
Maintenance and Fixed Charges	(1,030,000)

Special Purpose:

99 Affirmative Action and Equal Employment Opportunity	(225,000)
Additions, Improvements and Equipment ..	(192,000)

CAPITAL CONSTRUCTION

99-7000 Administration and Support Services	<u>\$18,503,000</u>
Total Capital Construction Appropriation, Central Planning, Direction and Management ..	<u>\$18,503,000</u>

Maintenance and Fixed Charges (1,000)
 Special Purpose:
 General Education Development --
 GED (261,000)

STATE AID

01-5120 General Formula Aid \$4,103,599,000
 (From General Fund \$40,891,000)
 (From Property Tax Relief Fund 4,062,708,000)
 02-5120 Nonpublic School Aid 94,068,000
 03-5064 Miscellaneous Grants-in-Aid 106,339,000
 (From General Fund 79,511,000)
 (From Property Tax Relief Fund 26,828,000)
 04-5062 Adult and Continuing Education 2,448,000
 05-5064 Bilingual Education and Equity Issues 59,250,000
 (From Property Tax Relief Fund 59,250,000)
 06-5064 Programs for Disadvantaged Youths 192,865,000
 (From Property Tax Relief Fund 192,865,000)
 07-5065 Special Education 770,350,000
 (From Property Tax Relief Fund 770,350,000)
 Total State Aid Appropriation, Direct
 Educational Services and Assistance \$5,328,919,000
 (Total From General Fund \$216,918,000)
 (Total From Property Tax
 Relief Fund 5,112,001,000)

State Aid:

01 Core Curriculum Standards Aid . . (\$30,883,000)
 01 Core Curriculum Standards
 Aid (PTRF) (2,912,017,000)
 01 Abbott v. Burke Parity
 Remedy (PTRF) (322,543,000)
 01 Supplemental Core Curriculum
 Standards Aid (PTRF) (209,621,000)
 01 Early Childhood Aid (PTRF) (313,226,000)
 01 Rewards and Recognition (10,008,000)
 01 Instructional Supplement (PTRF) . . (17,552,000)
 01 Stabilization Aid (PTRF) (135,705,000)
 01 County Special Services Tuition
 Stabilization (PTRF) (500,000)
 01 Large Efficient District Aid (PTRF) . . (4,500,000)
 01 Aid for Districts with High Senior
 Citizen Populations (PTRF) (921,000)
 01 Stabilization Aid II (PTRF) (5,070,000)
 01 Additional Abbott v. Burke State
 Aid (PTRF) (156,969,000)
 01 Regionalization Incentive
 Aid (PTRF) (17,612,000)

04 Adult Literacy	(1,024,000)
05 Bilingual Education Aid (PTRF) . . .	(59,250,000)
06 Demonstrably Effective Program Aid (PTRF)	(192,906,000)
07 Special Education Aid (PTRF) . . .	(760,350,000)
07 Extraordinary Special Education Costs Aid (PTRF)	(10,000,000)

Less:***Stabilization Growth Limitation******(PTRF) 68,073,000***

Of the amount hereinabove for Core Curriculum Standards Aid, an amount equal to the total earnings of investments of the School Fund in excess of the amount allocated for School Construction and Renovation shall first be charged to such fund.

Notwithstanding the provisions of section 29 of P.L.1996, c.138 (C.18A:7F-29), the amount appropriated hereinabove for Rewards and Recognition shall be made available to qualifying schools based upon a per pupil amount for the projected number of pupils enrolled in qualifying schools for the budget year in the grade levels eligible to take the most recent grade eight proficiency assessment test and the high school proficiency test. The Commissioner of Education shall make such adjustments as are necessary when comparing the grade eight proficiency assessment test results for a school to the early warning test results for a school in order to provide districts rewards for attaining absolute success and significant progress towards high student academic achievement.

Notwithstanding the provisions of section 14 of P.L.1977, c.193 (C.18A:46-19.8) for the purpose of computing Nonpublic Handicapped Aid for pupils requiring the following services, the per pupil amounts shall be: \$1,135.24 for an initial evaluation or reevaluation for examination and classification; \$340.39 for an annual review for examination and classification; and \$862.76 for speech correction.

Notwithstanding the provisions of section 9 of P.L.1977, c.192 (C.18A:46A-9), the per pupil amount for compensatory education for the 2000-2001 school year for the purposes of computing nonpublic auxiliary services aid shall equal \$730.73.

Notwithstanding the provisions of section 8 of P.L.1991, c.226 (C.18A:40-30), the amount appropriated hereinabove for Nonpublic Nursing Services Aid shall be made available to local school districts based upon the number of pupils enrolled in each nonpublic school on the last day prior to October 16, 1999.

Nonpublic Technology Initiative Aid shall be paid to school districts and allocated for nonpublic school pupils at the rate of \$40 per pupil in a manner that is consistent with the provisions of the federal and State constitutions.

Notwithstanding the provisions of any other law, the amount of State aid made available to the Department of Human Services pursuant to "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et seq.) to defray the costs of educating eligible children in approved private schools under contract with the Department of Human Services shall not exceed the actual costs of the education of these children in such private schools.

purpose of implementing whole school reform initiatives in the "Abbott districts."

Notwithstanding any other law to the contrary, State aid for each "Abbott district" whose per pupil regular education expenditure for 2000-2001 under P.L. 1996, c.138 is below the estimated per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 2000-2001 shall be increased. The amount of increase shall be appropriated as Abbott v. Burke Parity Remedy Aid and shall be determined as follows: funds shall be allocated in the amount of the difference between each "Abbott district's" per pupil regular education expenditure for 2000-2001 and the actual per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 1999-2000 indexed by the actual percentage increase in the per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 1999-2000 over the per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 1998-99. In calculating the per pupil regular education expenditure of each "Abbott district" for 2000-2001, regular education expenditure shall equal the sum of the general fund tax levy for 1998-1999, Core Curriculum Standards Aid, Supplemental Core Curriculum Standards Aid and all forms of stabilization aid pursuant to section 10 of P.L. 1996, c.138 (C.18A:7F-10); enrollments shall initially be those resident enrollments for preschool through grade 12 contained on the Application for State School Aid for 2000-2001 indexed by the annual growth rates used to determine the estimated enrollments of October 2000 for calculation of Core Curriculum Standards Aid and T & E budgets for 2000-2001; enrollments shall be calculated at their full-time equivalent and reduced by preschool and one half of full-day kindergarten enrollments. State aid shall be adjusted upon receipt of resident enrollment for the "Abbott districts" as of October 13, 2000 as reflected on the Application for State School Aid for 2001-2002. State aid shall also be adjusted based on the actual per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 2000-2001. In calculating the actual per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 2000-2001, regular education expenditure shall equal the sum of the general fund tax levy for 2000-2001, Core Curriculum Standards Aid, Supplemental Core Curriculum Standards Aid and all forms of stabilization aid pursuant to section 10 of P.L. 1996, c.138 (C.18A:7F-10); enrollments shall be the resident enrollment for preschool through grade twelve as of October 13, 2000 as reflected on the Application for State School Aid for 2001-2002; enrollments shall be calculated at their full-time equivalent and reduced by preschool and one half of full-day kindergarten enrollments in districts receiving Early Childhood Program Aid.

The expenditures associated with the amounts appropriated herein for Abbott v. Burke Parity Remedy Aid and Additional Abbott v. Burke State Aid shall not be included in the calculation of the actual cost per pupil for tuition purposes, pursuant to a sending/receiving agreement.

Notwithstanding any other law to the contrary, as a condition of receiving Abbott v. Burke Parity Remedy Aid, an "Abbott district" shall raise a general fund tax

Notwithstanding any other law to the contrary, "district income" for the purposes of section 14 of P.L.1996, c.138 (C.18A:7F-14) shall mean the aggregate of total income reported on NJ-1040 for 1997 and all public assistance including Temporary Assistance to Needy Families for 1997 of the residents of the taxing district or taxing districts.

Pursuant to subsection a. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the net amount hereinabove appropriated for 1999-2000 enrollment adjustments in the Aid for Enrollment Adjustments and Debt Service account shall be determined by using the actual October 15, 1999 pupil counts to recalculate the State aid amounts payable to each district for the 1999-2000 school year, for each aid category impacted by enrollment under the provisions of the "Comprehensive Educational Improvement and Financing Act of 1996," other than Rewards and Recognition, and comparing the recalculated amounts to the amounts originally determined as payable to the district for the 1999-2000 school year for each aid category based upon the projected October 15, 1999 pupil counts. For the purposes of this recalculation, the State's Core Curriculum Standards Aid contribution for the 1999-2000 school year shall be determined by indexing the amount for the 1998-99 school year by the sum of 1.0, the CPI and the actual State average enrollment growth percentage between the 1999-2000 and 1998-99 school years and the Core Curriculum Standards Aid amount payable to each district shall be calculated using the October 15, 1999 pupil counts, the formulas and criteria contained in sections 12 through 15 of P.L.1996, c.138 (C.18A:7F-12 through 18A:7F-15) and based upon this indexed amount of Statewide available Core Curriculum Standards Aid. The adjustment for 50 percent of one standard deviation of the State average classification rate determined pursuant to subsection a. of section 19 of P.L.1996, c.138 (C.18A:7F-19) shall be rounded to one decimal place. The percentage concentration of low income pupils for each district or each individual school used for the purposes of recalculating Early Childhood Program Aid, Demonstrably Effective Program Aid and Instructional Supplement Aid shall remain the same as the percentage concentration originally determined for the 1999-2000 school year. The percentage concentration of low income pupils for individual schools in operation on October 15, 1999 that would otherwise qualify for Demonstrably Effective Program Aid that were not in operation on October 15, 1998 shall be redetermined based upon the actual October 15, 1999 pupil counts for the school.

Notwithstanding the provisions of section 19 of P.L.1996, c.138 (C.18A:7F-19), the amounts hereinabove in the Special Education Aid account payable to each school district, other than a county vocational school district, for Tier II special education categorical aid shall be calculated by reducing each district's pupil count for the perceptually impaired pupils in Tier II by three-fourths of the amount of the pupil count reduction required by this section for the 2000-2001 school year.

Notwithstanding the provisions of section 10 of P.L.1996, c.138 (C.18A:7F-10) to the contrary, the amounts hereinabove for the Stabilization Growth Limitation shall be calculated for all school districts, other than "Abbott districts" that

to subsection d. of section 10 of P.L.1996, c.138 (C.18A:7F-10) and for School Building Aid.

Notwithstanding any other law to the contrary, districts that would have experienced an increase in their total stabilized aid entitlements pursuant to the provisions of P.L.1996, c.138 (C.18A:7F-1 et seq.) other than the entitlement for School Building Aid for the 2000-2001 school year without applying the budgetary language of the appropriations act for fiscal year 2001 as determined by the Commissioner of Education and that are experiencing a decrease in their total stabilized aid entitlements pursuant to the provisions of P.L.1996, c.138 (C.18A:7F-1 et seq.) other than the entitlement for School Building Aid by applying the budgetary language of the appropriations act for fiscal year 2001 other than the language in this paragraph and that also received in the 1999-2000 school year Additional Supplemental Core Curriculum Standards Aid or aid pursuant to the provisions of subsections c., e., f., and h. of section 10 of P.L.1996, c.138 (C.18A:F-10), shall receive Stabilization Aid II in an amount equal to the greater of the sum of the amount of Additional Supplemental Core Curriculum Standards Aid and the aid the district received pursuant to the provisions of subsections c., e., f., and h. of section 10 of P.L.1996, c.138 (C.18A:7F-10), in the 1999-2000 school year or the difference between the district's total stabilized aid entitlements pursuant to the provisions of P.L.1996, c.138 (C.18A:7F-1 et seq.) other than the entitlement for School Building Aid by applying the budgetary language of the appropriations act for fiscal year 2001 other than the language in this paragraph and the amount of aid that the district received in the 1999-2000 school year other than the entitlement for School Building Aid.

Notwithstanding the provisions of section 17 of P.L.1996, c.138 (C.18A:7F-17), the amounts hereinabove in the Supplemental Core Curriculum Standards Aid account for each school district shall be calculated by summing the amount initially calculated for the district in accordance with the requirements of this section and an amount calculated as follows if the calculated result is greater than zero: 1.) Determine the district's T & E tax rate by dividing the remainder determined by subtracting the amount of aid initially calculated in accordance with section 17 of P.L.1996, c.138 (C.18A:7F-17) from its local share calculated pursuant to section 14 of P.L.1996, c.138 (C.18A:7F-14) by its equalized valuation. For this purpose a district's local share shall be limited to the amount of its T & E budget. 2.) For districts in District Factor Groups "A" and "B", in District Factor Groups "CD", "DE", "FG", "GH" and in both District Factor Groups "I" and "J" having an equalized valuation per pupil and an income per pupil below the State average determine the difference between a tax rate of \$1.72 per \$100 of equalized valuation per pupil and the district's T & E tax rate per \$100 of equalized valuation. 3.) Multiply the difference obtained in step 2 by the district's equalized valuation. Aid pursuant to the provisions of subsection b. of section 5 of P.L.1996, c.138 (C.18A:7F-5) and subsections c., e., f. and h. of section 10 of P.L.1996, c.138 (C.18A:7F-10) is eliminated.

Notwithstanding the provisions of section 3 of P.L.1971, c.271 (C.18A:46-31), a portion of the district tuition amounts payable to a county special services

Notwithstanding any other law to the contrary, districts with an October 15, 1999 resident enrollment greater than 9,500, that qualified for Early Childhood Program Aid for the 1999-2000 school year, that do not qualify for Early Childhood Program Aid for the 2000-2001 school year, shall receive Stabilization Aid II in an amount equal to the decrease in their total State aid entitlements for the 2000-2001 school year other than the entitlement for School Building Aid.

Notwithstanding any other law to the contrary, any district with a T & E tax rate, as defined in the paragraph for determining Supplemental Core Curriculum Standards Aid, that is greater than 125% of the State average T & E tax rate, shall be provided Stabilization Aid II aid in an amount that will limit the decrease in their total State aid entitlements for the 2000-2001 school year other than the entitlement for School Building Aid to 2% of the district's net budget for the 1999-2000 school year.

In addition to the amount appropriated hereinabove for Additional Abbott v. Burke State Aid, there are appropriated such sums as the Commissioner of the Department of Education certifies to be necessary, not to exceed \$17,000,000, to meet the requirements of Abbott v. Burke, subject to the approval of the Director of the Division of Budget and Accounting.

32 Operation and Support of Educational Institutions

DIRECT STATE SERVICES

12-5011 Marie H. Katzenbach School for the Deaf . . . \$10,760,000

13-5011 Program For Behaviorally Difficult

Deaf Pupils 918,000

Total Appropriation, State and All Other Funds . . \$11,678,000

Less:

All Other Funds

Marie H. Katzenbach School

for the Deaf **\$7,667,000**

Program for Behaviorally Difficult

Deaf Pupils **918,000**

Total Deductions **\$8,585,000**

Total Direct State Services Appropriation,

Operations and Support of Educational

Institutions **\$3,093,000**

Direct State Services:

Personal Services:

Salaries and Wages (\$9,048,000)

Employee Benefits (132,000)

Materials and Supplies (1,064,000)

Services Other Than Personal (358,000)

Maintenance and Fixed Charges (636,000)

Special Purpose:

12 Transportation Expenses

for Students (40,000)

Additions, Improvements and Equipment . . (400,000)

Total State Aid Appropriation, Supplemental	
Education and Training Programs	<u>\$40,733,000</u>
(Total From General Fund	<u>\$5,460,000</u>)
(Total From Property Tax	
Relief Fund	35,273,000)
State Aid:	
20 Vocational Education	(5,460,000)
20 County Vocational Program	
Aid (PTRF)	(35,273,000)

34 Educational Support Services**DIRECT STATE SERVICES**

29-5029 Educational Technology	\$294,000
30-5063 Academic Programs and Standards	20,290,000
31-5060 Grants Management and Development	240,000
32-5061 Professional Development and Licensure	1,715,000
33-5067 Service to Local Districts	5,634,000
34-5068 Office of School Choice	834,000
35-5069 Early Childhood Education	364,000
36-5120 Pupil Transportation	400,000
38-5120 Facilities Planning and School Building Aid	308,000
40-5064 Health, Safety and Community Services	<u>3,313,000</u>
Total Direct State Services Appropriation,	
Educational Support Services	<u>\$33,392,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$13,544,000)
Materials and Supplies	(344,000)
Services Other Than Personal	(734,000)
Maintenance and Fixed Charges	(61,000)

Special Purpose:

30 Improved Basic Skills/Special	
Review Assessment	(95,000)
30 Statewide Assessment Program	
(Grades 4, 8, 11)	(16,688,000)
30 Core Curriculum Standards	(100,000)
30 Professional Development --	
Training Centers	(200,000)
30 Virtual Academy	(500,000)
30 Continuing Education	(242,000)
30 Charter School Innovation	
Network	(150,000)
30 NJ School of the Arts	(290,000)
40 Advisory Council on Holocaust	
Education	(200,000)

Additions, Improvements and Equipment .. (244,000)

The unexpended balance as of June 30, 2000 in the receipt account of the NJ School of the Arts is appropriated.

	<i>(From General Fund \$1,000,000)</i>
	<i>(From Property Tax Relief Fund . . . 301,538,000)</i>
38-5120 Facilities Planning and School	
Building Aid	160,778,000
<i>(From General Fund \$6,473,000)</i>	
<i>(From Property Tax Relief Fund . . . 154,305,000)</i>	
39-5095 Teachers' Pension and Annuity Assistance . .	792,465,000
<i>(From General Fund \$27,058,000)</i>	
<i>(From Property Tax Relief Fund . . . 765,407,000)</i>	
40-5064 Health, Safety, and Community Services . . .	<u>12,000,000</u>
<i>(From Property Tax Relief Fund . . . \$12,000,000)</i>	
Total State Aid Appropriation, Educational	
Support Services	<u>1,276,781,000</u>
<i>(Total From General Fund \$34,531,000)</i>	
<i>(Total From Property Tax</i>	
<i>Relief Fund 1,242,250,000)</i>	

State Aid:

34 School Choice/Charter School	
Aid (PTRF)	(9,000,000)
36 Transportation Aid (PTRF)	(301,538,000)
36 School Bus Crossing Arms	(1,000,000)
38 School Building Aid Debt Service	(6,473,000)
38 School Building Aid (PTRF)	(154,305,000)
39 Teachers' Pension and Annuity Fund (PTRF) . .	(174,562,000)
39 Social Security Tax (PTRF)	(521,300,000)
39 Minimum Pension for Pre-1955 Retirees	(2,000)
39 Additional Health Benefits	(27,056,000)
39 Debt Service on Pension Obligation Bonds (PTRF) . .	(69,545,000)
40 Whole School Reform -- Incentive	
Grants (PTRF)	(12,000,000)

The unexpended balance as of June 30, 2000 in the School Construction and Renovation Fund is appropriated for the same purpose.

Each district shall be entitled to School Building Aid for school bond and lease purchase agreement payments for interest and principal payable during the 2000-2001 school year by using the district State share percentage of the district's Core Curriculum Standards Aid amount determined pursuant to subsection d. of section 15 of P.L.1996, c.138 (C.18A:7F-15) to its T & E budget, determined pursuant to subsection d. of section 13 of P.L.1996, c.138 (C.18A:7F-13). Debt service shall also be adjusted for corrections to the 1998-99 principal and interest amounts.

In addition to the amounts hereinabove for Social Security Tax, there are appropriated such sums as are required for payment of Social Security Tax on behalf of members of the Teachers' Pension and Annuity Fund.

Notwithstanding any other law to the contrary, amounts appropriated hereinabove for School Choice/Charter School Aid may be used to reimburse districts for the costs of charter school pupils that were previously enrolled in a nonpublic school. Notwithstanding the provisions of section 1 of P.L.1999, c.385, "KPP"

for this program, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 2000 in the CEIFA Implementation account is appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from fees for school district personnel background checks and unexpended balances as of June 30, 2000 of such receipts are appropriated for the cost of operation.

In addition to the amount appropriated, such sums as may be necessary for the Department of Education to conduct comprehensive compliance investigations are appropriated, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting.

Additional sums as may be necessary for the Department of Education in preparation for implementation of P.L.1987, c.399 (C.18A:7A-34 et seq.) are appropriated, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee or its successor.

Additional sums as may be necessary for the Department of Education for the cost of the internal audit function in a State-operated school district pursuant to section 8 of P.L.1987, c.399 (C.18A:7A-41) are appropriated, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

99-5010 Administration and Support Services \$2,590,000

Total Capital Construction Appropriation,

Education Administration and Management . . \$2,590,000

Capital Projects:

99 Roof Replacement and HVAC Repairs,

Regional Day Schools (\$1,090,000)

99 Fire Sprinkler Systems, Various

Regional Day Schools (1,500,000)

Department of Education, Total State

Appropriation \$6,711,230,000

Of the amount hereinabove from the General Fund for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included at page H-44 in the Governor's Budget Recommendation Document dated January 24, 2000, first shall be charged to the State Lottery Fund.

The unexpended balances as of June 30, 2000 in the State Aid General Fund accounts, not to exceed \$650,000, are appropriated to the State Aid Supplemental Funding account, of which \$559,000 shall be transferred to the School Building Aid account in the Property Tax Relief Fund for the purposes of

Appropriation by Fund:

General Fund	\$321,706,000
Property Tax Relief Fund	6,389,524,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION**40 Community Development and Environmental Management****42 Natural Resource Management****DIRECT STATE SERVICES**

11-4870 Forest Resource Management	\$7,082,000
12-4875 Parks Management	37,167,000
13-4880 Hunters' and Anglers' License Fund	11,649,000
14-4885 Shellfish and Marine Fisheries Management	1,336,000
20-4880 Wildlife Management	485,000
21-4895 Natural Resources Engineering	1,804,000
24-4876 Palisades Interstate Park Commission	<u>2,156,000</u>
Total Direct State Services Appropriation, Natural Resource Management	<u>\$61,679,000</u>

*Direct State Services:**Personal Services:*

Salaries and Wages	(\$42,218,000)
Materials and Supplies	(4,073,000)
Services Other Than Personal	(2,150,000)
Maintenance and Fixed Charges	(3,829,000)

Special Purpose:

11 Statewide Community Forestry Program	(160,000)
11 Fire Fighting Costs	(1,905,000)
12 Greenway Mapping Municipal Assistance	(150,000)
12 Cape May Point State Park -- Staffing	(85,000)
12 Green Acres/Open Space Administration	(4,447,000)
12 Liberty State Park Commission	(22,000)
12 Expenses of the Delaware and Raritan Canal Commission	(212,000)
12 Natural Lands Trust	(138,000)
12 Natural Areas Council	(5,000)
20 Endangered Species Tax Check-Off Donations	(225,000)
20 Wildlife Habitat Conservation	(60,000)
20 Black Bear Response Team	(200,000)
21 Office of Dredging and Sediment Technology	(350,000)
21 Dam Repair Administrative Costs	(287,000)
Additions, Improvements and Equipment	(1,163,000)

An amount equivalent to 75% of receipts in excess of the amount anticipated from fees and permit receipts from the use of State park and marina facilities, and the

Department of Environmental Protection to the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

11-4870 Forest Resource Management	\$900,000
12-4875 Parks Management	100,000
21-4895 Natural Resources Engineering	<u>300,000</u>
Total Grants-in-Aid Appropriation, Natural Resource Management	<u>\$1,300,000</u>

Grants:

- 11 Statewide Community Forestry
Program
- 12 Civil War Monument Replacement,
Hackettstown
- 21 De-Snagging of Peckman River
- The unexpended balance as of June 30, 2000 in the Statewide Community Forestry
Program account is appropriated.
- The unexpended balance as of June 30, 2000 in the Gettysburg National Military
Park account is appropriated.

CAPITAL CONSTRUCTION

12-4875 Parks Management	\$13,190,000
13-4880 Hunters' and Anglers' License Fund	70,000
14-4885 Shellfish and Marine Fisheries Management ...	110,000
20-4880 Wildlife Management	515,000
21-4895 Natural Resources Engineering	25,200,000
24-4876 Palisades Interstate Park Commission	<u>600,000</u>
Total Capital Construction Appropriation, Natural Resource Management	<u>\$39,685,000</u>

Capital Projects:

- 12 Historical Preservation/Renovation --
Buildings, Structures and
Monuments
- 12 Waterloo Urgent Needs
- 12 Sanitary Facilities
- 12 Steuben House Restoration
- 12 Leonardo Marina Enhancement Project .
- 12 Liberty State Park -- Liberty Walkway .
- 12 Buildings -- Rehabilitation and
Renovation
- 12 Site Areas/Facilities -- Development,
Rehabilitation and Repair
- 12 Overnight Facilities -- Development,
Rehabilitation, Improvement
and Repair

An amount not to exceed \$950,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for repairs to the Bayshore Flood Control facility.

From the amount hereinabove for Ellis Island, up to \$1,000,000 shall be made available to the National Park Service as "matching funds" for the cost and expense of stabilizing buildings and structures on Ellis Island, New Jersey, in accordance with the "South Side Building Stabilization Plan" of the National Park Service, dated December, 1997. The moneys appropriated herein shall be a match, on a dollar for dollar basis, for funds appropriated by the federal government, in addition to the \$2,000,000 appropriated in fiscal year 1999, and any other private or public moneys made available to the National Park Service to implement the stabilization plan. The State matching funds shall be made available to the National Park Service pursuant to the terms of an agreement by and between the National Park Service and the Commissioner of the Department of Environmental Protection. The agreement shall provide that the State matching funds appropriated herein shall be disbursed to the National Park Service in such amounts, and at such times, as shall be determined by the Commissioner of the Department of Environmental Protection, with the approval of the Director of the Division of Budget and Accounting. The agreement shall also provide that the commissioner shall have reasonable access to documents and records pertaining to the stabilization project, to ensure that the State matching funds are expended as provided herein. The funding agreement may include such other provisions as the commissioner deems appropriate.

43 Science and Technical Programs

DIRECT STATE SERVICES

02-4801	Air Pollution Control	\$2,797,000
05-4810	Water Supply and Watershed Management	513,000
07-4850	Water Monitoring and Planning	1,189,000
18-4810	Science, Research and Technology	3,386,000
22-4861	New Jersey Geological Survey	1,262,000
29-4815	Environmental Remediation and Monitoring	5,850,000
90-4801	Watershed Management Planning	<u>4,171,000</u>
Total Direct State Services Appropriation,		
Science and Technical Programs		<u>\$19,168,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$4,985,000)
Materials and Supplies	(218,000)
Services Other Than Personal	(2,313,000)
Maintenance and Fixed Charges	(200,000)

Special Purpose:

05 Safe Drinking Water Fund	(513,000)
18 Environmental Indicators and Monitoring	(900,000)
18 Greenhouse Gas Action Plan	(526,000)

Capital Projects:

02 Air Pollution Monitoring Equipment . . (\$165,000)

44 Site Remediation**DIRECT STATE SERVICES**

19-4815 Publicly-Funded Site Remediation \$5,124,000

27-4815 Responsible Party Site Remediation 22,121,000

29-4815 Environmental Remediation and Monitoring . . 5,700,000

Total Direct State Services Appropriation,

Site Remediation \$32,945,000*Direct State Services:*

Personal Services:

Salaries and Wages (\$6,715,000)

Materials and Supplies (192,000)

Services Other Than Personal (2,587,000)

Maintenance and Fixed Charges (502,000)

Special Purpose:

27 Hazardous Discharge Site Cleanup

Fund -- Responsible Party (15,546,000)

27 Underground Storage Tanks (723,000)

29 Cleanup Projects Administrative

Costs -- Constitutional

Dedication (5,700,000)

Additions, Improvements and Equipment . . (980,000)

In addition to site specific charges, the amounts hereinabove for the Publicly-Funded Site Remediation and the Responsible Party Site Remediation program classifications, excluding the Hazardous Discharge Site Cleanup Fund-Responsible Party, and the Underground Storage Tanks accounts, are appropriated from the New Jersey Spill Compensation Fund, in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), together with an amount not to exceed \$4,548,000, for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the federal funds amount for the Publicly-Funded Site Remediation program class, such additional sums that may be received from the federal government for the Superfund Grants program are hereby appropriated.

There are appropriated from the New Jersey Spill Compensation Fund such sums as may be required for cleanup operations, adjusters and paying approved claims for damages in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hazardous Discharge Site Cleanup Fund-Responsible Party account is appropriated from responsible party cost recoveries deposited in the Hazardous Discharge Site Cleanup Fund, together with an amount not to exceed \$9,323,000, for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

45 Environmental Regulation
DIRECT STATE SERVICES

01-4820 Radiation Protection	\$5,529,000
02-4892 Air Pollution Control	5,877,000
05-4840 Water Supply and Watershed Management ...	7,270,000
08-4891 Water Pollution Control	7,547,000
09-4860 Public Wastewater Facilities	2,808,000
15-4890 Land Use Regulation	8,038,000
23-4910 Solid and Hazardous Waste Management	<u>10,586,000</u>
Total Direct State Services Appropriation, Environmental Regulation	<u>\$47,655,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$25,261,000)
Materials and Supplies	(324,000)
Services Other Than Personal	(4,962,000)
Maintenance and Fixed Charges	(258,000)

Special Purpose:

01 Nuclear Emergency Response ...	(1,760,000)
01 Quality Assurance -- Lab Certification Programs	(1,400,000)
05 Administrative Costs Water Supply Bond Act of 1981 -- Management	(991,000)
05 Administrative Costs Water Supply Bond Act of 1981 -- Watershed and Aquifer	(1,284,000)
05 Administrative Costs Water Supply Bond Act of 1981 -- Planning and Standards	(844,000)
05 Water/Wastewater Operators Licenses	(43,000)
05 Office of Rivermaster	(58,000)
05 Safe Drinking Water Fund	(1,530,000)
09 1992 Wastewater Treatment Fund	(2,808,000)
15 Tidelands Resource Council	(25,000)
15 Tidelands Peak Demands	(1,914,000)
15 Office of Permit Information and Assistance	(543,000)
23 Pollution Prevention	(1,637,000)
23 Sanitary Landfill Facility Contingency Fund -- Administration	(416,000)
23 Major Hazardous Waste Facilities Siting Act -- Siting Commission ...	(60,000)

- and Solid Waste Disposal Facility program, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of P.L.1981, c.278 (C.13:1E-92 et seq.), as amended by P.L.1985, c.533, the amount hereinabove for the Recycling of Solid Waste account is appropriated from the State Recycling Fund, together with an amount not to exceed \$361,000, for the administration of the Recycling of Solid Waste program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately. All sums remaining in the State Recycling Fund after the provisions of the preceding sentences are met shall be distributed as recycling grants to municipalities or counties according to the provisions of paragraph (1) of subsection b. of section 5 of P.L.1981, c.278 (C.13:1E-96).
- Notwithstanding the provisions of P.L.1985, c.533 (C.13:1E-99.1 et seq.) or any other law to the contrary, all sums in the Clean Communities Account Fund, other than the amounts appropriated from the fund for Parks Management to offset the cost of Parks' litter pickup program, to the Department of Transportation to offset the cost of litter pickup along State highways, and \$200,000 to a qualified organization to administer a Statewide public information and education program, shall be distributed as grants to municipalities and counties in accordance with the same criteria used for distribution of grants from the fund pursuant to the fiscal year 1996 appropriations act, P.L.1995, c.164, as determined by the Director of the Division of Budget and Accounting in consultation with the Commissioner of the Department of Environmental Protection.
- There are appropriated from the State Recycling Fund and the Clean Communities Account Fund such sums as may be required to carry out the provisions of the "Clean Communities and State Recycling Act," P.L.1981, c.278, as amended by P.L.1985, c.533 (C.13:1E-92 et seq.).
- There are appropriated from the Sanitary Landfill Facility Contingency Fund such sums as may be required to carry out the provisions of the "Sanitary Landfill Facility Closure and Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.).
- Receipts deposited to the Resource Recovery Investment Tax Fund and the Solid Waste Services Tax Fund are appropriated.
- The unexpended balance as of June 30, 2000 in the Major Hazardous Waste Facilities Siting Act-Siting Commission account is appropriated.
- The amount hereinabove for the Pollution Prevention account is appropriated from receipts received pursuant to the "Pollution Prevention Act," P.L.1991, c.235 (C.13:1D-35 et seq.), together with an amount not to exceed \$641,000, subject to the approval of the Director of the Division of Budget and Accounting, for administration of the Pollution Prevention program. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

CAPITAL CONSTRUCTION

05-4840 Water Supply and Watershed Management . .	<u>\$6,241,000</u>
Total Capital Construction Appropriation,	
Environmental Regulation	<u>\$6,241,000</u>

c.88; and P.L.1995, c.204, and the unexpended balance as of June 30, 2000 of such receipts, not to exceed \$100,000, are appropriated for payments in lieu of taxes on properties and for maintenance of properties.

If the amount appropriated herein for Payment in Lieu of Taxes is insufficient to compensate municipalities for land owned by the State for conservation and recreation purposes, as determined according to the formula for payments in lieu of taxes in the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.) such additional sums as are necessary are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from permit fees issued by the Pinelands Commission on behalf of the Department of Environmental Protection, pursuant to a memorandum of agreement between the Pinelands Commission and the Department of Environmental Protection, are hereby appropriated to the Pinelands Commission.

An amount not to exceed \$20,000,000, which shall include a sum not to exceed \$450,000 for administrative costs, is appropriated for the purchase and permanent retirement of Pinelands Development Credits, subject to the submission of a spending plan by the Commissioner of the Department of Environmental Protection and subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection d. of section 29 of P.L.1999, c.152 (C.13:8C-29) or subsection d. of section 30 of P.L.1999, c.152 (C.13:8C-30), or any other law to the contrary, all payments to municipalities in lieu of taxes for lands acquired by the State for recreation and conservation purposes shall be retained by the municipality and not apportioned in the same manner as the general tax rate of the municipality.

There is appropriated to the Pinelands Commission from the "Pinelands Infrastructure Trust Fund" created pursuant to section 14 of the "Pinelands Infrastructure Trust Bond Act of 1985," P.L.1985, c.302, an amount not to exceed \$143,000 from the contingency allocations created pursuant to P.L.1987, c.306, for costs attributable to the preparation and development of the Pinelands Master Plan authorized by subsection c. of section 1 of P.L.1987, c.306, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

99-4800 Administration and Support Services \$5,250,000
 Total Capital Construction Appropriation,
 Environmental Planning and Regulation \$5,250,000

Capital Projects:

99 New Jersey Environmental
 Management System (\$5,000,000)
 99 Mosquito Control Equipment (250,000)

et seq.). Receipts deposited to the Coastal Protection Trust Fund in excess of \$1,000,000 are appropriated to finance emergency shore protection projects and the cleanup of discharges into the ocean.

STATE AID

08-4855 Water Pollution Control \$2,453,000
 Total State Aid Appropriation, Compliance and
 Enforcement Policy \$2,453,000

State Aid:

08 County Environmental Health Act . . (\$2,453,000)

The unexpended balance as of June 30, 2000 in the Operation Clean Shores State Aid account is appropriated for State and local costs attributable to the Cooperative Coastal Monitoring Program, Sewerage Infrastructure Improvement Act monitoring of stormwater systems, and integrated Geographical Information System watershed baseline mapping.

Department of Environmental Protection,
 Total State Appropriation \$318,313,000

The amounts hereinabove for the Safe Drinking Water Fund account are payable out of receipts, and receipts in excess of the amount anticipated, not to exceed \$1,015,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amounts hereinabove for the Tidelands Peak Demands account are appropriated from receipts derived from the sales, grants, leases, licensing, and rentals of State riparian lands, together with an amount not to exceed \$1,628,000, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding any other law, the Commissioner of the Department of Environmental Protection shall obtain concurrence from the Director of the Division of Budget and Accounting before altering fee schedules or any other revenue-generating mechanism under the department's purview.

Notwithstanding the provisions of the "Environmental Fee Fund Accountability Act of 1991," P.L.1991, c.426 (C.52:27B-20.1 et seq.) and P.L.1991, c.427 (C.13:1D-9.1 et seq.), all revenues from fees and fines collected by the Department of Environmental Protection, unless otherwise dedicated herein, shall be deposited into the State General Fund without regard to their specific dedication.

Notwithstanding any other provisions in this act, of the Federal Fund amounts appropriated for the programs included in the Performance Partnership Grant Agreement with the Environmental Protection Agency, the Department of Environmental Protection is authorized to reallocate the appropriations, in accordance with the Grant Agreement and subject to the approval of the Director of the Division of Budget and Accounting.

02	Public Awareness Campaign for Black Infant Mortality	(500,000)
03	Cancer Screening -- Early Detection and Education Program	(2,700,000)
03	New Jersey Coalition to Promote Cancer Prevention, Early Detection & Treatment	(200,000)
03	Timely Issuance of Export of Certificates of Free Sale	(50,000)
03	Evaluation of Human Exposure to Hazardous Waste	(200,000)
03	Cancer Registry	(400,000)
03	New Jersey State Commission on Cancer Research	(1,000,000)
03	Medical Waste Management Program	(813,000)
03	Rabies Control Program	(502,000)
03	Animal Population Control Program	(557,000)
03	Worker and Community Right to Know Program	(2,001,000)
03	Animal Population Control Program Expansion	(400,000)
04	Middle School Survey on Substance Abuse	(155,000)
04	Youth Anti-Tobacco Awareness Media Campaign	(6,300,000)
04	Smoking Cessation Programs for Addicted Adults and Youths . . .	(8,700,000)
04	Research, Surveillance, Evaluation and Assistance for Anti-Smoking Programs	(3,000,000)
04	School Based Programs for the Prevention of Tobacco Use	(5,000,000)
04	Community Based Tobacco Control Programs	(7,000,000)

In addition to the amount appropriated above for Emergency Medical Services for Children Program, \$150,000 is appropriated from the annual .53% assessment on New Jersey hospitals established pursuant to section 12 of P.L.1992, c.160 (C.26:2H-18.62) for the same purpose.

The unexpended balance as of June 30, 2000, in the New Jersey Emergency Medical Service Helicopter Response Program account is appropriated.

Notwithstanding the provisions of any other law to the contrary, there is appropriated \$2,000,000 from the "Emergency Medical Technician Training Fund" for the purchase of defibrillator equipment.

There is transferred from the "Drug Enforcement and Demand Reduction Fund" \$350,000 to carry out P.L.1995, c.318 (C.26:2B-37 et seq.) to establish an "Alcoholism and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled" within the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated \$700,000 from the "Drug Enforcement and Demand Reduction Fund" established pursuant to N.J.S.2C:35-15, to the Department of Health and Senior Services for a grant to "Partnership for a Drug Free New Jersey."

The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to the Department of Health and Senior Services for diagnostic laboratory services provided to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

Receipts from fees established by the Commissioner of Health and Senior Services for licensing of clinical laboratories pursuant to P.L.1975, c.166 (C.45:9-42.26 et seq.), and blood banks pursuant to P.L.1963, c.33 (C.26:2A-2 et seq.), and the unexpended balance of such fees as of June 30, 2000, are appropriated.

Receipts from licenses, permits, fines, penalties and fees collected by the Department of Health and Senior Services in Health Services, in excess of those anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

02-4220 Family Health Services	\$15,323,000
<i>(From General Fund</i>	<i>\$14,823,000)</i>
<i>(From Casino Revenue Fund</i>	<i>500,000)</i>
03-4230 Public Health Protection Services	2,593,000
04-4240 Addiction Services	26,477,000
12-4245 AIDS Services	<u>16,485,000</u>
Total Grants-in-Aid Appropriation,	
Health Services	<u>\$60,878,000</u>
<i>(From General Fund</i>	<i>\$60,378,000)</i>
<i>(From Casino Revenue Fund</i>	<i>500,000)</i>

Grants-in-Aid:

02 Family Planning Services	(\$3,315,000)
02 Hemophilia Services	(945,000)
02 Testing for Specific Hereditary Diseases	(120,000)
02 Special Health Services for Handicapped Children	(1,776,000)
02 Chronic Renal Disease Services	(385,000)
02 Pharmaceutical Services for Adults with Cystic Fibrosis	(284,000)
02 Birth Defects Registry	(25,000)
02 Statewide Birth Defects Registry (CRF)	(500,000)

02	SCHI - Early Intervention	(75,000)
02	Kimball Medical Center - Emergency Room Expansion	(250,000)
03	Saint Francis Medical Center - Saint Clare Mobile Outreach Van	(150,000)
03	Pet Rescue of Mercer County - Spay/Neuter Clinic	(25,000)
03	Tuberculosis Services	(720,000)
03	Community Health Law Project - Managed Health Care Consumer Assistance Program	(50,000)
03	Cost of Living Adjustment, Public Health Protection	(273,000)
03	Immunization Services	(463,000)
03	Salary Supplement for Direct Service Workers	(262,000)
03	AIDS Communicable Disease Control	(378,000)
03	Worker and Community Right to Know	(272,000)
04	Substance Abuse Treatment for DYFS/ WorkFirst Mothers -- Pilot Project	(1,270,000)
04	Drugs are Ugly and Uncool Campaign	(204,000)
04	Cost of Living Adjustment, Addiction Services	(1,588,000)
04	Community Based Substance Abuse Treatment and Prevention -- State Share	(17,740,000)
04	Vocational Adjustment Centers	(97,000)
04	Salary Supplement for Direct Service Workers	(1,516,000)
04	Compulsive Gambling	(627,000)
04	Mutual Agreement Parolee Rehabilitation Project for Substance Abusers	(630,000)
04	In-State Juvenile Residential Treatment Services	(1,838,000)
04	Epiphany House	(100,000)
04	Somerset Treatment Services	(100,000)
04	Good News Home for Women, Flemington	(25,000)
04	Atlantic Prevention Resources	(25,000)
04	RAPT Foundation, Inc.	(100,000)
04	Catholic Charities, Asbury Park - Project FREE	(22,000)
04	Freedom House, Glen Gardner	(450,000)
04	Sussex Council on Alcohol and Drug Abuse - Strengthening Families Program	(10,000)

- Notwithstanding the provisions of any law to the contrary, there is transferred \$1,000,000 to the Department of Health and Senior Services from the "Drug Enforcement and Demand Reduction Fund" for drug abuse services.
- Notwithstanding the provisions of any law to the contrary, there is transferred \$500,000 to the Department of Health and Senior Services from the "Drug Enforcement and Demand Reduction Fund" for the Sub-Acute Residential Detoxification Program.
- An amount not to exceed \$600,000 collected by the Casino Control Commission is payable to the General Fund pursuant to section 145 of P.L.1977, c.110 (C.5:12-145). The unexpended balance as of June 30, 2000 in the Compulsive Gambling account is appropriated to the Department of Health and Senior Services to provide funds for compulsive gambling grants.
- The unexpended balance as of June 30, 2000 in the New Hope Discovery Foundation/Relocation account is appropriated.
- There is appropriated \$420,000 from the Alcohol Education, Rehabilitation and Enforcement Fund to fund the Local Alcoholism Authorities - Expansion account.
- Notwithstanding the provisions of P.L.1983, c.531 (C.26:2B-32 et al.) or any other law to the contrary, the unexpended balance in the Alcohol Education, Rehabilitation and Enforcement Fund as of June 30, 2000 is appropriated and shall be distributed to counties for the treatment of alcohol and drug abusers and for education purposes.

STATE AID

02-4220 Family Health Services	\$22,754,000
03-4230 Public Health Protection Services	<u>4,645,000</u>
Total State Aid Appropriation, Health Services . .	<u>\$27,399,000</u>

State Aid:

02 Cost of Living Adjustment, Family Health Services	(\$485,000)
02 Early Childhood Intervention Program	(22,269,000)
03 Public Health Priority Funding	(4,645,000)

The capitation is set not to exceed 40 cents for the year ending June 30, 2001 for the purposes prescribed in P.L.1966, c.36 (C.26:2F-1 et seq.).

In addition to the amount hereinabove, receipts from the federal Medicaid (Title XIX) Program for handicapped infants are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove for the Early Childhood Intervention Program, such additional sums as may be required are appropriated from the General Fund to cover additional costs of the program to maintain federal compliance, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection (k) of section 3 of P.L.1966, c.36 (C.26:2F-3) to the contrary, the "minimum population" necessary for a local health agency to receive Public Health Priority Funding from the amount appropriated hereinabove shall be reduced from 25,000 to 20,000.

of a health care facility, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from fees charged for processing Certificate of Need applications and the unexpended balances of such receipts as of June 30, 2000, are appropriated for the cost of this program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

07-4270 Health Care Systems Analysis \$94,636,000
 Total Grants-in-Aid Appropriation, Health
 Planning and Evaluation \$94,636,000

Grants-in-Aid:

07 Health Care Subsidy Fund Payments
 (P.L.1997, c.263) (\$65,020,000)
 07 Our Lady of Lourdes Health
 System - Osborn Family
 Health Center (500,000)
 07 Cathedral Health Care
 System, Newark (9,500,000)
 07 Cooper Health System - Emergency
 Medicine and Family Medicine (1,500,000)
 07 Supplemental Charity Care (18,116,000)

There are appropriated such sums as are necessary to pay prior year obligations of programs within the Health Care Subsidy Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary, \$6,000,000 of the amount hereinabove for the Health Care Subsidy Fund Payments account is appropriated from the Admission Charge Hospital Assessment revenue item.

Notwithstanding the provisions of any law to the contrary, there is established a Supplemental Charity Care Fund account within the Health Care Subsidy Fund for disbursement of additional charity care funding to hospitals that exceed a threshold level of charity services to patients. The total amount to be disbursed from the Supplemental Charity Care Fund in fiscal year 2001 shall not exceed 20% of the excess of the audited documented charity care for calendar year 1999, valued at the Medicaid rate, over the actual charity care payments in fiscal year 2000, pursuant to P.L.1997, c.263. The payments to be made from the Supplemental Charity Care Fund that are in excess of the amount appropriated are subject to the approval of the Director of the Division of Budget and Accounting. Furthermore, a hospital shall be eligible to receive funding from the Supplemental Charity Care Fund only if its charity care subsidy under P.L.1997, c.263 for fiscal year 2000, is less than 50% of the hospital's audited documented charity care, for calendar year 1999, valued at the Medicaid rate, less 1% of the hospital's total annual revenue for calendar year 1998. A hospital that is eligible to receive funding from the Supplemental Charity Care Fund account shall receive from that account the difference between 50% of the hospital's audited documented charity care for calendar year 1999, valued at the Medicaid rate, minus 1% of the hospital's total revenues for the calendar year

28-4275 Lifeline	1,994,000
55-4275 Programs for the Aged	1,986,000
<i>(From General Fund</i>	<i>\$1,115,000)</i>
<i>(From Casino Revenue Fund</i>	<i>871,000)</i>
56-4275 Office of the Ombudsman	601,000
57-4275 Office of the Public Guardian	<u>734,000</u>
Total Direct State Services Appropriation,	
Senior Services	<u>\$16,704,000</u>
<i>(Total From General Fund</i>	<i>\$15,833,000)</i>
<i>(Total From Casino Revenue Fund</i>	<i>871,000)</i>

Direct State Services:

Personal Services:

Salaries and Wages	(\$8,939,000)
Salaries and Wages (CRF)	(658,000)
Employee Benefits (CRF)	(138,000)
Materials and Supplies	(339,000)
Materials and Supplies (CRF)	(14,000)
Services Other Than Personal	(1,820,000)
Services Other Than Personal (CRF)	(47,000)
Maintenance and Fixed Charges	(849,000)
Maintenance and Fixed Charges (CRF)	(2,000)

Special Purpose:

22 Fiscal Agent -- Medical Services	
for the Aged	(119,000)
22 Special Purpose -- Community	
Choice/Acuity Audits	(703,000)
24 Payments to Fiscal Agent -- PAA	(2,134,000)
55 New Jersey Easy Access Single	
Point-of-Entry (NJEASE)	(100,000)
55 Arthritis Quality of Life	
Initiative Act	(170,000)
55 Federal Programs for the Aging	
(State Share)	(410,000)
Additions, Improvements and Equipment ..	(250,000)

Additions, Improvements and	
Equipment (CRF)	(12,000)

When any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services or the Department of Health and Senior Services, results in a recovery of improperly granted medical assistance, the Division of Medical Assistance and Health Services or Department of Health and Senior Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

Notwithstanding any State law to the contrary, any third party as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), writing health, casualty, or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Department of Health and Senior Services to permit and assist the matching of the Department of Health

28	Payments for Tenants	
	Assistance Rebates	(36,171,000)
55	Arthritis Quality of Life Initiative Act . .	(464,000)
55	Purchase of Social Services	(7,789,000)
55	ElderCare Advisory Commission . . .	(3,500,000)
55	Cost-of-Living Adjustment, Senior Services	(253,000)
55	Salary Supplement for Direct Service Workers	(1,428,000)
55	Hunterdon County Department of Human Services - LINK Program	(100,000)
55	Adult Day Health Center, St. Barnabas Medical Center, Ocean County	(200,000)
55	Demonstration Adult Day Care Center Program --Alzheimer's Disease (CRF)	(2,412,000)
55	Alzheimer's Disease Program	(681,000)
55	Adult Protective Services	(808,000)
55	Adult Protective Services (CRF)	(1,718,000)
55	Senior Citizen Housing -- Safe Housing and Transportation (CRF) . .	(1,610,000)
55	Respite Care for the Elderly (CRF) . .	(4,841,000)
55	Congregate Housing Support Services (CRF)	(1,870,000)
55	Home Delivered Meals Expansion (CRF)	(950,000)

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients-Nursing Homes are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification in the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services for the Aged program classification in the Division of Senior Services in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the fiscal year ending June 30, 2001 are appropriated for payments to providers in the same program class from which the recovery originated.

Notwithstanding any other law to the contrary, a sufficient portion of receipts generated or savings realized in Medical Services for the Aged Grants-In-Aid accounts from initiatives included in the fiscal year 2001 budget may be transferred to administration accounts to fund costs incurred in realizing these

which became effective April 1, 1995. Any balances remaining undistributed from the abovementioned amount, shall be deposited in a reserve account in the General Fund.

The amounts hereinabove appropriated for payments for Pharmaceutical Assistance to the Aged and Disabled programs, P.L. 1975, c. 194 (C.30:4D-20 et seq.), are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) programs, P.L. 1975, c. 194 (C.30:4D-20 et seq.) shall be the last resource benefits, notwithstanding any provisions contained in contracts, wills, agreements or other instruments. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

Notwithstanding the provisions of section 3 of P.L. 1975, c. 194 (C.30:4D-22) to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled programs shall be \$5.00.

Notwithstanding the provisions of any law to the contrary, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the Pharmaceutical Assistance to the Aged and Disabled programs shall continue throughout fiscal year 2001. All revenues from such rebates during the fiscal year ending June 30, 2001, are appropriated for the Pharmaceutical Assistance to the Aged and Disabled programs.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 2000, each prescription order dispensed in the Pharmaceutical Assistance to the Aged and Disabled programs for Maximum Allowable Cost (MAC) drugs shall state "Brand Medically Necessary" in the prescriber's own handwriting if the prescriber determines that it is necessary to override generic substitution of drugs, and each prescription order shall follow the requirements of P.L. 1977, c. 240 (C.24:6E-1 et seq.). The list of drugs substituted shall conform to the Drug Utilization Review Council approved list of substitutable drugs and all other requirements pertaining to drug substitution and federal upper limits for MAC drugs as administered by the State Medicaid Program.

Notwithstanding the provisions of any law to the contrary, no funds appropriated to the Pharmaceutical Assistance to the Aged and Disabled programs pursuant to P.L. 1975, c. 194 (C.30:4D-20 et seq.) shall be expended unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services through the Department of Human Services providing for the payment of rebates to the State.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 2000 consistent with the notice provisions of 42 CFR 447.205 where applicable, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification shall be expended except under the following conditions: legend and non-legend drugs dispensed by a retail pharmacy shall be limited to a maximum 34-day supply for an initial prescription and a 34-day or 100 unit dose supply, whichever is greater, for any prescription refill.

- may be required for the payment of claims, credits and rebates, subject to the approval of the Director of the Division of Budget and Accounting.
- All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the fiscal year ending June 30, 2001, are appropriated for payments to providers in the same program class from which the recovery originated.
- In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the Medical Services for the Aged program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.
- For the purposes of account balance maintenance, all object accounts in the Medical Services for the Aged program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services but ensure that no overspending will occur in the program classification.
- Notwithstanding the provisions of P.L.1988, c.92 (C.30:4E-5 et seq.), funds appropriated for the Home Care Expansion (HCE) program shall be paid only for individuals enrolled in the program as of June 30, 1996 who are not eligible for the Community Care Program for the Elderly and Disabled or alternative programs, and only for so long as those individuals require services covered by the HCE Program. Individuals enrolled in the HCE Program as of June 30, 1996, and eligible for the Community Care Program for the Elderly and Disabled may apply to be enrolled in that program.
- Notwithstanding the provisions of P.L.1979, c.197 (C.48:2-29.15 et seq.), or the provisions of P.L.1981, c.210 (C.48:2-29.30 et seq.), or any other law to the contrary, the benefits of the "Lifeline Credit Program" and the "Tenants' Lifeline Assistance Program" may be distributed throughout the entire year from July through June, and are not limited to an October to March heating season, and therefore applications for Lifeline benefits and benefits from the Pharmaceutical Assistance to the Aged and Disabled program may be combined.
- Notwithstanding any other law to the contrary, a sufficient portion of receipts generated or savings realized in Casino Revenue Fund Medical Services for the Aged or Pharmaceutical Assistance to the Aged and Disabled Grants-in-Aid accounts from initiatives included in the fiscal year 2001 budget may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.
- The amounts hereinabove appropriated for payments in the Pharmaceutical Assistance to the Aged and Disabled Program, P.L.1975, c.194 (C.30:4D-20 et seq.), are available for the payment of obligations applicable to prior fiscal years.
- Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Program, P.L.1975, c.194 (C.30:4D-20 et seq.) shall be the last resource benefits, notwithstanding any provision contained in contracts, wills,

prescription refill; and (c) the current prescription drug dispensing fee structure set as a variable rate of \$3.73 to \$4.07 in effect on June 30, 2000 shall remain in effect through fiscal year 2001, including the current increments for patient consultation, impact allowances, and allowances for 24-hour emergency services.

Notwithstanding any laws to the contrary, payments for Pharmaceutical Assistance for the Aged and the Disabled programs shall not cover quantities of impotence therapy medication in excess of four treatments per month. Moreover, payment will only be provided if the diagnosis of impotence is written on the prescription form and the treatment is provided to males over the age of 18 years.

Notwithstanding any laws to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled programs are available to pharmacies who have not submitted an application to enroll by September 1, 2000 as an approved medical supplier in the Medicare program, unless they already are an approved Medicare medical supplier. Pharmacies will not be required to bill Medicare directly. Beneficiaries are responsible for the applicable PAAD copayment.

The amounts hereinabove for payments for the "Lifeline Credit Program" and payments for Tenants' Lifeline Assistance Rebates are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of Lifeline claims, amounts may be transferred from the various items of appropriation within the Lifeline program classification, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 2 of P.L.1988, c.114 (C.26:2M-10) to the contrary, private for profit agencies shall be eligible grantees for funding from the Demonstration Adult Day Care Center Program - Alzheimer's Disease account.

The unexpended balance as of June 30, 2000 in the Demonstration Adult Day Care Center Program - Alzheimer's Disease (CRF) account is appropriated.

STATE AID

55-4275 Programs for the Aged \$5,052,000
Total State Aid Appropriation, Senior Services . . . \$5,052,000

State Aid:

55 Cost of Living Adjustment --
Senior Services (\$773,000)
55 County Offices on Aging (1,177,000)
55 Older Americans Act -- State Share . . (3,102,000)

Department of Health and Senior Services,
Total State Appropriation \$1,098,152,000

Notwithstanding the provisions of any law to the contrary, there is appropriated to the Department of Health and Senior Services from the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58) an amount to continue to fund programs established pursuant to section 25 of

In order to permit flexibility in implementing the ElderCare Initiatives within the Medical Services for the Aged program classification, amounts may be transferred between Direct State Services and Grants-In-Aid accounts, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

From the amounts provided hereinabove for cost of living adjustments throughout the Department of Health and Senior Services, it is intended that these moneys shall be used to fund, at a minimum, a 1.6% cost of living increase for direct service workers' salaries, effective July 1, 2000.

The amount hereinabove for Salary Supplement for Direct Service Workers shall only be used to fund, at a minimum, an additional 2.0% direct service workers' cost of living adjustment throughout the Department of Health and Senior Services, effective July 1, 2000.

There are appropriated such sums as are necessary to counties to satisfy obligations incurred in connection with the execution and delivery of Intergovernmental Transfer Agreements. There are also appropriated such additional sums to make payments to additional counties who have not signed Intergovernmental Transfer Agreements as of July 1, 2000 equal to 50% of the local match required to earn federal Peer Grouping Medicaid matching funds based on Calendar Year 1998 cost reports, contingent upon the receipt by the State of at least \$266,800,000 in federal Intergovernmental Transfer funds, based upon an approved State Plan. There are also appropriated such additional sums to make a second payment to additional counties who have not signed Intergovernmental Transfer Agreements as of July 1, 2000 equal to 50% of the local match required to earn federal Peer Grouping Medicaid matching funds based on Calendar Year 1998 cost reports, contingent upon the receipt by the State of \$292,500,000 in federal Intergovernmental Transfer funds, based upon an approved State plan. The State Treasurer shall report to the Governor, the President of the Senate and the Speaker of the General Assembly on the Intergovernmental Transfer funds received by the State.

Notwithstanding any other law to the contrary, there are appropriated such amounts to the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting, as are necessary to pay such supplemental payments in accordance with the Medicaid State Plan amendments to any participating governmental entity for certain Class II Governmental Nursing Facilities. There are appropriated to the Department of Health and Senior Services and the Department of the Treasury such additional sums as are necessary to pay costs incurred by the State Treasurer or any other State agency in connection with the execution and delivery of any agreements authorized under P.L.2000, c.28 (C.30:4D-19.2 et seq.), including the costs of professional services, attorneys and other costs necessary to complete the intergovernmental transfer.

GRANTS-IN-AID

08-7700 Community Services \$220,379,000
 Total Grants-in-Aid Appropriation, Division
 of Mental Health Services \$220,379,000

Grants-in-Aid:

08 Supportive Housing Initiative (\$3,000,000)
 08 Community Care (191,402,000)
 08 Community Mental Health Center --
 University of Medicine and
 Dentistry, Newark (6,205,000)
 08 Community Mental Health Center --
 University of Medicine and Dentistry,
 Piscataway (11,860,000)
 08 Cost of Living Adjustment --
 Community Services (4,210,000)
 08 Family Support Services Program,
 Mercer County (250,000)
 08 Salary Supplement for Direct
 Care Workers (3,452,000)

The unexpended balances as of June 30, 2000 of funds in the Juvenile Suicide Prevention Program-Mercer County account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount appropriated hereinabove for the Community Care grant account, \$1,000,000 shall be allocated for after-hours coverage.

The amount appropriated hereinabove for the Community Mental Health Centers and the amount appropriated to the Department of State for the University of Medicine and Dentistry of New Jersey are first charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid Uncompensated Care.

With the exception of disproportionate share hospital revenues that may be received, federal and other funds received for the operation of community mental health centers at the New Jersey Medical School and the Robert Wood Johnson Medical School shall be available to the University of Medicine and Dentistry of New Jersey for the operation of the centers.

STATE AID

08-7700 Community Services \$87,171,000
 Total State Aid Appropriation, Division of
 Mental Health Services \$87,171,000

State Aid:

08 Support of Patients in County
 Psychiatric Hospitals (\$87,171,000)

The unexpended balance as of June 30, 2000, in the Support of Patients in County Psychiatric Hospitals account is appropriated.

The appropriation for the Support of Patients in County Psychiatric Hospitals account is available to pay liabilities applicable to prior fiscal years, subject to the approval of the Director of the Division of Budget and Accounting.

7720 Trenton Psychiatric Hospital**DIRECT STATE SERVICES**

10-7720 Patient Care and Health Services \$33,326,000
 99-7720 Administration and Support Services 9,978,000
 Total Direct State Services Appropriation,
 Trenton Psychiatric Hospital \$43,304,000

Direct State Services:

Personal Services:

Salaries and Wages (\$37,097,000)
 Materials and Supplies (2,954,000)
 Services Other Than Personal (1,824,000)
 Maintenance and Fixed Charges (799,000)

Special Purpose:

10 Interim Assistance (150,000)
 Additions, Improvements and Equipment .. (480,000)

CAPITAL CONSTRUCTION

99-7720 Administration and Support Services \$2,000,000
 Total Capital Construction Appropriation,
 Trenton Psychiatric Hospital \$2,000,000

Capital Projects:

99 Fire Protection (\$2,000,000)

7725 Ann Klein Forensic Center**DIRECT STATE SERVICES**

10-7725 Patient Care and Health Services \$16,048,000
 99-7725 Administration and Support Services 2,600,000
 Total Direct State Services Appropriation,
 The Forensic Psychiatric Hospital \$18,648,000

Direct State Services:

Personal Services:

Salaries and Wages (\$16,719,000)
 Materials and Supplies (1,214,000)
 Services Other Than Personal (517,000)
 Maintenance and Fixed Charges (98,000)
 Additions, Improvements and Equipment .. (100,000)

7740 Ancora Psychiatric Hospital**DIRECT STATE SERVICES**

10-7740 Patient Care and Health Services \$41,732,000
 99-7740 Administration and Support Services 11,984,000
 Total Direct State Services Appropriation,
 Ancora Psychiatric Hospital \$53,716,000

Direct State Services:

Personal Services:

Salaries and Wages (\$46,398,000)
 Materials and Supplies (3,670,000)
 Services Other Than Personal (1,945,000)

Special Purpose:

10 Interim Assistance (14,000)
 Additions, Improvements and Equipment . . (285,000)

CAPITAL CONSTRUCTION

99-7760 Administration and Support Services \$420,000
 Total Capital Construction Appropriation,
 Senator Garrett W. Hagedorn
 Gero-Psychiatric Hospital \$420,000

Capital Projects:

99 Various Preservation Projects (\$420,000)

Division of Mental Health Services

Receipts recovered from advances made under the interim assistance program in the mental health institutions during the fiscal year ending June 30, 2001 are appropriated for the same purpose.

The unexpended balances as of June 30, 2000, in the interim assistance program accounts in the mental health institutions are appropriated for the same purpose.

The amount appropriated for the Division of Mental Health Services for State facility operations and the amount appropriated as State aid for the costs of county facility operations first are charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid Uncompensated Care.

24 Special Health Services***7540 Division of Medical Assistance and Health Services*****DIRECT STATE SERVICES**

21-7540 Health Services Administration
 and Management \$24,171,000
 Total Direct State Services Appropriation,
 Division of Medical Assistance
 and Health Services \$24,171,000

Direct State Services:

Personal Services:

Salaries and Wages (\$13,129,000)
 Materials and Supplies (184,000)
 Services Other Than Personal (3,408,000)
 Maintenance and Fixed Charges (317,000)

Special Purpose:

21 Payments to Fiscal Agents (4,654,000)
 21 Professional Standards Review
 Organization--Utilization
 Review (2,179,000)
 21 Drug Utilization Review Board --
 Administrative Costs (90,000)

Additions, Improvements and Equipment . . (210,000)

The unexpended balances as of June 30, 2000, not to exceed \$370,000 in the Salaries and Wages account, related to Medicaid fraud and abuse initiatives are

22	Hospital Relief Offset Payment	(32,836,000)
22	Payments for Medical Assistance	
	Recipients - Waiver Initiatives	(18,211,000)
22	Payments for Medical Assistance	
	Recipients - Other Treatment	
	Facilities	(8,047,000)
22	Payments for Medical Assistance	
	Recipients - Inpatient Hospital . . .	(173,620,000)
22	Payments for Medical Assistance	
	Recipients - Prescription Drugs . .	(287,854,000)
22	Payments for Medical Assistance	
	Recipients - Outpatient Hospital . .	(175,484,000)
22	Payments for Medical Assistance	
	Recipients - Physician	(20,824,000)
22	Payments for Medical Assistance	
	Recipients - Home Health	(38,977,000)
22	Payments for Medical Assistance	
	Recipients - Medicare Premiums . .	(68,019,000)
22	Payments for Medical Assistance	
	Recipients - Dental	(9,823,000)
22	Payments for Medical Assistance	
	Recipients - Psychiatric Hospital . .	(13,534,000)
22	Payments for Medical Assistance	
	Recipients - Medical Supplies	(16,015,000)
22	Payments for Medical Assistance	
	Recipients - Clinic	(68,070,000)
22	Payments for Medical Assistance	
	Recipients - Transportation	(28,787,000)
22	Payments for Medical Assistance	
	Recipients - Other Services	(9,099,000)
22	Unit Dose Contract Services	(9,855,000)
22	Consulting Pharmacy Services	(2,052,000)
22	SSI-Disabled Back-to-Work Incentive . .	(750,000)
22	Eligibility Determination Services . .	(7,230,000)
22	Health Benefit Coordination Services	(9,379,000)
22	NJ KidCare Partnership Outreach	(75,000)
22	Title XIX Children's Initiative	(10,000,000)
22	N.J. Health ACCESS Benefit	
	Payments	(11,800,000)

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification in the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services

from initiatives may be transferred to the Health Services Administration and Management accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary and subject to federal approval, the Commissioner of Human Services is authorized to develop and introduce Optional Service Plan Innovations to enhance client choice for users of Medicaid optional services, while containing expenditures.

The unexpended balances as of June 30, 2000, in individual service accounts, as a result of accelerated and/or early implementation of succeeding fiscal year initiatives, are appropriated to the same service accounts, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary and subject to the notice provisions of 42 CFR 447.205, Personal Care Assistant services shall be limited to no more than 25 hours per week. Additional hours, up to 40 per week, shall be authorized by the Division of Medical Assistance and Health Services prior to the provision of services not provided by clinics under contract with the Division of Mental Health Services. The hourly weekend rate shall not exceed \$16.

Notwithstanding the provision of any other law or regulation to the contrary, and in order to more prudently purchase, the Commissioner of Human Services is authorized to competitively bid managed care contracts, which provide for the medical care of those eligible for the Medical Assistance program, in such manner as the commissioner, in consultation with the State Treasurer, determines to be in the best interest of the State.

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients are available for the payments of the residual claims from the Garden State Health Plan.

Combined State and federal funding for the development and implementation of a Medicaid Care Management Program not to exceed \$1,000,000 is made available from accounts within the General Medical Services program classification, based on a plan approved in advance by the Director of the Division of Budget and Accounting.

The Division of Medical Assistance and Health Services, subject to federal approval, shall implement policies that would limit the ability of persons who have the financial ability to provide for their own long-term care needs to manipulate current Medicaid rules to avoid payment for that care. The division shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources which are not protected for the needs of the community spouse be used solely for the purchase of long-term care services.

Such sums as may be necessary are appropriated from the General Fund for the payment of any provider assessments to Intermediate Care Facilities/Mental Retardation facilities, subject to the approval of the Director of the Division of Budget and Accounting of a plan as shall be submitted by the Commissioner of Human Services.

The Division of Medical Assistance and Health Services is empowered to competitively bid and contract for performance of federally mandated inpatient

- Such sums as may be necessary are appropriated from enhanced audit recoveries obtained by the Division of Medical Assistance and Health Services to fund the costs of enhanced audit recovery efforts of the division within the General Medical Services program classification subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 2000, each prescription order for protein nutritional supplements and specialized infant formulas dispensed in the Medicaid and NJ KidCare programs shall be filled with the generic equivalent unless the prescription order states "Brand Medically Necessary" in the prescriber's own handwriting.
- Of the amount hereinabove for Payments for Medical Assistance Recipients - Outpatient Hospital, an amount not to exceed \$1,900,000 is allocated for limited prenatal medical care for legal immigrant pregnant women who are not eligible for any other State or federal health insurance program.
- Of the revenues received as a result of sanctions to health maintenance organizations participating in Medicaid Managed Care, an amount not to exceed \$500,000 is appropriated to the Payments for Medical Assistance Recipients - Physician account, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of subsections (b) and (c) of N.J.A.C.10:60-1.13 to the contrary, a person receiving the maximum number of Early and Periodic Screening, Diagnosis and Treatment/Private Duty Nursing (EPSDT/PDN) services, that is, 16 hours in any 24-hour period, may be authorized to receive additional PDN hours if private health insurance is available to cover the cost of the additional hours and appropriate medical documentation is provided which indicates that additional PDN hours are required and that the primary caregiver is not qualified to provide the additional PDN hours.
- Of the amount hereinabove for Payments for Medical Assistance Recipients - Clinic, an amount not to exceed \$1,900,000 is allocated for limited prenatal medical care for legal immigrant pregnant women who are not eligible for any other State or federal health insurance program.
- Additional federal Title XIX revenue generated from the claiming of family planning services payments on behalf of individuals enrolled in the Medicaid managed care program is appropriated subject to the approval of the Director of the Division of Budget and Accounting.
- Effective July 1, 1999, the Division of Medical Assistance and Health Services (DMAHS) is authorized to pay financial rewards to individuals or entities who report instances of health care-related fraud and/or abuse involving the programs administered by DMAHS (including but not limited to the New Jersey Medicaid and NJ KidCare programs), or the Pharmaceutical Assistance to the Aged and Disabled (PAAD) or Work First New Jersey General Public Assistance programs. Rewards may be paid only when the reports result in a recovery by DMAHS, and only if other conditions established by DMAHS are met, and shall be limited to 10% of the recovery or \$1,000, whichever is less. Notwithstanding any State law to the contrary, but subject to any necessary federal approval and/or change in federal law, receipt of such rewards shall not

per diem amounts are equivalent to the total State and federal funds appropriated in the amount of \$51,240,000.

Notwithstanding any other law to the contrary for those hospitals that qualify for a Hospital Relief Subsidy Fund payment, the New Jersey Medicaid program shall reimburse those hospitals Graduate Medical Education outpatient payments up to the amount the hospital would have received under Medicare principles of reimbursement for Medicaid and New Jersey KidCare-Plan A fee-for-service beneficiaries. Effective July 1, 2000, equal monthly lump sum payments shall be made from the Hospital Relief Offset Payment account, and shall be based on the qualifying hospitals' first finalized 1996 cost reports. The amount that the qualifying hospital would otherwise be eligible to receive from the Hospital Relief Subsidy Fund shall be reduced by the amount of this Graduate Medical Education outpatient payment. The total amount of these payments shall not exceed \$6,333,000 in combined State and federal funds. In no case shall these payments and all other enhanced payments related to those services primarily used by Medicaid and New Jersey KidCare-Plan A beneficiaries that the hospital receives exceed the amount the hospital would otherwise have been eligible to receive from the Hospital Relief Subsidy Fund in the State fiscal year.

Notwithstanding any law to the contrary, any New Jersey acute care general hospital that has been recognized by the New Jersey Medicaid program as a nominal charge hospital for three prior years, and had a Medicaid fee-for-service utilization greater than 30% in its first finalized cost report for the hospital's fiscal year ending during 1995, shall be eligible to receive an enhanced payment for providing inpatient services to New Jersey Medicaid and New Jersey KidCare-Plan A fee-for-service beneficiaries. Effective July 1, 2000, interim payments shall be made in equal monthly lump sum amounts, based on an estimate of the total enhanced amount payable to a qualifying hospital, and subject to cost settlement. The enhanced payment, determined at cost settlement, will be \$2,150 per Medicaid inpatient day, adjusted by a volume variance factor (the ratio of expected Medicaid inpatient days to actual Medicaid inpatient days for the rate year) and subject to a pro rata adjustment so that the total enhanced per diem amounts do not exceed \$52,000,000 in combined State and federal funds.

Of the amounts appropriated in State and federal funds in the Hospital Relief Offset Payment accounts in the Department of Human Services, Division of Medical Assistance and Health Services, such sums as may be necessary shall be transferred to the Hospital Relief Subsidy Fund within the Health Care Subsidy Fund (P.L.1992, c.160) to maximize federal revenues related to these accounts and maintain an appropriate level of hospital payments, subject to the approval of the Director of the Division of Budget and Accounting.

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

DIRECT STATE SERVICES

99-7600 Administration and Support Services	<u>\$9,627,000</u>
Total Appropriation, State and Federal Funds	<u>\$9,627,000</u>

Maintenance and Fixed Charges (3,259,000)

Special Purpose:

02 Guardianship Program (285,000)

02 Homemaker Services (State Share) . (167,000)

Additions, Improvements and Equipment . . (142,000)

Less:

Federal Funds 15,340,000

All Other Funds 19,185,000

GRANTS-IN-AID

01-7601 Purchased Residential Care \$424,376,000

(From General Fund \$414,323,000)

(From Casino Revenue Fund 10,053,000)

02-7601 Social Supervision and Consultation 28,474,000

(From General Fund \$26,266,000)

(From Casino Revenue Fund 2,208,000)

03-7601 Adult Activities 105,842,000

(From General Fund \$98,468,000)

(From Casino Revenue Fund 7,374,000)

Total State, Federal and All Other

Funds Appropriation \$558,692,000

Less:

Federal Funds

Purchased Residential Care \$160,856,000

Social Supervision and Consultation . 3,097,000

Adult Activities 27,372,000

Total Federal Funds \$191,325,000

Less:

All Other Funds

Purchased Residential Care \$38,000,000

Total All Other Funds \$38,000,000

Total Grants-in-Aid Appropriation,

Community Programs \$329,367,000

(Total From General Fund \$309,732,000)

(Total From Casino Revenue Fund . . 19,635,000)

Grants-in-Aid:

01 Dental Program for Non-
Institutionalized Children (\$814,000)

01 Private Institutional Care (28,481,000)

01 Private Institutional Care (CRF) (1,311,000)

01 Skill Development Homes (20,806,000)

01 Skill Development Homes (CRF) (1,141,000)

01 Group Homes (254,176,000)

01 Group Homes (CRF) (7,473,000)

01 Family Care (5,014,000)

01 Family Care (CRF) (128,000)

01 Salary Supplement for Direct
Service Workers (5,817,000)

- Excess State funds realized by federal involvement through Medicaid in the Dental Program for Non-Institutionalized Children are committed for the program's support during the subsequent fiscal year, rather than for expansion.
- Amounts that become available as a result of the return of persons from private institutional care placements, including in-State and out-of-State placements, shall be available for transfer to community and community support programs, subject to the approval of the Director of the Division of Budget and Accounting.
- The total amount appropriated in the Community Services Waiting List Reduction Initiatives - FY 1999, FY 2000, FY 2001 and the Community Transition Initiative - FY 2001 accounts are available for transfer to community support programs, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of Title 30 of the Revised Statutes or any other law or regulation to the contrary, the Director of the Division of Developmental Disabilities is authorized to waive statutory, regulatory or licensing requirements for the implementation of a self determination pilot program included in the Community Services Waiting List Reduction Initiatives - FY 1997, FY 1998, FY 1999, FY 2000 and FY 2001 accounts, subject to the approval of a plan by the Director of the Division of Developmental Disabilities, which will allow an individual to be removed from the waiting list. This waiver also applies to those persons identified as part of the Community Transition Initiative - FY 2001 who choose self determination.
- The unexpended balance as of June 30, 2000, in the Home Assistance account is appropriated for the same purpose.
- Notwithstanding any law to the contrary, the State Treasurer, in consultation with the Commissioner of Human Services, may transfer pursuant to the terms and conditions the State Treasurer deems to be in the best interest of the State, the operation, care, custody, maintenance and control of State-owned buses utilized for transportation of clients of the Adult Activity Centers funded from appropriations in the Adult Activities program classification within the Division of Developmental Disabilities to any party under contract with the Department of Human Services to operate an Adult Activity Center. That transfer shall be for a time to run concurrent with the contract for the operation of the Adult Activity Center. That transfer as a non-cash award, and in conjunction with a cash appropriation shall complete the terms of any contract with the Department of Human Services for the operation of the Adult Activity Center. Upon termination of any contract for the operation of an Adult Activity Center, the operation, care, custody, maintenance and control of the State-owned buses shall revert to the State. The State Treasurer shall execute any agreements necessary to effectuate the purpose of this provision.
- Such sums as may be necessary are appropriated from the General Fund for the payment of any provider assessments to State Intermediate Care Facilities/Mental Retardation facilities, subject to the approval of the Director of the Division of Budget and Accounting of a plan to be submitted by the Commissioner of Human Services. Notwithstanding any other law to the contrary, only the federal share of funds anticipated from these assessments shall be available

CAPITAL CONSTRUCTION

99-7610 Administration and Support Services \$1,000,000
 Total Capital Construction Appropriation,
 Green Brook Regional Center \$1,000,000

Capital Projects:

99 Air Handlers, Chiller and Burner
 Replacement (\$1,000,000)

7620 Vineland Developmental Center**DIRECT STATE SERVICES**

05-7620 Residential Care and Habilitation Services . . \$53,620,000
 99-7620 Administration and Support Services 13,028,000
 Total Appropriation, State and Federal Funds . . . \$66,648,000

*Less:**Federal Funds**Residential Care and*

Habilitation Services \$21,904,000

Administration and

Support Services 1,920,000

Total Deductions \$23,824,000

Total Direct State Services Appropriation,
 Vineland Developmental Center \$42,824,000

*Direct State Services:**Personal Services:*

Salaries and Wages (\$59,128,000)
 Materials and Supplies (5,050,000)
 Services Other Than Personal (1,469,000)
 Maintenance and Fixed Charges (673,000)

Special Purpose:

05 Family Care (6,000)
 Additions, Improvements and Equipment . . (322,000)

Less:

Federal Funds 23,824,000

The unexpended balances as of June 30, 2000 in the Reward for Identification of Person(s) Responsible for the Assault on Client account are appropriated for the same purpose.

7630 North Jersey Developmental Center**DIRECT STATE SERVICES**

05-7630 Residential Care and Habilitation Services . . \$30,608,000
 99-7630 Administration and Support Services 7,881,000
 Total Appropriation, State, Federal and
 All Other Funds \$38,489,000

*Less:**Federal Funds**Residential Care and*

Habilitation Services \$18,013,000

Services Other Than Personal (1,417,000)
 Maintenance and Fixed Charges (576,000)
 Additions, Improvements and Equipment . . (303,000)

Less:

Federal Funds 21,855,000

CAPITAL CONSTRUCTION

99-7640 Administration and Support Services \$4,450,000
 Total Capital Construction Appropriation,
 Woodbine Developmental Center \$4,450,000

Capital Projects:

99 Repair Steam Tunnel (\$1,450,000)
 99 Food Service Building Renovations . . (3,000,000)

7650 New Lisbon Developmental Center**DIRECT STATE SERVICES**

05-7650 Residential Care and Habilitation Services . . \$42,277,000
 99-7650 Administration and Support Services 9,059,000
 Total Appropriation, State, Federal and
 All Other Funds \$51,336,000

Less:**Federal Funds****Residential Care and**

Habilitation Services \$23,189,000

Administration and

Support Services 3,517,000

Total Federal Funds \$26,706,000

Total Direct State Services Appropriation,
 New Lisbon Developmental Center. \$24,630,000

*Direct State Services:**Personal Services:*

Salaries and Wages (\$46,267,000)
 Materials and Supplies (3,292,000)
 Services Other Than Personal (1,080,000)
 Maintenance and Fixed Charges (511,000)
 Additions, Improvements and Equipment . . (186,000)

Less:

Federal Funds 26,706,000

CAPITAL CONSTRUCTION

99-7650 Administration and Support Services \$775,000
 Total Capital Construction Appropriation,
 New Lisbon Developmental Center \$775,000

Capital Projects:

99 Food Service Building Renovations . . (\$775,000)

<i>Administration and</i>	
<i>Support Services</i>	3,124,000
<i>Total Federal Funds</i>	<u>\$25,221,000</u>
<i>Less:</i>	
<i>All Other Funds</i>	
<i>Residential Care and</i>	
<i>Habilitation Services</i>	\$203,000
<i>Total All Other Funds</i>	<u>\$203,000</u>
Total Direct State Services Appropriation,	
Hunterdon Developmental Center	<u>\$22,261,000</u>
<i>Direct State Services:</i>	
Personal Services:	
Salaries and Wages	(\$40,438,000)
Materials and Supplies	(5,500,000)
Services Other Than Personal	(967,000)
Maintenance and Fixed Charges	(567,000)
Additions, Improvements and Equipment ..	(213,000)
<i>Less:</i>	
<i>Federal Funds</i>	25,221,000
<i>All Other Funds</i>	203,000

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 Inter-Departmental accounts for employee benefits, are considered as appropriated on behalf of the Developmental Centers and are available for matching federal funds.

The State appropriation is based on ICF/MR revenues of \$178,067,000, provided that if the ICF/MR revenues exceed \$178,067,000, 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* **DIRECT STATE SERVICES**

11-7560 Services for the Blind and Visually Impaired	\$6,091,000
99-7560 Administration and Support Services	<u>1,281,000</u>
Total Direct State Services Appropriation,	
Commission for the Blind and	
Visually Impaired	<u>\$7,372,000</u>
<i>Direct State Services:</i>	
Personal Services:	
Salaries and Wages	(\$5,731,000)
Materials and Supplies	(123,000)
Services Other Than Personal	(573,000)
Maintenance and Fixed Charges	(80,000)

50 Economic Planning, Development and Security**53 Economic Assistance and Security****7550 Division of Family Development****DIRECT STATE SERVICES**15-7550 Income Maintenance Management \$97,698,000Total Appropriation, State and Federal Funds . . . \$97,698,000**Less:****Federal Funds****Income Maintenance Management \$66,117,000****Total Federal Funds \$66,117,000**

Total Direct State Services Appropriation,

Division of Family Development \$31,581,000**Direct State Services:****Personal Services:**

Salaries and Wages (\$25,951,000)

Materials and Supplies (779,000)

Services Other Than Personal (19,825,000)

Maintenance and Fixed Charges (1,304,000)

Special Purpose:

15 Electronic Benefit Transfer/

Distribution System (3,306,000)

15 Hospital Paternity Program (1,453,000)

15 Work First New Jersey Child

Support Initiatives (14,785,000)

15 Work First New Jersey --

Technology Investment (28,974,000)

15 SSI Attorney Fees (1,000,000)

Additions, Improvements and Equipment . . (321,000)

Less:**Federal Funds 66,117,000**

Receipts derived from counties and local governments for data processing services and the unexpended balance of such receipts as of June 30, 2000 are appropriated.

The unexpended balances as of June 30, 2000 in the Income Maintenance Management program classification direct state services accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount appropriated hereinabove for the Work First New Jersey-Technology Investment account, such additional sums as may be required are appropriated from the General Fund, not to exceed \$3,000,000, to meet the timely implementation of Work First New Jersey technology initiatives, subject to the approval of the Director of the Division of Budget and Accounting.

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

subject to the approval of the Director of the Division of Budget and Accounting. Notwithstanding any law to the contrary, in addition to the amounts hereinabove for the Work First New Jersey-Work Activity and Work First New Jersey-Training Related Expenses accounts, an amount not to exceed \$8,000,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary, of the amounts hereinabove for Work First New Jersey-Work Activity and Work First New Jersey-Training Related Expenses, \$30,900,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9), subject to the approval of the Director of the Division of Budget and Accounting.

The Commissioner of Human Services shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with quarterly reports, due within 60 days after the end of each quarter, containing written statistical and financial information on the Work First New Jersey program and any subsequent welfare reform program the State may undertake.

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

From the amount appropriated hereinabove for the Income Maintenance Management program classification, \$250,000 shall be allocated for a grant to the Food Bank of Monmouth and Ocean Counties, Spring Lake.

STATE AID

15-7550 Income Maintenance Management \$629,589,000
Total State and Federal Funds Appropriation . . . \$629,589,000

Less:

Federal Funds

Income Maintenance

Management \$402,225,000
Total Federal Funds \$402,225,000
Total State Aid Appropriation,
Division of Family Development \$227,364,000

State Aid:

15 Miscellaneous State Aid (\$4,124,000)
15 County Administration Funding . . (209,479,000)
15 Work First New Jersey --
 Client Benefits (137,302,000)
15 Federal Energy Assistance Program . (24,229,000)
15 General Assistance Emergency
 Assistance Program (24,503,000)

of legend and non-legend drugs, excluding nutritional supplements and those products impacted by the State v. Ven-A-Care settlement, shall not exceed their Average Wholesale Price (AWP) less a 10 percent volume discount; (b) prescription quantities of legend and non-legend drugs dispensed by a retail pharmacy shall be limited to a 34-day supply for an initial prescription, and 34-day or 100-unit dose supply, whichever is greater, for any prescription refill; and (c) the current prescription drug dispensing fee structure set as a variable rate of \$3.73 to \$4.07 in effect on June 30, 1999 shall remain in effect through fiscal 2001, including the current increments for patient consultation, impact allowances, and allowances for 24-hour emergency services.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1999, the following provisions shall apply to the dispensing of prescription drugs through the Payments for the Cost of General Assistance account: (a) for all Maximum Allowable Cost (MAC) drugs dispensed shall state "Brand Medically Necessary" in the prescriber's own handwriting if the prescriber determines that it is necessary to override generic substitution of drugs, and each prescription order shall follow the requirements of P.L.1977, c.240 (C.24:6E-1 et seq.). The list of drugs substituted shall conform to the Drug Utilization Review Council approved list of substitutable drugs and all other requirements pertaining to drug substitution and federal upper limits for MAC drugs as administered by the State Medicaid Program.

Effective July 1, 2000, no funding shall be provided from the Payments for Cost of General Assistance program for anti-retroviral drugs for the treatment of HIV/AIDS, as specified in the Department of Health and Senior Services' formulary for the AIDS Drugs Distribution Program (ADDP).

Of the amounts appropriated for the Payments for Cost of General Assistance program, amounts may be transferred to the Department of Health and Senior Services for the cost of the AIDS Drugs Distribution Program (ADDP) and to the Division of Medical Assistance and Health Services for New Jersey Family Care, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary and subject to the notice provisions of 42 CFR 447.205, effective July 1, 1999, approved nutritional supplements will be reimbursed in accordance with a fee schedule set by the Director of the Division of Medical Assistance and Health Services (DMAHS).

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1999, each prescription order for protein nutritional supplements dispensed in the General Assistance program shall be filled with the generic equivalent unless the prescription order states "Brand Medically Necessary" in the prescriber's own handwriting.

Receipts from counties for persons receiving Old Age Assistance, Disability Assistance, and Assistance for the Blind under the Supplemental Security Income (SSI) program are appropriated for the purpose of providing State aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the provisions of section 3 of P.L.1973, c.256 (C.44:7-87), the Department of Human Services shall assess welfare boards at the beginning of

GRANTS-IN-AID

16-7570 Services to Families and Children	\$343,421,000
<i>(From General Fund</i>	<i>\$339,687,000)</i>
<i>(From Casino Revenue Fund</i>	<i>3,734,000)</i>
99-7570 Administration and Support Services	<u>855,000</u>
Total Appropriation, State, Federal and	
All Other Funds	<u>\$344,276,000</u>
<i>(From General Fund</i>	<i>\$340,542,000)</i>
<i>(From Casino Revenue Fund</i>	<i>3,734,000)</i>
Less:	
Federal Funds	
<i>Services to Families and Children . .</i>	<i>\$50,015,000</i>
<i>Administration and</i>	
<i>Support Services</i>	<i>855,000</i>
<i>Total Federal Funds</i>	<i>\$50,870,000</i>
All Other Funds	
<i>Services to Families and Children . . .</i>	<i>\$3,254,000</i>
<i>Total All Other Funds</i>	<i><u>\$3,254,000</u></i>
Total Grants-in-Aid Appropriation,	
Division of Youth and	
Family Services	<u>\$290,152,000</u>
<i>(From General Fund</i>	<i>\$286,418,000)</i>
<i>(From Casino Revenue Fund</i>	<i>3,734,000)</i>

Grants-in-Aid:

16 Aid to Bergen County Domestic	
Violence Pilot Program	(\$217,000)
16 Child Assault Prevention Project	(1,163,000)
16 Group Homes	(22,137,000)
16 Treatment Homes	(17,070,000)
16 Public Awareness for Child Abuse	
Prevention Programs	(256,000)
16 Cost of Living Adjustment -- Services	
to Children and Families	(5,113,000)
16 Other Residential Placements	(12,240,000)
16 Regional Diagnostic and	
Treatment Centers	(1,512,000)
16 Residential Placements	(63,601,000)
16 Family Support Services	(38,452,000)
16 Child Abuse Prevention	(10,484,000)
16 Foster Care	(47,275,000)
16 Subsidized Adoption	(36,558,000)
16 Regional Child Abuse	
Treatment Centers	(432,000)
16 Morris/Sussex Sexual Abuse	
Victims' Program	(325,000)
16 Recruitment of Adoptive Parents	(610,000)
16 Substance Abuse Assessment	(50,000)
16 Domestic Violence Program	(3,991,000)

99 National Center for Child Abuse
and Neglect (610,000)

Less:

Federal Funds 50,870,000

All Other Funds 3,254,000

The sums hereinabove for the Residential Placement, Group Home, Treatment Home, Other Residential Placements, Foster Care, Subsidized Adoption, and Family Support Services accounts are available for the payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the rates paid for the foster care and adoption subsidy programs shall first be approved by the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Foster Care and Subsidized Adoption, the Division of Youth and Family Services may expend up to \$225,000 for recruitment of foster and adoptive families; provided however, that a plan for recruitment and training first shall be approved by the Director of the Division of Budget and Accounting.

Receipts in the Marriage License Fee Fund in excess of the amount anticipated are appropriated.

Of the amount hereinabove appropriated for the Domestic Violence Program, \$1,309,000 is payable out of the Marriage License Fee Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The Department of Human Services shall provide a list of the County Human Services Advisory Boards contracts to the Director of the Division of Budget and Accounting on or before September 30, 2000. The listing shall segregate out the administrative costs of such contracts.

Funds recovered under P.L.1951, c.138 (C.30:4C-1 et seq.) during the fiscal year ending June 30, 2001, are appropriated.

Notwithstanding the provision of any law to the contrary, amounts that become available as a result of the return of persons from in-State and out-of-State residential placements to community programs within the State may be transferred from the Residential Placements account to the appropriate Services to Children and Families account, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from counties for persons under the care and supervision of the Division of Youth and Family Services are appropriated for the purpose of providing State aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

7580 Division of the Deaf and Hard of Hearing

DIRECT STATE SERVICES

23-7580 Services for the Deaf \$690,000

Total Direct State Services Appropriation,

Division of Deaf and Hard of Hearing \$690,000

Direct State Services:

Personal Services:

Salaries and Wages (\$261,000)

A portion of the amount hereinabove appropriated for the Division of Management and Budget, not to exceed \$100,000, is available for transfer to the Department of Health and Senior Services for salary costs related to the Nursing Home Audit function.

GRANTS-IN-AID

99-7500 Administration and Support Services \$4,043,000
 Total Grants-in-Aid Appropriation, Division of
 Management and Budget \$4,043,000

Grants-in-Aid:

99 Office for Prevention of Mental
 Retardation and Developmental
 Disabilities (\$654,000)
 99 Interagency Task Force on the
 Prevention of Lead Poisoning (200,000)
 99 New Jersey Youth Corps (3,128,000)
 99 Cost of Living Adjustment (61,000)

Notwithstanding any law to the contrary, of the amount hereinabove for New Jersey Youth Corps, \$1,850,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L. 1992, c. 43 (C.34:15D-9).

The unexpended balances as of June 30, 2000 in the Physician-Dentist Fellowship and Educational Program to Provide Health Care to Persons with Developmental Disabilities accounts are appropriated for the same purpose.

CAPITAL CONSTRUCTION

99-7500 Administration and Support Services \$7,830,000
 Total Capital Construction Appropriation,
 Division of Management and Budget \$7,830,000

Capital Projects:

99 Preservation Improvements, Institutions and
 Community Facilities (\$350,000)
 99 Roof Repair/Replacements,
 Various Facilities (1,650,000)
 99 Statewide Automated Child Welfare
 Information System (3,500,000)
 99 Preservation and Infrastructure Projects,
 Regional Schools (1,330,000)
 08 Facility Environmental Assessments (1,000,000)

Department of Human Services,
 Total State Appropriation \$3,484,690,000

A pro-rata share of all Low Income Energy Assistance Block Grant funds received by the Department of Human Services is to be allocated immediately upon receipt to the Departments of Community Affairs and Health and Senior Services to enable these departments to implement programs funded by this block grant.

used to fund, at a minimum, a 1.6% cost of living increase for direct service workers' salaries, effective July 1, 2000.

The amounts hereinabove for Salary Supplement for Direct Service Workers shall only be used to fund, at a minimum, an additional 2.0% direct service workers' cost of living adjustment throughout the Department of Human Services, effective July 1, 2000.

***Summary of Department of Human Services Appropriations
(For Display Purposes Only)***

Appropriations by Category:

Direct State Services	\$525,941,000
Grants-in-Aid	2,618,959,000
State Aid	314,535,000
Capital Construction	25,255,000

Appropriation by Fund:

General Fund	\$3,461,321,000
Casino Revenue Fund	23,369,000

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

51 Economic Planning and Development

DIRECT STATE SERVICES

99-4565 Administration and Support Services	<u>\$924,000</u>
Total Direct State Services Appropriation, Economic Planning and Development	<u>\$924,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$551,000)
Materials and Supplies	(12,000)
Services Other Than Personal	(268,000)
Maintenance and Fixed Charges	(28,000)

Special Purpose:

99 Affirmative Action and Equal Employment Opportunity	(62,000)
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Additions, Improvements and Equipment	(3,000)
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Such sums as may be necessary to collect the contributions to the Health Care Subsidy Fund, pursuant to section 29 of the "Health Care Reform Act of 1992," P.L.1992, c.160 (C.43:21-7b), are appropriated from the Health Care Subsidy Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove for the Management and Administrative Services program classification, \$265,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

The amount necessary to provide administrative costs incurred by the Department of Labor to meet the statutory requirements of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) is appropriated

Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove for the State Disability Insurance Plan and Private Disability Insurance Plan are payable out of the State Disability Benefits Fund and, in addition to the amounts hereinabove, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to pay disability benefits, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for administrative costs associated with the State Disability Insurance Plan there is appropriated from the State Disability Benefits Fund an amount not to exceed \$6,100,000, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for Special Compensation shall be payable out of the Special Compensation Fund and, notwithstanding the \$12,500 limitation set forth in R.S.34:15-95, in addition to the amounts hereinabove, there are appropriated out of the Special Compensation Fund such additional sums as may be required for costs of administration and beneficiary payments.

There is appropriated out of the balance in the Second Injury Fund an amount not to exceed \$1,000,000 to be deposited to the credit of the "uninsured employer's fund" for the payment of benefits as determined in accordance with section 11 of P.L.1966, c.126 (C.34:15-120.2). Any amount so transferred shall be included in the next "uninsured employer's fund" surcharge imposed in accordance with section 10 of P.L.1966, c.126 (C.34:15-120.1) and any amount so transferred shall be returned to the Second Injury Fund without interest and shall be included in the "net assets" of the Second Injury Fund pursuant to paragraph (4) of subsection c. of R.S.34:15-94.

The funds appropriated for Second Injury Fund benefits are available for the payment of obligations applicable to prior fiscal years.

Receipts in excess of the amount anticipated for the Workers' Compensation Program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts to administer the "uninsured employer's fund" are appropriated from the "uninsured employer's fund," subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts appropriated hereinabove, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer the Private Disability Insurance Plan.

From the funds made available to the State under section 903 of the Social Security Act (42 U.S.C. s. 1103), as amended, the sum of \$4,500,000, or so much thereof as may be necessary, is to be used for the administration of the Unemployment Insurance Program. These funds shall be made available for obligations until June 30, 2003.

54 Manpower and Employment Services

DIRECT STATE SERVICES

07-4535 Vocational Rehabilitation Services	\$2,430,000
09-4545 Employment Services	6,716,000

federal Welfare to Work Grant Program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Private Sector Labor Relations program classification is appropriated from the Unemployment Compensation Auxiliary Fund. Receipts in excess of the amount anticipated for the Workplace Standards Program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "unemployment compensation law," R.S.43:21-1 et seq., such amounts as may be necessary to implement technology improvements in the Workplace Standards Program are appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount appropriated hereinabove for the Public Works Contractor Registration Act, there is appropriated an amount not to exceed \$1,600,000 for the Public Works Contractor Registration Program and related costs associated with the Public School Facilities Construction Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Worker and Community Right To Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right To Know Act account is payable out of the "Worker and Community Right To Know Fund." If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately. In addition to the amounts hereinabove, there are appropriated out of the "Worker and Community Right To Know Fund" such additional sums, not to exceed \$8,400, to administer the Right To Know Program, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as may be necessary for payments.

Notwithstanding the provisions of the "1992 New Jersey Employment and Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et seq.), an amount not to exceed \$500,000 is authorized from the balance in the Workforce Development Partnership Fund to be used by the department to promote training of women and minorities in the construction trades, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

07-4535 Vocational Rehabilitation Services	\$23,681,000
<i>(From General Fund</i>	<i>\$21,241,000)</i>
<i>(From Casino Revenue Fund</i>	<i>2,440,000)</i>
09-4535 Employment Services	<u>50,000</u>
Total Grants-in-Aid Appropriation,	
Manpower and Employment Services	<u>\$23,731,000</u>
<i>(Total From General Fund</i>	<i>\$21,291,000)</i>
<i>(Total From Casino Revenue Fund . . .</i>	<i>2,440,000)</i>
<i>Grants-in-Aid:</i>	
07 Services to Clients (State Share) . . .	(\$3,891,000)

66 DEPARTMENT OF LAW AND PUBLIC SAFETY**10 Public Safety and Criminal Justice****12 Law Enforcement****DIRECT STATE SERVICES**

06-1200 State Police Operations	\$190,863,000
09-1200 Criminal Justice	24,948,000
11-1200 State Medical Examiner	222,000
30-1200 Gaming Enforcement	33,851,000
<i>(From Casino Control Fund \$33,851,000)</i>	
99-1200 Administration and Support Services	<u>25,142,000</u>
Total Direct State Services Appropriation,	
Law Enforcement	<u>\$275,026,000</u>
<i>(Total From General Fund \$241,175,000)</i>	
<i>(Total From Casino Control Fund . . . 33,851,000)</i>	

*Direct State Services:**Personal Services:*

Salaries and Wages	(\$164,784,000)
Salaries and Wages (CCF)	(21,446,000)
Cash in Lieu of Maintenance	(18,805,000)
Cash in Lieu of Maintenance (CCF)	(830,000)
Employee Benefits (CCF)	(5,273,000)
Materials and Supplies	(5,214,000)
Materials and Supplies (CCF)	(389,000)
Services Other Than Personal	(5,981,000)
Services Other Than Personal (CCF)	(1,857,000)
Maintenance and Fixed Charges	(5,268,000)
Maintenance and Fixed Charges (CCF)	(2,440,000)

Special Purpose:

06 Nuclear Emergency Response	
Program	(1,988,000)
06 Drunk Driver Fund Program	(962,000)
06 Noncriminal Record Checks	(1,014,000)
06 State Police Community	
Policing Initiative	(196,000)
06 COPS Universal Grant -- State	
Match Account	(916,000)
06 Megan's Law DNA Testing	(200,000)
06 Urban Search and Rescue	(1,500,000)
06 Additional 70 Troopers	(2,663,000)
06 State Police Federal Monitor	(500,000)
06 Criminal Justice - Corruption	
Prosecution Expansion	(700,000)
09 Division of Criminal Justice --	
State Match	(1,500,000)
09 Human Relations Council	(250,000)
09 Government Integrity and	
Corruption Unit	(650,000)
09 Health Insurance Fraud Unit	(1,500,000)

P.L.1939, c.369 (C.45:19-8 et seq.), are appropriated to defray the cost of this activity.

Notwithstanding the provisions of section 14 of P.L.1992, c.188 (C.33:1-4.1), that in addition to the amounts hereinabove, all fees and penalties collected by the Director of the Division of Alcoholic Beverage Control in excess of \$2,000,000 are appropriated for the purpose of offsetting additional operational costs of the Alcoholic Beverage Control Enforcement Bureau in the Division of State Police and the Division of Alcoholic Beverage Control, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove for Patrol Activities and Crime Control, there is appropriated an amount not to exceed \$1,200,000 from indirect cost recoveries, for the purpose of offsetting the costs of the provision of State Police services.

The unexpended balance as of June 30, 2000 in the Drunk Driver Fund program account, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Drunk Driver Fund program is payable out of the dedicated fund designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts derived pursuant to the New Jersey Medical Service Helicopter Response Act under section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police and the Department of Health and Senior Services to defray the operating costs of the program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.). The unexpended balance as of June 30, 2000, is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of helicopter equipment and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Noncriminal Record Checks is payable out of the dedicated fund designated for this purpose. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of section 3 of P.L.1985, c.69 (C.53:1-20.7), the unexpended balance as of June 30, 2000 in the Noncriminal Record Checks account, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Nuclear Emergency Response Program account is payable from receipts received pursuant to the assessment of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.). The unexpended balance as of June 30, 2000 in the Nuclear Emergency Response Program account is appropriated.

Such sums as may be necessary are appropriated from the Special Fund for Civil Defense Volunteers established pursuant to section 15 of P.L.1952, c.12 (C.App. A:9-57.15).

The amount appropriated hereinabove for State Police Community Policing Initiative shall be paid from the "Safe Neighborhoods Services Fund" established pursuant to section 5 of P.L.1993, c.220 (C.52:17B-163).

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.

GRANTS-IN-AID

06-1200 State Police Operations	\$265,000
09-1200 Criminal Justice	<u>1,000,000</u>
Total Grants-in-Aid Appropriation, Law Enforcement	<u>\$1,265,000</u>
<i>Grants-in-Aid:</i>	
06 Nuclear Emergency Response Program	(\$265,000)
09 Community Justice Grant	(1,000,000)

STATE AID

09-1200 Criminal Justice	\$3,690,000
99-1200 Administration and Support Services	<u>2,600,000</u>
Total State Aid Appropriation, Law Enforcement ..	<u>\$6,290,000</u>
<i>State Aid:</i>	
09 Trigger Lock County Program	(\$90,000)
09 Safe and Secure Neighborhoods Program	(3,600,000)
99 N.C.I.C. Local Law Enforcement Assistance	(2,600,000)

CAPITAL CONSTRUCTION

06-1200 State Police Operations	\$11,585,000
99-1200 Administration and Support Services	<u>20,020,000</u>
Total Capital Construction Appropriation, Law Enforcement	<u>\$31,605,000</u>
<i>Capital Projects:</i>	
06 Critical Repairs/Rehabilitation, Divisionwide	(\$300,000)
06 Roads, Approaches, Parking	(145,000)
06 Hazardous Materials Removal and Fire Safety Projects	(300,000)
06 Purchase of Three Helicopters	(8,700,000)
06 State Police Radio Replacements	(1,900,000)
06 Roof Replacement, Various Facilities ..	(240,000)
99 State Police Technology Enhancements	(16,700,000)
99 Facility Renovations, Gender Accommodations	(2,110,000)

Beverage Control Enforcement Bureau in the Division of State Police and the Division of Alcoholic Beverage Control, subject to the approval of the Director of the Division of Budget and Accounting.

Registration fees, tuition fees, training fees, and other fees received for reimbursement for attendance at courses administered or conducted by the Division of Alcoholic Beverage Control are appropriated for program costs.

From the receipts derived from uncashed pari-mutuel winning tickets, the regulation, supervision, licensing, and enforcement of all New Jersey Racing Commission activities and functions, such sums as may be required are appropriated for the purpose of offsetting the costs of the administration and operation of the New Jersey Racing Commission, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, fines, and penalties collected pursuant to P.L.1973, c.83 (C.19:44A-1 et al.) and section 11 of P.L.1991, c.244 (C.52:13C-23.1) are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision hereinabove, amounts received pursuant to P.L.1971, c.183 (C.52:13C-18 et seq.) are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Of the receipts derived from the regulation, supervision, and licensing of all State Athletic Control Board activities and functions, an amount is appropriated for the purpose of offsetting the costs of the administration and operation of the State Athletic Control Board, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the examination of voting machines by Election Management and Coordination and the unexpended balance as of June 30, 2000 of those receipts are appropriated for the costs of making such examinations.

There are appropriated from the Gubernatorial Elections Fund such sums as may be required for payments to persons qualifying for additional public funds; provided however, that should the amount available in the Gubernatorial Elections Fund be insufficient to support such an appropriation, there are appropriated from the General Fund to the Gubernatorial Elections Fund such sums as may be required.

18 Juvenile Services

1500 Division of Juvenile Services

DIRECT STATE SERVICES

34-1500 Juvenile Community Programs	\$19,045,000
40-1400 Aftercare Programs	4,217,000
99-1500 Administration and Support Services	<u>5,780,000</u>
Total Direct State Services Appropriation,	
Division of Juvenile Services	<u>\$29,042,000</u>

From the amounts provided hereinabove for cost of living adjustments throughout the Department of Law and Public Safety, it is intended that, at a minimum, a 1.6% cost of living increase shall be expended for direct service workers' salaries, effective July 1, 2000.

The amount hereinabove for Salary Supplement for Direct Service Workers shall only be expended for the purposes of providing, at a minimum, an additional 2% direct service workers' cost of living adjustment throughout the Department of Law and Public Safety, effective July 1, 2000.

CAPITAL CONSTRUCTION

99-1500 Administration and Support Services \$10,619,000

Total Capital Construction Appropriation,

Juvenile Services \$10,619,000

Capital Projects:

99 Fire, Health and Safety Projects,
 Various Sites (\$903,000)
 99 Suicide Prevention Improvements . . . (1,000,000)
 99 Renovation of Warren
 Residential Center (254,000)
 99 Roof Replacements, Statewide (1,200,000)
 99 Critical Repairs, Juvenile
 Services Facilities (1,180,000)
 99 Facility Renovations, Juvenile
 Residential Centers (500,000)
 99 Electrical Service Upgrade - NJTSB . (1,800,000)
 99 Upgrade Telecommunication
 System, Statewide (300,000)
 99 Construct New Laundry Facility at
 Jamesburg (50,000)
 99 Repair Chapel at Jamesburg (50,000)
 99 Sewer Connection Fee for Johnstone . . (380,000)
 99 Electrical Upgrades and Generator
 Replacements at Jamesburg (1,116,000)
 99 Sewer Plant Improvements, A/E
 Study, Jamesburg (300,000)
 99 Security Enhancements, Various
 Facilities (200,000)
 99 Redesignation of 324 Bed Facility
 at Jamesburg (300,000)
 99 Indoor Air Quality Improvements,
 HVAC, Various Facilities (160,000)
 99 Construct Vocational Buildings at
 Warren and Green (236,000)
 99 Construct Maintenance Storage
 Building at Bordentown (118,000)
 99 Construct New Septic System at
 Green Residential Center (472,000)

Additions, Improvements and Equipment . . (121,000)

In addition to the amount hereinabove, such funds from other Juvenile Justice Commission facility appropriations shall be transferred as are required to cover operational costs of new facilities constructed for the Juvenile Medium Security Center, subject to the approval of the Director of the Division of Budget and Accounting.

19 Central Planning, Direction and Management

DIRECT STATE SERVICES

88-1000 Central Library Services \$586,000

99-1000 Administration and Support Services 6,582,000

Total Direct State Services Appropriation,

Central Planning, Direction and Management . \$7,168,000

Direct State Services:

Personal Services:

Salaries and Wages (\$6,046,000)

Materials and Supplies (362,000)

Services Other Than Personal (391,000)

Maintenance and Fixed Charges (88,000)

Special Purpose:

99 Affirmative Action and Equal

Employment Opportunity (198,000)

Additions, Improvements and Equipment . . . (83,000)

Notwithstanding the provisions of any law or regulation to the contrary, funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and the proceeds of the sale of any such confiscated property or goods, except for such funds as are dedicated pursuant to P.L.1993, c.227, are appropriated for law enforcement purposes designated by the Attorney General; provided, however, that receipts in excess of \$2,000,000 up to \$1,900,000 shall lapse to the General Fund.

The Attorney General shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with written reports on August 1, 2000 and February 1, 2001, of the use and disposition by State law enforcement agencies of any interest in property or money seized, or proceeds resulting from seized or forfeited property, and any interest or income earned thereon, arising from any State law enforcement agency involvement in a surveillance, investigation, arrest or prosecution involving offenses under N.J.S.2C:35-1 et seq. and N.J.S.2C:36-1 et seq. leading to such seizure or forfeiture. The reports shall specify for the preceding period of the fiscal year the type, approximate value, and disposition of the property seized and the amount of any proceeds received or expended, whether obtained directly or as contributive share, including but not limited to the use thereof for asset maintenance, forfeiture prosecution costs, costs of extinguishing any perfected security interest in seized property and the contributive share of property and proceeds of other participating local law enforcement agencies.

Accounting shall determine. Receipts in any non-State fund are appropriated for the purpose of such transfer.
 The unexpended balances as of June 30, 2000 in the Division of Law Legal Services Client Agency Agreement program accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

80 Special Government Services

82 Protection of Citizens' Rights

DIRECT STATE SERVICES

14-1310 Consumer Affairs	\$12,808,000
15-1320 Operation of State Professional Boards	18,728,000
<i>(From General Fund</i>	<i>\$18,636,000)</i>
<i>(From Casino Revenue Fund</i>	<i>92,000)</i>
16-1350 Protection of Civil Rights	4,842,000
19-1440 Victims of Crime Compensation Board	<u>5,486,000</u>
Total Direct State Services Appropriation,	
Protection of Citizens' Rights	<u>\$41,864,000</u>
<i>(Total From General Fund</i>	<i>\$41,772,000)</i>
<i>(Total From Casino Revenue Fund</i>	<i>92,000)</i>
Personal Services:	
Salaries and Wages	(\$10,490,000)
Salaries and Wages (CRF)	(68,000)
Employee Benefits (CRF)	(14,000)
Materials and Supplies	(555,000)
Materials and Supplies (CRF)	(2,000)
Services Other Than Personal	(12,773,000)
Services Other Than Personal (CRF)	(7,000)
Maintenance and Fixed Charges	(1,924,000)
Special Purpose:	
14 Consumer Affairs Legalized	
Games of Chance	(1,390,000)
14 Securities Enforcement Fund ...	(5,398,000)
14 Consumer Affairs Weights and	
Measures Program	(2,612,000)
14 Consumer Affairs Charitable	
Registrations Program	(695,000)
15 Personal Care Attendants --	
Background Checks	(1,595,000)
16 Civil Rights Case	
Tracking System	(350,000)
19 Claims --Victims of Crime	(3,630,000)
19 Victims of Crime Outreach	(150,000)
Additions, Improvements and Equipment ..	(210,000)
Additions, Improvements and	
Equipment (CRF)	(1,000)

Receipts derived from the assessment and recovery of costs, fines, and penalties pursuant to the Consumer Fraud Act, P.L.1960, c.39 (C.56:8-1 et seq.), are

c.129 (C.56:8-14.2 et seq.) are appropriated for the purpose of offsetting the cost of operating the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for each of the several State professional boards, advisory boards, and committees shall be provided from receipts of those entities, and any receipts in excess of the amounts specifically provided to each of the entities are appropriated. The unexpended balances as of June 30, 2000 are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts appropriated hereinabove for Personal Care Attendants - Background Checks, such sums as may be necessary shall be transferred to the Department of Health and Senior Services, Nursing Home Background Check account, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the sale of films, pamphlets, and other educational materials developed or produced by the Division on Civil Rights are appropriated to defray production costs.

Receipts derived from the provision of copies of transcripts and other materials related to officially docketed cases are appropriated.

Notwithstanding the provisions of section 2 of P.L.1983, c.412 (C.10:5-14.1a) any receipts derived from the assessment of fines and penalties pursuant to P.L.1945, c.169 (C.10:5-1 et seq.) are appropriated to the Division on Civil Rights for additional operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

The sum hereinabove for Claims - Victims of Crime is available for payment of awards applicable to claims filed in prior fiscal years.

Receipts derived from assessments under section 2 of P.L.1979, c.396 (C.2C:43-3.1) in excess of the amount anticipated and the unexpended balance as of June 30, 2000 are appropriated for payment of claims of victims of crime pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional board operational costs up to \$1,175,000, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from licensing fees pursuant to section 9 of P.L.1990, c.32 (C.2C:58-5) and registration fees pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the unexpended balance as of June 30, 2000 are appropriated for payment of claims for victims of crime pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional board operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from assessments pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) and the unexpended balance as of June 30, 2000 in the Criminal Disposition and Revenue Collection Fund program account, are appropriated for the purpose of offsetting the costs of the design, development, implementation and operation of the Criminal Disposition and Revenue Collection program, subject to the approval of the Director of the Division of Budget and Accounting.

40 New Jersey National Guard
 Challenge Youth Program (864,000)
 40 Joint Federal-State Operations
 and Maintenance Contracts
 (State Share) (887,000)
 99 Affirmative Action and Equal
 Employment Opportunity (5,000)
 Additions, Improvements and Equipment . . (179,000)
 The unexpended balance as of June 30, 2000 in the National Guard-State Active
 Duty account is appropriated for the same purpose.
 The unexpended balance as of June 30, 2000 in the Joint Federal-State Operations
 and Maintenance Contracts (State share) account is appropriated for the same
 purpose.
 Receipts derived from the rental and use of armories and the unexpended balance
 of such receipts as of June 30, 2000 are appropriated for the operation and
 maintenance thereof, subject to the approval of the Director of the Division of
 Budget and Accounting.

GRANTS-IN-AID

40-3620 New Jersey National Guard Support Services . . . \$35,000
 Total Grants-in-Aid Appropriation, Military Services . \$35,000
Grants-in-Aid:
 40 Civil Air Patrol (\$35,000)

CAPITAL CONSTRUCTION

99-3600 Administration and Support Services \$5,070,000
 Total Capital Construction Appropriation,
 Military Services \$5,070,000
Capital Projects:
 99 Fire and Life Safety, Statewide (\$750,000)
 99 Renovations and Improvements,
 Statewide (450,000)
 99 Preservation of Existing Structures (550,000)
 99 Infrastructure Projects, Statewide (400,000)
 99 Environmental Projects, Statewide (500,000)
 99 Rehabilitation of Headquarters
 Building (2,420,000)

80 Special Government Services

83 Services to Veterans

3610 Veterans' Program Support

DIRECT STATE SERVICES

50-3610 Veterans' Outreach and Assistance \$3,859,000
 70-3610 Burial Services 2,095,000
 Total Direct State Services Appropriation,
 Veterans' Program Support \$5,954,000

- 50 Family Service, Mount Holly --
Veterans' Homeless Housing (25,000)
- 50 New Jersey Vietnam Veterans'
Memorial Foundation, Inc. - Distance
Learning Program (90,000)
- 50 Paraplegic and Hemiplegic Veterans'
Allowance (267,000)
- 50 Post-Traumatic Stress Disorder (300,000)

The sums provided hereinabove and the unexpended balances as of June 30, 2000 in the Veterans' Tuition Credit, POW/MIA Tuition Assistance, and the Vietnam Veterans' Tuition Aid accounts are appropriated and available for payment of liabilities applicable to prior fiscal years.

3630 Menlo Park Veterans' Memorial Home

DIRECT STATE SERVICES

- 20-3630 Domiciliary and Treatment Services \$11,102,000
- 99-3630 Administrative and Support Services 4,286,000
- Total Direct State Services Appropriation,
Menlo Park Veterans' Memorial Home \$15,388,000

Direct State Services:

Personal Services:

- Salaries and Wages (\$11,997,000)
- Materials and Supplies (1,961,000)
- Services Other Than Personal (1,097,000)
- Maintenance and Fixed Charges (237,000)
- Additions, Improvements and Equipment . . . (96,000)

In addition to the amount hereinabove, there is appropriated an amount not to exceed \$219,000, as the Director of the Division of Budget and Accounting shall determine, contingent upon approval by the federal Department of Veterans Affairs of a reimbursement for an adult day care program.

3640 Paramus Veterans' Memorial Home

DIRECT STATE SERVICES

- 20-3640 Domiciliary and Treatment Services \$11,773,000
- 99-3640 Administrative and Support Services 3,775,000
- Total Direct State Services Appropriation,
Paramus Veterans' Memorial Home \$15,548,000

Direct State Services:

Personal Services:

- Salaries and Wages (\$12,622,000)
- Materials and Supplies (1,625,000)
- Services Other Than Personal (1,030,000)
- Maintenance and Fixed Charges (184,000)
- Additions, Improvements and Equipment . . . (87,000)

Of the amount appropriated hereinabove for the Department of Military and Veterans' Affairs, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included at page H-44 in the Governor's Budget Recommendation Document dated January 24, 2000, first shall be charged to the State Lottery Fund.

***Summary of Department of Military and Veterans' Affairs Appropriations
(For Display Purposes Only)***

Appropriations by Category:

Direct State Services	\$64,550,000
Grants-in-Aid	1,234,000
Capital Construction	14,370,000

Appropriation by Fund:

General Fund	\$80,154,000
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68 DEPARTMENT OF PERSONNEL

70 Government Direction, Management and Control

74 General Government Services

DIRECT STATE SERVICES

01-2710 Personnel Policy Development and General Administration	\$3,967,000
02-2720 State and Local Government Operations	15,065,000
04-2740 Merit Services	2,171,000
05-2750 Equal Employment Opportunity and Affirmative Action	877,000
07-2770 Human Resource Development Institute	<u>6,058,000</u>
Total Direct State Services Appropriation, General Government Services	<u>\$28,138,000</u>

Direct State Services:

Personal Services:

Merit Service Board	(\$56,000)
Salaries and Wages	(19,704,000)
Materials and Supplies	(543,000)
Services Other Than Personal	(5,651,000)
Maintenance and Fixed Charges	(247,000)

Special Purpose:

01 Affirmative Action and Equal Employment Opportunity	(93,000)
02 Microfilm Service Charges	(29,000)
02 Test Validation/Police Testing	(434,000)
05 Americans with Disabilities Act	(60,000)
07 Sexual Harassment Training Program	(750,000)

Additions, Improvements and Equipment ..	(571,000)
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Receipts derived from fees charged to applicants for open competitive or promotional examinations and the unexpended fee balance as of June 30, 2000 not to exceed \$600,000 collected from fire fighter examination receipts are appropri-

Additions, Improvements and Equipment (8,000)

GRANTS-IN-AID

80-2400 Statewide Planning and Coordination
for Higher Education \$31,563,000
81-2400 Educational Opportunity Fund Programs 34,097,000
Total Grants-in-Aid Appropriation, Higher
Educational Services \$65,660,000

Grants-in-Aid:

80 College Bound (\$2,900,000)
80 Statewide Implementation
of ARTSYS (1,163,000)
80 Excellence in High Technology
Workforce (15,000,000)
80 Support for Statewide Network (350,000)
80 Biomedical and Other Technology
Research (10,000,000)
80 Higher Education for Special
Needs Students (1,100,000)
80 Program for the Education of
Language Minority Students (600,000)
80 Minority Faculty Advancement
Program (450,000)
81 Opportunity Program Grants (21,910,000)
81 Supplementary Education
Program Grants (11,385,000)
81 Martin Luther King Physician -
Dentist Scholarship Act of 1986 (602,000)
81 Ferguson Law Scholarships (200,000)

An amount not to exceed 5% of the total of Higher Education for Special Needs Students and the Program for the Education of Language Minority Students accounts is available for transfer to Direct State Services for the administrative expenses of these programs, as determined by the Director of the Division of Budget and Accounting.

An amount not to exceed \$60,000 of the College Bound account is available for transfer to Direct State Services for the administrative expenses of this program, as determined by the Director of the Division of Budget and Accounting.

An amount not to exceed \$25,000 of the Excellence in High Technology Workforce account is available for the administrative expenses of this program.

The unexpended balances as of June 30, 2000 for the Minority Faculty Advancement Program are appropriated.

Refunds from prior years to the Educational Opportunity Fund Program accounts are appropriated to those accounts.

Notwithstanding the provisions of any other law to the contrary, any funds appropriated as Grants-in-Aid and payable to any senior public college or university which requests approval from the Educational Facilities Authority and the Director of the Division of Budget and Accounting may be pledged as

- 45 Coordinated Garden State
Scholarship Programs (7,562,000)
- 45 Part-Time Tuition Aid Grants --
EOF Students (620,000)
- 45 Miss New Jersey Educational
Scholarship Program (20,000)
- 45 Outstanding Scholar Recruitment
Program (11,400,000)

The sums provided hereinabove and the unexpended balances as of June 30, 2000, in Student Assistance Programs shall be appropriated and available for payment of liabilities applicable to prior fiscal years.

Amounts from the unexpended balance as of June 30, 2000, including refunds recognized after July 31, 2000, in the Tuition Aid Grants account are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, the Higher Education Student Assistance Authority shall provide to all qualified applicants increases to maximum award values that fund, at a minimum, an equal percentage of tuition up to the maximum allowable under the Tuition Aid Grant statute. All other award increases at each institution shall not exceed the percentage increase provided for the maximum award at that institution. All awards provided must be fundable within the amount hereinabove provided for Tuition Aid Grants plus funding from the Part-Time Tuition Aid Grants-EOF Students program and available federal Leveraging Educational Assistance Partnership funds. Reappropriated balances shall be held as a contingency for unanticipated increases in the number of applicants qualifying for Student Assistance Programs awards or to fund shifts in the distribution of awards that result in an increase in total program costs.

From the sums provided hereinabove for Student Assistance Programs, such amounts as may be necessary to fund merit scholarship awards shall be available for transfer to the Coordinated Garden State Scholarship Programs, to the Outstanding Scholar Recruitment Program, and to the Miss New Jersey Educational Scholarship Program, N.J.S.18A:71B-25 et seq., subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law or regulation to the contrary, any institution of higher education which participates in the Student Unit Record Enrollment data system may participate in the Outstanding Scholar Recruitment Program.

2410 Rutgers, The State University
GRANTS-IN-AID

82-2410 Institutional Support	<u>\$1,260,204,000</u>
Subtotal General Operations	<u>\$1,260,204,000</u>

Less:

General Services Income	\$268,873,000
Auxiliary Funds Income	158,147,000
Special Funds Income	418,479,000
Employee Fringe Benefits	107,541,000

and Cranberry Research, \$695,000 for the Snyder Farm Planning and Operation, and \$500,000 for Fruit Research. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the fiscal year 2001 appropriations act, the number of State-funded positions at the Agriculture Experiment Station shall be 414.

**2420 University of Medicine and Dentistry of New Jersey
GRANTS-IN-AID**

82-2420 Institutional Support \$868,492,000
Subtotal General Operations \$868,492,000

Less:

Hospital Services Income \$371,856,000
Core Affiliates Income 5,793,000
General Services Income 73,381,000
Auxiliary Funds Income 5,227,000
Special Funds Income 163,875,000
Employee Fringe Benefits 59,462,000
Total Income Deductions \$679,594,000
Total Appropriation, University of Medicine
and Dentistry of New Jersey \$188,898,000

Special Purpose:

82 General Institutional Operations . . (\$865,005,000)
82 Performance Incentive Funding (1,827,000)
82 New Jersey Area Health Education
Program, School of Osteopathic
Medicine (160,000)
82 Governor's Council for Medical
Research and Treatment of
Infantile Autism (1,500,000)

Less:

Income Deductions 679,594,000

The University of Medicine and Dentistry of New Jersey is authorized to operate its continuing medical-dental education program as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, is retained for such fund.

The unexpended balances as of June 30, 2000, in the accounts hereinabove are appropriated for the purposes of the University of Medicine and Dentistry of New Jersey.

In addition to the sums hereinabove appropriated to the University of Medicine and Dentistry of New Jersey, all revenues from lease agreements between the university and contracted organizations are appropriated.

From the amount hereinabove for the University of Medicine and Dentistry of New Jersey, the Director of the Division of Budget and Accounting may transfer such amounts as deemed necessary to the Division of Medical Assistance and Health Services to maximize federal Medicaid funds.

Less:

<i>General Services Income</i>	<i>\$7,554,000</i>
<i>Fee Increase</i>	<i>302,000</i>
<i>Self Sustaining Income</i>	<i>2,929,000</i>
<i>Employee Fringe Benefits</i>	<i>2,750,000</i>
<i>Total Income Deductions</i>	<i><u>\$13,535,000</u></i>
Total Appropriation, Thomas A. Edison State College	<u>\$6,003,000</u>

Special Purpose:

82 General Institutional Operations ..	(\$19,479,000)
82 Performance Incentive Funding	(59,000)

Less:

Income Deductions

For the purpose of implementing the fiscal year 2001 appropriations act, the number of State-funded positions at Thomas A. Edison State College shall be 171.

**2445 Rowan University
GRANTS-IN-AID**

82-2445 Institutional Support	<u>\$120,128,000</u>
Subtotal General Operations	<u>\$120,128,000</u>

Less:

<i>General Services Income</i>	<i>\$40,541,000</i>
<i>Auxiliary Funds Income</i>	<i>22,172,000</i>
<i>Special Funds Income</i>	<i>6,376,000</i>
<i>Employee Fringe Benefits</i>	<i>12,969,000</i>
<i>Total Income Deductions</i>	<i><u>\$82,058,000</u></i>
Total Appropriation, Rowan University	<u>\$38,070,000</u>

Special Purpose:

82 General Institutional Operations ..	(\$119,697,000)
82 Performance Incentive Funding	(371,000)
82 Pinelands Institute for Natural and Environmental Studies	(60,000)

Less:

Income Deductions

Of the sums hereinabove appropriated for Rowan University, there is \$500,000 for the School of Engineering and \$215,000 for the Camden Urban Center. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the fiscal year 2001 appropriations act, the number of State-funded positions at Rowan University shall be 865.

**2450 New Jersey City University
GRANTS-IN-AID**

82-2450 Institutional Support	<u>\$84,801,000</u>
Subtotal General Operations	<u>\$84,801,000</u>

Less:

General Services Income	\$28,598,000
Auxiliary Funds Income	18,000,000
Special Funds Income	5,262,000
Employee Fringe Benefits	13,805,000
Total Income Deductions	<u>\$65,665,000</u>
Total Appropriation, William Paterson University of New Jersey	<u>\$40,382,000</u>

Special Purpose:

82 General Institutional Operations ..	(\$105,653,000)
82 Performance Incentive Funding	(394,000)

Less:

Income Deductions

65,665,000
Of the sums hereinabove appropriated for William Paterson University of New Jersey, there is \$100,000 for the New Jersey Project and \$65,000 for Outcomes Assessment. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the fiscal year 2001 appropriations act, the number of State-funded positions at William Paterson University of New Jersey shall be 943.

2465 Montclair State University
GRANTS-IN-AID

82-2465 Institutional Support	\$136,964,000
Subtotal General Operations	<u>\$136,964,000</u>

Less:

General Services Income	\$44,902,000
Conservation School Receipts	975,000
Auxiliary Funds Income	18,495,000
Special Funds Income	8,092,000
Employee Fringe Benefits	15,667,000
Total Income Deductions	<u>\$88,131,000</u>
Total Appropriation, Montclair State University	<u>\$48,833,000</u>

Special Purpose:

82 General Institutional Operations ..	(\$133,517,000)
82 Performance Incentive Funding	(447,000)
82 Land Acquisition	(3,000,000)

Less:

Income Deductions

88,131,000
In addition to the sums hereinabove appropriated for Montclair State University, all revenues from lease agreements between Montclair State University and corporations operating satellite relay stations are appropriated.

Of the sums hereinabove appropriated for Montclair State University, there is \$975,000 for the New Jersey State School of Conservation. This account shall be considered a special purpose appropriation for accounting and reporting purposes.

For the purpose of implementing the fiscal year 2001 appropriations act, the number of State-funded positions at Ramapo College of New Jersey shall be 481.

2480 The Richard Stockton College of New Jersey
GRANTS-IN-AID

82-2480 Institutional Support \$69,257,000
 Subtotal General Operations \$69,257,000

Less:

General Services Income \$22,020,000
Auxiliary Funds Income 14,036,000
Special Funds Income 2,344,000
Employee Fringe Benefits 7,969,000
Total Income Deductions \$46,369,000
 Total Appropriation, The Richard Stockton
 College of New Jersey \$22,888,000

Special Purpose:

82 General Institutional Operations . . (\$68,043,000)
 82 Performance Incentive Funding (214,000)
 82 Enrollment-Based Funding Aid (1,000,000)

Less:

Income Deductions 46,369,000

For the purpose of implementing the fiscal year 2001 appropriations act, the number of State-funded positions at the Richard Stockton College of New Jersey shall be 620.

Higher Educational Services

Of the amount hereinabove for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included at page H-44 in the Governor's Budget Recommendation Document dated January 24, 2000, first shall be charged to the State Lottery Fund.

Public colleges and universities are authorized to provide a voluntary employee furlough program.

30 Educational, Cultural and Intellectual Development
37 Cultural and Intellectual Development Services

DIRECT STATE SERVICES

05-2530 Support of the Arts \$679,000
 06-2535 Museum Services 2,294,000
 07-2540 Development of Historical Resources 918,000
 10-2570 Public Broadcasting Services 5,525,000

Total Direct State Services Appropriation,
 Cultural and Intellectual Development
 Services \$9,416,000

Direct State Services:

Personal Services:

Salaries and Wages (\$6,609,000)

(C.52:14E-8.1), subject to the approval of the Director of the Division of Budget and Accounting.
The unexpended balance as of June 30, 2000 in the Underground Railroad Project account is appropriated for the same purpose.

GRANTS-IN-AID

05-2530 Support of the Arts	\$21,160,000
06-2535 Museum Services	535,000
07-2540 Development of Historical Resources	<u>5,946,000</u>
Total Grants-in-Aid Appropriation, Cultural	
and Intellectual Development Services	<u>\$27,641,000</u>

Grants-in-Aid:

05 South Jersey Performing Arts Center ..	(\$750,000)
05 The Public Art Foundation, Inc. -	
Grounds for Sculpture	(150,000)
05 Access to Art, Inc.	(50,000)
05 Surfflight Theater, Ship Bottom	
Borough - Transition Funding	(50,000)
05 Count Basie Theatre, Red Bank	(110,000)
05 New Jersey Repertory Company,	
Long Branch	(50,000)
05 Cultural Projects	(20,000,000)
06 War Memorial Operations	(535,000)
07 Grants in New Jersey History	(189,000)
07 Grants in Afro-American History	(13,000)
07 New Jersey Historical Commission --	
Research Grants	(500,000)
07 Monmouth Historical Association -	
Taylor-Butler House Capital	
Improvements	(100,000)
07 Ellis Island New Jersey Foundation ...	(400,000)
07 Newark - Old Settlers' Monument	
Restoration	(100,000)
07 Humanities Council	(150,000)
07 Atlantic Highlands Historical Society -	
Strauss Mansion Restoration	(25,000)
07 Wheaton Village Exposition Center ...	(125,000)
07 Bordentown Historical Society -	
Meeting House Restoration	(25,000)
07 Encyclopedia of New Jersey, Rutgers	
University Press	(100,000)
07 Island Heights Borough - Wannamaker	
Hall Historic Restoration	(75,000)
07 Boonton Historical Society and Museum -	
Doctor John Taylor House Repairs	(49,000)
07 Alice Paul Centennial Foundation, Inc.-	
Paulsdale	(75,000)

Services Other Than Personal (228,000)
 Maintenance and Fixed Charges (23,000)
 Special Purpose:
 51 Supplies and Extended Services . . . (500,000)

STATE AID

51-2541 Library Services \$15,112,000
 Total State Aid Appropriation, Division of
 State Library \$15,112,000

State Aid:

51 Per Capital Library Aid (\$8,665,000)
 51 Emergency Aid/Incentive Grants (100,000)
 51 Library Network (4,777,000)
 51 Virtual Library Aid (1,000,000)
 51 Library Development Aid (570,000)

CAPITAL CONSTRUCTION

51-2541 Library Services \$400,000
 Total Capital Construction Appropriation,
 Division of State Library \$400,000

Capital Projects:

51 Computerized Research System
 for Users and Staff (\$400,000)

70 Government Direction, Management and Control**74 General Government Services****2505 Office of the Secretary of State****DIRECT STATE SERVICES**

01-2505 Office of the Secretary of State \$3,765,000
 08-2545 Records Management 1,864,000
 Total Direct State Services Appropriation, Office
 of the Secretary of State \$5,629,000

*Direct State Services:**Personal Services:*

 Salaries and Wages (\$3,647,000)
 Materials and Supplies (124,000)
 Services Other Than Personal (291,000)
 Maintenance and Fixed Charges (38,000)

Special Purpose:

 01 Affirmative Action and Equal
 Employment Opportunity (34,000)
 01 Personal Responsibility Program . . (1,000,000)
 01 Martin Luther King Jr.
 Commemorative Commission (193,000)
 08 Integrated Archives and Records
 Management Data System (300,000)
 Additions, Improvements and Equipment (2,000)

Direct State Services:

Personal Services:

Salaries and Wages	(\$43,660,000)
Materials and Supplies	(2,525,000)
Services Other Than Personal	(16,472,000)
Maintenance and Fixed Charges	(879,000)

Special Purpose:

01 Toll Free Telephone Service	(750,000)
01 Reflectorized Plates	(3,852,000)
01 Vehicle Inspection Program ...	(26,949,000)
01 Debt Service for Equipment	
Purchases	(2,005,000)
01 Agency Operations	(15,009,000)
01 Ten Year Digitized Driver's	
License	(3,600,000)
01 Graduated Drivers License	(2,349,000)
01 Agency Employee Merit Increases .	(415,000)
01 On-Line Registrations	(2,100,000)
01 Private Inspection Facilities	
Reimbursement Program	(3,000,000)
18 Security Responsibility --	
Agency Operations	(1,427,000)

Additions, Improvements and Equipment . . (723,000)

Sums required for the processing of credit card transaction fees are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for the Uninsured Motorist Program are appropriated for the purpose of implementing an Insurance Verification System, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 2000 in the Auto Body Licensing and Enforcement program account, together with any receipts in excess of the amount anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from motorbus petition and inspection fees are appropriated for the purpose of administering the Motorbus Regulation program, subject to the approval of the Director of the Division of Budget and Accounting.

Funds necessary to defray the cost of collection to implement the provisions of P.L.1994, c.64 (C.17:29A-35 et seq.), as well as the cost of billing and collection of surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982 - Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.) as amended, are appropriated from fees in lieu of actual cost of collection receipts and from surcharges derived, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 2000 in the Litigation Service Fees - Delinquent Surcharge Program, is appropriated for the implementation and

reasonable and necessary expenses of the Division of State Police and the Department of Transportation - Division of Motor Vehicles in the performance of commercial truck safety and emission inspections, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the new fees available with the implementation of the Enhanced Inspection and Maintenance Program derived pursuant to subsection d. of section 5 of P.L.1995, c.112 (C.39:8-45), subsection b. of section 7 of P.L.1995, c.112 (C.39:8-47), section 8 of P.L.1995, c.112 (C.39:8-48), subsection a. of section 12 of P.L.1995, c.112 (C.39:8-52), subsection a. of section 13 of P.L.1995, c.112 (C.39:8-53), section 14 of P.L.1995, c.112 (C.39:8-54), paragraph (2) of subsection i. of R.S.39:8-2, and subsections c. and e. of R.S.39:8-9, are deposited in the "Motor Vehicle Inspection Fund" and are appropriated for the Vehicle Inspection Program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived pursuant to the New Jersey Medical Service Helicopter Response Act under section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police and the Department of Health and Senior Services to defray the operating costs of the program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.). The unexpended balance as of June 30, 2000 is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of helicopter equipment, subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated hereinabove for the Security Responsibility program classification as well as an amount for central rent, fringe benefits and indirect costs shall be reimbursed from receipts received from mutual associations and stock companies writing motor vehicle liability insurance within the State under section 2 of P.L.1952, c.176 (C.39:6-59), subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 2000 in the Ten Year Digitized Driver's License account are appropriated.

CAPITAL CONSTRUCTION

Notwithstanding the provisions of P.L.1995, c.112 (C.39:8-41 et al.), if the increase in capital costs for the implementation of the Enhanced Inspection and Maintenance program exceeds the available funding from federal Congestion Mitigation and Air Quality Improvement funds, there are appropriated such sums as are necessary for the capital or debt service costs of the Enhanced Inspection and Maintenance program, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

60 Transportation Programs 61 State and Local Highway Facilities

DIRECT STATE SERVICES

06-6100 Maintenance and Operations	\$82,424,000
08-6120 Physical Plant and Support Services	<u>8,075,000</u>
Total Direct State Services Appropriation, State and Local Highway Facilities	<u>\$90,499,000</u>

maintenance or improvement of transportation property, equipment and facilities.

The sum provided hereinabove for the Transportation Trust Fund Account shall first be provided from revenues received from motor fuel taxes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution, and from funds received or receivable from the various transportation-oriented authorities pursuant to contracts between the authorities and the State, together with such additional sums pursuant to P.L.1984, c.73 (C.27:1B-1 et al.) and R.S.54:39-27 as amended, as may be necessary to satisfy all fiscal year 2001 debt service, bond reserve requirements, and other fiscal obligations of the New Jersey Transportation Trust Fund Authority.

Notwithstanding any other requirements of law, the department may expend necessary sums for improvements to streets and roads providing access to State facilities within the capital city without local participation.

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), in order to provide the department with flexibility in administering the appropriations identified, the Commissioner of Transportation may transfer funds, subject to the approval of the Director of the Division of Budget and Accounting, from projects included in the approved program to the Hudson-Bergen Light Rail Transit system project in an amount sufficient to satisfy the New Jersey Transportation Trust Fund Authority's obligation to pay debt service on the grant anticipation notes issued or to be issued by the New Jersey Transit Corporation but only to the extent that monies are not otherwise available for the payment of debt service from non-State funds received for the Hudson-Bergen Light Rail Transit System.

Notwithstanding any other provision of law, the Department of Transportation may transfer Transportation Trust Fund monies to federal projects contracted in federal fiscal years 1999, 2000, and 2001 until such time as federal funds become available for the projects. These transfers shall be subject to the approval of the Director of the Division of Budget and Accounting, and the Legislative Budget and Finance Officer. Subject to the receipt of federal funds, the Transportation Trust Fund shall be reimbursed for all the monies that were transferred to advance federally funded projects.

The unexpended balance as of June 30, 2000 in this department is appropriated.

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.) to the contrary, there is appropriated the sum of \$445,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the specific projects identified under the six general program headings as follows:

Route	Section	Description	County	Amount
1.	CONSTRUCTION			
		Access management	Various	(\$500,000)
		Access permit application review	Various	(200,000)
		Adopt-A-Highway program	Various	(100,000)
		Airport Safety Fund	Various	(2,000,000)
		Allaire airport	Monmouth	(3,000,000)

		Restriping program	Various	(3,000,000)
		Resurfacing program	Various	(8,725,000)
		Right-of-way inventory, computerize	Various	(100,000)
		Schooley's Mountain Road bridge over south branch of Raritan River, preservation	Morris	(100,000)
		Solid and hazardous waste cleanup, reduction and disposal	Various	(2,910,000)
		State Police enforcement and safety services	Various	(2,000,000)
		Traffic signal relamping	Various	(1,700,000)
		Traffic signal replacement	Various	(2,000,000)
		Training and technology development	Various	(750,000)
		TRANSCOM	Various	(400,000)
		Transportation Demand Management/Smart Moves Program	Various	(500,000)
		Unanticipated design, right- of-way, and construction expenses	Various	(11,286,000)
		Underground exploration for utility facilities	Various	(150,000)
		University Transportation Research Technology	Various	(2,000,000)
		USS New Jersey port facility	Camden	(500,000)
		Utility reconnaissance and relocation	Various	(1,000,000)
1		Grade separated interchange at Meadow Road	Mercer	(1,900,000)
10	4L	Intersection improvement at Ridgedale Avenue	Morris	(6,900,000)
13		Bridge over Inland Waterway Canal, drawbridge operating system replacement	Ocean	(1,500,000)
29	(1)	Delaware Avenue, drainage line	Hunterdon	(3,000,000)
29	10C 11B	Ferry Street to Lamberton Road, system connectivity	Mercer	(8,000,000)
30	11A	Bridges over Atlantic City Line and Albertson's Branch, replacement	Camden	(7,700,000)
31	6E 6F	River Road to Stanton Station Road, widening	Hunterdon	(3,000,000)
33		Freehold Bypass completion; Halls Mill Road to Route 33 at Fairfield Road	Monmouth	(25,000,000)
46		Replace bridge over Peckmans River	Passaic	(1,400,000)
76	3N 2V	Walt Whitman bridge to	Camden	
295	11G	Route 73, noise barriers	Burlington	(2,000,000)

30	Project development, preliminary engineering Admiral Wilson Boulevard, vicinity of Baird Boulevard, drainage improvements	Various	(3,500,000)
33	Washington Township Bypass, Route 33 from west of Washington Boulevard to Route 130 in vicinity of South Gold Drive	Camden	(450,000)
5. PLANNING		Mercer	(100,000)
6. LOCAL AID	Planning and research	Various	(1,000,000)
	County Aid	Various	(58,500,000)
	Municipal aid	Various	(58,500,000)
	Discretionary aid:		
	County and municipal	Various	(13,000,000)

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), in order to provide the department with flexibility in administering the appropriations identified, the Commissioner of Transportation may transfer funds among projects within the same general program heading subject to the approval of the Director of the Division of Budget and Accounting. The Commissioner of Transportation shall apply to the Director of the Division of Budget and Accounting for permission to transfer funds among projects within different program headings. If the Director of the Division of Budget and Accounting shall consent thereto, the request to transfer funds among projects within different program headings shall be transmitted to the Legislative Budget and Finance Officer for approval or disapproval then returned to the Director of the Division of Budget and Accounting. The Joint Budget Oversight Committee or its successor shall be empowered to review all transfers submitted to the Legislative Budget and Finance Officer and may direct said Legislative Budget and Finance Officer to approve or disapprove any transfer.

From the amounts appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for fiscal year 2001 transportation capital program, the Commissioner of Transportation shall allocate and transfer up to \$2,000,000, from a part or all of any item or items, pursuant to the provisions of a Memorandum of Understanding between the Department of Transportation and the South Jersey Transportation Authority for the purpose of seeking regularly scheduled air service to and from Atlantic City International Airport.

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.) to the contrary, there is appropriated the sum of \$385,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the specific projects identified as follows:

NEW JERSEY TRANSIT CORPORATION

Route	Section	Description	County	Estimated Cost
		Accessibility for people with disabilities; platforms/stations	Various	(\$3,560,000)

Rail support facilities and equipment	Various	(20,030,000)
Railroad associated capital maintenance	Various	(8,020,000)
Signals and communications	Various	(19,660,000)
Southern New Jersey Light Rail Transit System	Mercer Burlington Camden	(48,000,000)
Study and development	Various	(2,330,000)
Track program	Various	(10,100,000)
Tunnel and bridge rehabilitation	Various	(13,500,000)

The total expenditure of the Department of Transportation, under the New Jersey Transit Corporation general program heading with an "Estimated Cost" exceeding \$385,000,000 by \$50,000,000, shall not exceed \$385,000,000 and shall be subject to the following conditions:

(a) On or before the 180th day after the effective date of this act, the Commissioner of Transportation shall transmit to the Senate Transportation Committee and the Assembly Transportation Committee a list of the specific projects identified hereinabove with the amounts of allotments for each project.

(b) The total allotments for all projects shall not exceed \$385,000,000 and the maximum allotment allowed for each project shall not exceed 110% of the amount of "Estimated Cost" for each project listed hereinabove.

(c) Any change to the allotment amount listed for a project as transmitted to the committees, which results in an allotment amount for that project not greater than or equal to 110% of the "Estimated Cost" for the project, may be made by the commissioner upon written notice thereof to the committees.

(d) Any change to the allotment amount listed for a project as transmitted to the committees, which results in an allotment amount for that project greater than 110% of the "Estimated Cost" for the project, shall be subject to the approval of the Director of the Division of Budget and Accounting, and the Joint Budget Oversight Committee.

From the amounts appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for fiscal year 2001 transportation capital program, the Commissioner of Transportation shall allocate and transfer up to \$5,000,000, from a part or all of any item or items, for the Newark-Elizabeth Rail Link Project.

Notwithstanding the provisions of subsection r. of section 3 of P.L.1984, c.73 (C.27:1B-3), sums from the Transportation Trust Fund shall be available, subject to the approval of the Director of the Division of Budget and Accounting, for work necessary for preserving or maintaining the useful life of transportation projects that ensures the useful life of the project for not less than five years.

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.) to the contrary, there is appropriated the sum of \$70,000,000 from the revenue and other funds of the New Jersey Transportation Trust Fund Authority for projects to be designated by the Department of Transportation within 90 days after July 1, 2000, subject to the approval of the Director of the Division of Budget and

Materials and Supplies	(131,187,000)
Services Other Than Personal	(75,800,000)
Special Purpose:	
04 Leases and Rentals	(2,000,000)
04 Purchased Transportation	(104,600,000)
04 Insurance and Claims	(26,400,000)
04 Tolls, Taxes and Other Operating Expenses	(54,600,000)
04 24 Hour Reduced Fare Program -- Senior Citizen and Disabled	(4,000,000)

Less:

Income Deductions 811,903,000

In addition to the amount appropriated hereinabove, \$2,000,000 is appropriated from the Petroleum Overcharge Reimbursement Fund for the purpose of increasing the use of public transportation.

STATE AID

04-6050 Railroad and Bus Operations	\$23,754,000
(From Casino Revenue Fund)	\$23,754,000)
Total State Aid Appropriation, Public Transportation	<u>\$23,754,000</u>
(Total From Casino Revenue Fund)	\$23,754,000)

State Aid:

04 Transportation Assistance for Senior Citizens and Disabled Residents (CRF)	(\$23,754,000)
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The unexpended balance as of June 30, 2000, in this account is appropriated.

Counties which provide para-transit services for sheltered workshop clients may seek reimbursement for such services pursuant to P.L.1987, c.455 (C.34:16-51 et seq.).

64 Regulation and General Management**DIRECT STATE SERVICES**

05-6070 Access and Use Management	\$1,446,000
99-6000 Administration and Support Services	<u>9,882,000</u>
Total Direct State Services Appropriation, Regulation and General Management	<u>\$11,328,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$4,067,000)
Materials and Supplies	(424,000)
Services Other Than Personal	(4,873,000)
Maintenance and Fixed Charges	(188,000)

Special Purpose:

05 Airport Safety Fund	(965,000)
99 Office of Maritime Resources	(350,000)

66 DEPARTMENT OF THE TREASURY
30 Educational, Cultural and Intellectual Development
36 Higher Educational Services
GRANTS-IN-AID

47-2155 Support to Independent Institutions	\$31,115,000
49-2155 Miscellaneous Higher Education Programs	<u>68,571,000</u>
Total Grants-in-Aid Appropriation, Higher Educational Services	<u>\$99,686,000</u>
<i>Grants-in-Aid:</i>	
47 Aid to Independent Colleges and Universities	(\$25,245,000)
47 Clinical Legal Programs for the Poor -- Seton Hall University (P.L.1996, c.52) ..	(200,000)
47 Monmouth University - Multi-Purpose Regional Activity Center	(3,500,000)
47 Institute of Law and Mental Health -- Seton Hall University	(190,000)
47 Einstein Chair for Scholarly Studies at the Institute for Advanced Study	(65,000)
47 Discrete Mathematics and Computer Science Center -- Institute for Advanced Study	(150,000)
47 Institute for Advanced Study -- Park City Mathematics Institute	(150,000)
47 Richard J. Hughes Chair for Constitutional and Public Law and Service at Seton Hall University	(65,000)
47 Alfred E. Driscoll Chair in Pharmaceutical/ Chemical Studies at F.D.U.	(65,000)
47 Laurie Chair in Women's Studies at Douglass College	(75,000)
47 Will and Ariel Durant Chair in the Humanities at St. Peters College	(65,000)
47 Small Business and Entrepreneurship Chair at Rutgers University	(65,000)
47 Raoul Wallenberg Visiting Professorship in Human Rights -- Rutgers University ..	(100,000)
47 Millicent Fenwick Research Professorship in Education at Monmouth University ...	(75,000)
47 Research Under Contract with the Institute of Medical Research, Camden ..	(1,000,000)
47 Monmouth University -- Program for Acceleration in Computer Science Careers	(5,000)
47 Higher Education Incentive Grant Fund	(2,500,000)
47 Higher Education Incentive Endowment Fund	(2,500,000)

The unexpended balances as of June 30, 2000 for the Higher Education Incentive Grant Fund and the Higher Education Incentive Endowment Fund are appropriated.

STATE AID

48-2155 Aid to County Colleges	<u>\$191,155,000</u>
Total State Aid Appropriation, Higher Educational Services	<u>\$191,155,000</u>

State Aid:

48 Operational Costs	(\$143,884,000)
48 Debt Service, N.J.S.18A:64A-22	(27,205,000)
48 Employer Contributions -- Alternate Benefit Program	(16,141,000)
48 Employer Contributions -- Teachers' Pension and Annuity Fund	(146,000)
48 Additional Health Benefits	(3,259,000)
48 Employer Contributions -- FICA for County College Members of Teachers' Pension and Annuity Fund	(450,000)
48 Debt Service on Pension Obligation Bonds	(70,000)

Such sums as may be necessary for the payment of interest or principal or both, due from the issuance of any bonds authorized under the provisions of section 1 of P.L.1971, c.12 (C.18A:64A-22.1) are appropriated.

In addition to the sum hereinabove appropriated to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Higher Educational Services

Of the amount hereinabove for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page H-44 in the Governor's Budget Recommendation Document dated January 24, 2000, first shall be charged to the State Lottery Fund.

50 Economic Planning, Development and Security

51 Economic Planning and Development

DIRECT STATE SERVICES

13-2031 Economic Research	\$433,000
38-2049 Economic Development	<u>369,000</u>
Total Direct State Services Appropriation, Economic Planning and Development	<u>\$802,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$572,000)
Materials and Supplies	(47,000)

the New Jersey Israel Commission; \$200,000 for Trade and Investment Events; \$150,000 for the Promotion of Agricultural Exports; and \$75,000 for the Business Resource Center, except that the amount for the Cooperative Marketing Program is available for expenditure only to the extent that an amount equal to 25% of the State funds are expended from funds raised by the Commerce Commission, pursuant to subsection j. of section 9 of P.L.1977, c.225 (C.34:1A-53), through contributions from private tourism industry concerns and non-State public entities as determined by the Director of the Division of Budget and Accounting. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

Subject to the approval of the Director of the Division of Budget and Accounting, of the sums hereinabove appropriated, or otherwise made available, for the Office of Sustainability, the Chief Executive Officer and Secretary is authorized to contract with the New Jersey Economic Development Authority which shall finance loans to sustainable businesses.

Subject to the approval of the Director of the Division of Budget and Accounting, there is appropriated to the New Jersey Commerce and Economic Growth Commission, from the General Fund such sums as may be necessary, as certified by the Commissioner and the Director of the Division of Taxation, to fund business relocation grants made under the "Business Relocation Assistance Act," the amount of which shall not exceed the new income tax revenues as defined in section 2 of P.L.1996, c.25 (C.34:1B-113). In addition to the report required pursuant to section 10 of P.L.1996, c.25 (C.34:1B-121), the Chief Executive Officer and Secretary of the Commission shall provide the Joint Budget Oversight Committee, on or before November 1, 2000, with a report of the grants funded in the prior fiscal year including, but not limited to, a summary of each grant agreement and the amount of each grant funded in that year.

There is appropriated from the Enterprise Zone Assistance Fund such sums as are necessary for administrative services provided by the New Jersey Commerce and Economic Growth Commission in accordance with the provisions of section 11 of P.L.1993, c.367 (C.52:27H-65.1), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount allocated by the Commission for the Advertising and Promotion account, the Commission shall expend such amounts as the Chief Executive Officer and Secretary determines will encourage the optimum effective continuing operation of each of the Tourist Welcome Centers, including but not limited to, the transfer of the operation of the centers to private, non-profit entities, whether under lease arrangements or such other agreements as the director may determine.

The Chief Executive Officer and Secretary of the Commission shall report semi-annually on the expenditure of State funds and private contributions during the preceding six months for the Advertising and Promotion Program and the Travel and Tourism, Advertising and Promotion - Cooperative Marketing Program. The first semi-annual report covering the first six months of fiscal year 2001 shall be completed not later than January 31, 2001, the second semi-annual report covering the second six months of fiscal year 2001 shall be

Direct State Services:

Personal Services:

Salaries and Wages	(\$529,000)
Materials and Supplies	(9,000)
Services Other Than Personal	(61,000)
Maintenance and Fixed Charges	(11,000)
Additions, Improvements and Equipment	(6,000)

GRANTS-IN-AID

39-2042 New Jersey Commission on Science and Technology	<u>\$23,905,000</u>
Total Grants-in-Aid Appropriation, New Jersey Commission on Science and Technology	<u>\$23,905,000</u>

Grants-in-Aid:

39 Research and Development Programs	(\$11,838,000)
39 Business Assistance	(2,095,000)
39 New Specialized Incubators	(5,000,000)
39 Technology Transfer Programs	(4,972,000)
The unexpended balances as of June 30, 2000 in the Science and Technology grant accounts are appropriated.	

52 Economic Regulation**DIRECT STATE SERVICES**

53-2018 Ratepayer Advocacy	\$4,234,000
54-2008 Utility Regulation	6,357,000
55-2004 Regulation of Cable Television	1,577,000
97-2016 Regulatory Support Services	3,393,000
99-2003 Administration and Support Services	<u>7,804,000</u>
Total Direct State Services Appropriation, Economic Regulation	<u>\$23,365,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$19,883,000)
Materials and Supplies	(355,000)
Services Other Than Personal	(2,245,000)
Maintenance and Fixed Charges	(590,000)

Special Purpose:

53 Ratepayer Advocacy	(20,000)
Additions, Improvements and Equipment	(272,000)

In addition to the sum hereinabove, such other sums as the Director of the Division of Budget and Accounting shall determine are appropriated on behalf of the Board of Public Utilities under P.L.1968, c.173 (C.48:2-59 et seq.) and P.L.1972, c.186 (C.48:5A-32 et seq.), or other applicable statutes with respect to assessment of public utilities or the cable television industry.

Receipts derived from fees are appropriated.

73 Financial Administration
DIRECT STATE SERVICES

15-2080	Taxation Services and Administration	\$89,134,000
16-2090	Administration of State Lottery	16,365,000
17-2105	Administration of State Revenues	26,748,000
19-2120	Management of State Investments	5,583,000
25-2095	Administration of Casino Gambling	24,242,000
	<i>(From Casino Control Fund</i>	<i>\$24,242,000)</i>
50-2027	Commercial Recording	<u>4,687,000</u>
	Total Direct State Services Appropriation,	
	Financial Administration	<u>\$166,759,000</u>
	<i>(Total From General Fund</i>	<i>\$142,517,000)</i>
	<i>(Total From Casino Control Fund</i>	<i>24,242,000)</i>

Direct State Services:

Personal Services:

Chairman and Commissioners (CCF)	.. (\$455,000)
Salaries and Wages	..... (83,455,000)
Salaries and Wages (CCF)	..... (16,531,000)
Employee Benefits (CCF)	..... (4,528,000)
Materials and Supplies	..... (5,534,000)
Materials and Supplies (CCF)	..... (243,000)
Services Other Than Personal	..... (39,270,000)
Services Other Than Personal (CCF)	..... (888,000)
Maintenance and Fixed Charges	..... (1,495,000)
Maintenance and Fixed Charges (CCF)	... (1,297,000)

Special Purpose:

15 New Jersey Property Assessment	
Tax System	..... (8,500,000)
17 Revenue Management System	... (2,500,000)
17 Wage Reporting/Temporary	
Disability Insurance	..... (1,524,000)
25 Administration of Casino	
Gambling (CCF)	..... (105,000)
Additions, Improvements and Equipment	... (239,000)
Additions, Improvements and	
Equipment (CCF)	..... (195,000)

So much of the receipts derived from the sale of confiscated equipment, materials and supplies under the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.), as may be necessary for confiscation, storage, disposal and other related expenses thereof, are appropriated.

Notwithstanding the provision of any law to the contrary, there shall be no retroactive payment for refunds due under section 9 of P.L.1976, c.141 (C.58:10-23.1h) as amended pursuant to section 1 of P.L.1997, c.134 for the period from January 1, 1996, through June 26, 1997, appropriated from the Spill Compensation Fund.

Such sums as may be necessary for the administration of the homestead property tax reimbursement established pursuant to P.L.1997, c.348 (C.54:4-8.67 et seq.)

c.13 (C.5:9-1 et seq.) and for payment for commissions, prizes and expenses of developing and implementing games pursuant to section 7 of P.L.1970, c.13 (C.5:9-7).

In addition to the amounts hereinabove, State Lottery Fund receipts in excess of anticipated contributions to education and State institutions, and reimbursement of administrative expenditures, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

Notwithstanding the provisions of any other law to the contrary, there are appropriated out of receipts derived from communications fees such sums as may be necessary for telecommunications costs required in the administration of the State Lottery.

Notwithstanding the provisions of any other law to the contrary, there are appropriated out of receipts derived from the sale of advertising and/or promotional products by the State Lottery, such sums as may be necessary for advertising costs required in the administration of the State Lottery pursuant to P.L.1970, c.13 (C.5:9-1 et seq.).

The Director of the Division of Budget and Accounting is hereby authorized to transfer or credit such sums as are necessary between the Department of Labor and the Department of the Treasury for the administration of revenue collection and processing functions related to the Unemployment Insurance, Temporary Disability Insurance, Workers Compensation, Special Compensation Programs, the Health Care Subsidy Fund, and Workforce Development Partnership program.

The amounts hereinabove for the Wage Reporting/Temporary Disability Insurance program are payable out of the State Disability Benefits Fund, and in addition to the amounts hereinabove, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer revenue collection associated with the Temporary Disability Insurance program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated from the over-the-counter surcharges are appropriated to meet the costs of the Bureau of Commercial Recording, subject to the approval of the Director of the Division of Budget and Accounting.

Funds necessary to defray the cost of collection to implement the provisions of P.L.1994, c.64 (C.17:29A-35 et seq.), as well as the cost of billing and collection of surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982 - Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.) as amended, are appropriated from fees in lieu of actual cost of collection receipts and from surcharges derived, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of investment transactions, such sums as may be necessary to administer the above investment activity.

There are appropriated, out of receipts derived from the investments of State funds, such sums as may be necessary for bank service charges, custodial costs,

- The Director of the Division of Budget and Accounting is empowered to transfer or credit to any central data processing center any appropriation made to any department which had been appropriated or allocated to such department for its share of costs of such data processing center including the replacement of data processing equipment and the purchase of additional data processing equipment.
- There are appropriated, out of receipts derived from service fees billed to political subdivisions for the operating costs of the cooperative purchasing program, such sums as may be necessary to administer and operate the above purchasing activity.
- Notwithstanding the provision of any other law to the contrary, there are appropriated from receipts derived from vendor registration fees sufficient sums for services and expenses related to the development, letting and administration of commodity or service contracts.
- There are appropriated, out of receipts derived from service fees billed to authorities for the handling of insurance procurement and risk management services, such sums as may be necessary to administer the above insurance and risk management activities.
- Notwithstanding the provisions of any other law to the contrary, there are appropriated, out of the receipts derived from third party subrogation, such sums as may be necessary for the administrative expenses of this program.
- Notwithstanding the provisions of section 15 of article 6 of P.L.1944, c.112 (C.52:27B-67), revenues in excess of the anticipation derived from the sale of surplus State vehicles are available for the replacement of Central Motor Pool temporary assignment vehicles, subject to the approval of the Director of the Division of Budget and Accounting.
- Proceeds derived from commissions are credited to defray administrative costs incurred as a result of the management of the travel contract.
- The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Capitol Post Office revolving fund any appropriation made to any department for postage costs appropriated or allocated to such departments for their share of costs of the Capitol Post Office.
- The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Print Shop revolving fund any appropriation made to any department for printing costs appropriated or allocated to such departments for their share of costs of the Print Shop and the Office of Printing Control.
- The unexpended balance in the State Purchase Fund as of June 30, 2000, and the reimbursements thereto, are appropriated for the purpose of making payments for purchases under R.S.52:25-1 et seq., and for the expenses of handling, storing and transporting purchases so made and for administration of the Distribution Center.
- There are appropriated out of revenues received from the sale of surplus property, sufficient sums for the administrative costs of the Distribution Center-Surplus Property Unit.
- There are available from the savings in property rental accounts derived from warehouse space consolidation and elimination, such sums as may be required to implement and administer the warehouse space utilization program in the

costs in order for the Garden State Preservation Trust to fulfill its statutory responsibility and achieve land preservation goals.

In addition to the amounts hereinabove, there are appropriated such additional sums as may be necessary for independent audits of the State's pension systems, provided that such appropriations shall be reimbursed to the General Fund from the resources available to the various pension funds.

Notwithstanding the provisions of any law to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits and the Division of Investments shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. In addition to the amounts hereinabove, there are appropriated such sums as may be necessary for administrative costs, which shall include bank service charges, investment services, and any other such costs as are related to the management of the pension and health benefit programs, as the Director of the Division of Budget and Accounting, shall determine. In addition, revenue resulting from such charges to the various pensions and health benefit funds, payable on a schedule to be determined by the Director of the Division of Budget and Accounting, shall be credited to the General Fund as anticipated revenue.

There are appropriated sufficient sums as may be required for the expenses of the Pensions and Health Benefits Commission, provided that such appropriation shall be reimbursed to the General Fund from the resources available to the various pensions and health benefits funds.

Notwithstanding the provisions of any law to the contrary, there are appropriated from the Capital City Redevelopment Loan and Grant Fund such sums as may be required to provide for expenses, programs, and strategies which will enhance the vitality of the capital district as a place to live, visit, work and conduct business, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

40-2034 Office of Information Technology \$11,015,000
 Total Capital Construction Appropriation,
 General Government Services \$11,015,000

Capital Projects:

Office of Information Technology

Preservation Projects --

Information Processing (\$1,765,000)

Data Center Upgrades and

Consolidation (4,896,000)

Duplex Printing (1,239,000)

Construction of Loading Dock (115,000)

E-Government Infrastructure (2,500,000)

Trenton Campus Fiber Optic Network .. (500,000)

New Jersey State Library

84-2078 Direct Tax Relief	<u>381,689,000</u>
(Total From General Fund	\$45,000,000)
(From Property Tax Relief Fund	336,689,000)
Total Grants-in-Aid Appropriation, State	
Subsidies and Financial Aid	<u>\$727,388,000</u>
(Total From General Fund	\$45,000,000)
(Total From Property Tax	
Relief Fund	682,388,000)

Grants-in-Aid:

33 Homestead Property Tax Rebates for Homeowners and Tenants (PTRF)	(\$335,100,000)
33 Senior and Disabled Citizens Property Tax Freeze (P.L.1997, c.348) (PTRF)	(10,599,000)
84 New Jersey Earned Income Tax Credit	(45,000,000)
84 NJ SAVER Program (PTRF)	(336,689,000)

Any unobligated balances remaining from funds in the New Jersey Earned Income Tax Credit account in fiscal 2001 and thereafter shall be transferred to the Department of Human Services to be spent on programs that allow the department to comply with the State Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, and as legislatively required by the Work First New Jersey program, section 4 of P.L.1997, c.38 (C.44:10-58), subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for payments to homeowners and tenants qualifying for homestead property tax rebates, subject to the limitations and conditions provided in this act.

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for payments of property tax credits to homeowners and tenants pursuant to the "Property Tax Deduction Act," P.L.1996, c.60 (C.54A:3A-15 et seq.).

Notwithstanding the provisions of P.L.1997, c.348 (C.54:4-8.67 et seq.), the amount hereinabove for the Senior and Disabled Citizens Property Tax Freeze, and any additional sum which may be required for this purpose, is appropriated from the Property Tax Relief Fund.

The appropriation hereinabove for NJ SAVER Program grants shall be made available as provided for by the "New Jersey School Assessment Valuation Exemption Relief and Homestead Property Tax Rebate Act," P.L.1999, c.63 (C.54:4-8.57 et al.).

In addition to the amount appropriated herein, there is appropriated from the Property Tax Relief Fund such additional sums as may be required for payments to homeowners and tenants qualifying for direct school tax relief, subject to the limitations and conditions provided in the "New Jersey School

- 34 State Reimbursement for Veterans'
Property Tax Relief Exemption
(PTRF) (35,039,000)
- 35 Debt Service on Pension Obligation
Bonds (6,539,000)
- 35 Police and Firemen's Retirement System,
Health Benefits (5,729,000)
- 35 Police and Firemen's Retirement System . (626,000)

The Director of the Division of Budget and Accounting shall reduce amounts provided to any municipality from the appropriations hereinabove by the difference, if any, between pension contribution savings, and the amount of Consolidated Municipal Property Tax Relief Aid payable to such municipality.

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 "South Jersey Port Corporation Debt Service Reserve Fund" under section 14 of P.L.1968, c.60 (C.12:11A-14), the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove for School Construction and Renovation, \$4,500,000 of the total earnings of investments of the School Fund shall first be charged to such fund.

Of the amount hereinabove for the School Construction and Renovation Fund, such sums as the Director of the Division of Budget and Accounting shall determine, shall be charged to the State Lottery Fund.

In addition to the amount hereinabove for School Construction and Renovation Fund, pursuant to P.L.2000, c.72 (C.18A:7G-1 et al.), an additional amount not to exceed \$10,000,000 is appropriated for administrative costs, as determined by the Director of the Division of Budget and Accounting. The director and the Commissioner of Education shall provide a detailed report of the expenditure of these amounts to the Governor and the President of the Senate and the Speaker of the General Assembly.

The unexpended balance as of June 30, 2000 in the School Construction and Renovation Fund account is appropriated for the same purpose.

Notwithstanding the provisions of any other law to the contrary, the amount hereinabove for Solid Waste Management-County Environmental Investment Debt Service Aid, in addition to an amount not to exceed \$13,000,000 and the unexpended balance as of June 30, 2000 in this account, is appropriated to subsidize county and county authority debt service payments for environmental investments incurred as of June 30, 1997, pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) and the "Solid Waste Utility Control Act," P.L.1970, c.40 (C.48:13A-1 et seq.) and to subsidize county due obligations financed through county taxes pursuant to a settlement agreement approved by the Department of Environmental Protection prior to December 1, 1997 that financed solid waste facilities that were part of a solid waste plan approved by the Department of Environmental Protection and which were the subject of an interdistrict agreement, in accordance with the criteria and program guidelines established by the Commissioners of the Departments of Community Affairs and Environmental Protection and the State Treasurer,

Director of the Division of Local Government Services to municipalities in January, 2000 in the Municipal State Aid certifications.

The State Treasurer may pay the amount hereinabove for the South Jersey Port Corporation Property Tax Reserve Fund directly to the City of Camden, any provision of law to the contrary notwithstanding and in the absence of an approved agreement between the Corporation and the city pursuant to section 20 of P.L.1968, c.60 (C.12:11A-20), upon notification from the Commissioner of the Department of Community Affairs that the payment is anticipated as revenue in any city budget adopted by the city with the approval of the Camden Financial Review Board.

In addition to the amount hereinabove, there is appropriated from the Property Tax Relief Fund such additional sums as may be required for State reimbursement to municipalities for senior and disabled citizens' and veterans' property tax exemptions.

The unexpended balance as of June 30, 2000 in the Disabled Veteran's Property Tax Exemption: Retroactive Reimbursement account is appropriated.

There is appropriated from the Property Tax Relief Fund such additional sums as may be required for the payment of claims that are now pending adjudication, attributable to disabled veterans' property tax exemption retroactive reimbursements, subject to the approval of the Director of the Division of Budget and Accounting.

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.

76 Management and Administration

DIRECT STATE SERVICES

86-2047 Local Budget Government Review	\$3,690,000
98-2006 Contract Compliance and Equal Employment Opportunity in Public Contracts	1,431,000
99-2000 Administration and Support Services	<u>7,815,000</u>
Total Direct State Services Appropriation, Management and Administration	<u>\$12,936,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$7,330,000)
Materials and Supplies	(93,000)
Services Other Than Personal	(1,724,000)
Maintenance and Fixed Charges	(76,000)

Special Purpose:

86 Local Budget Government Review	(3,690,000)
99 Federal Liaison Office, Washington, D.C.	(23,000)

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.

Materials and Supplies (741,000)
 Services Other Than Personal (16,804,000)
 Maintenance and Fixed Charges (438,000)

Special Purpose:

57 Continuous Representation --
 Title 9 to Title 30 (3,218,000)
 58 Representation of Civilly
 Committed Sexual Offenders (602,000)
 99 Affirmative Action and Equal
 Employment Opportunity (64,000)

Additions, Improvements and Equipment . . . (810,000)

Sums provided for legal and investigative services are available for payment of obligations applicable to prior fiscal years.

In addition to the amount hereinabove for the operation of the Public Defender's office there are appropriated additional sums as may be required for Trial and Appellate services to indigents, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any provision of section 2 of P.L.1974, c.33 (C.2A:158A-5.1), or any other provision of law, or any other provision of this appropriations act, no State funds are appropriated to fund the expenses associated with the legal representation of persons before the State Parole Board or the Parole Bureau.

Lawsuit settlements and legal costs awarded by any court to the Office of the Public Defender are appropriated for the expenses associated with the representation of indigent clients.

The funds appropriated to the Office of the Public Defender are available for expenses associated with the defense of pool attorneys hired by the Public Defender for the representation of indigent clients.

Receipts in excess of the amount anticipated up to \$500,000 are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 2000 are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

57-2021 Trial Services to Indigents and
 Special Programs \$12,000,000
 Total Grants-in-Aid Appropriation, Protection of
 Citizens' Rights \$12,000,000

Grants-in-Aid:

57 State Legal Services Office (\$4,000,000)
 57 Legal Services of New Jersey --
 Legal Assistance in Civil Matters
 (P.L.1996, c.52) (8,000,000)

Receipts in excess of the amount hereinabove for Legal Services of New Jersey - Legal Assistance in Civil Matters, P.L.1996, c.52, are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Miscellaneous Commissions,
Total State Appropriation \$1,325,000

***Summary of Miscellaneous Commissions Appropriations
(For Display Purposes Only)***

Appropriations by Category:

Direct State Services \$1,325,000

Appropriation by Fund:

General Fund \$1,325,000

94 INTER-DEPARTMENTAL ACCOUNTS

70 Government Direction, Management and Control

74 General Government Services

DIRECT STATE SERVICES

01-9400 Property Rentals \$154,991,000

02-9400 Insurance and Other Services 52,475,000

06-9400 Utilities and Other Services 23,879,000

Total Direct State Services Appropriation,

General Government Services \$231,345,000

Direct State Services:

Property Rentals:

Existing and Anticipated Leases (\$158,012,000)

Economic Development Authority (22,168,000)

Other Debt Service Leases and

Tax Payments (15,990,000)

Less:

Direct Charges and Charges to

Non-State Fund Sources 41,179,000

Insurance and Other Services:

Property Insurance (1,100,000)

Casualty Insurance (450,000)

Special Insurance Policies (200,000)

Tort Claims Liability Fund (11,000,000)

Workers' Compensation Fund (34,900,000)

Vehicle Claims Liability Fund (4,200,000)

Self-Insurance Deductible Fund (500,000)

Self-Insurance Fund-Foster Parents (125,000)

Utilities and Other Services:

Fuel and Utilities (18,851,000)

Household and Security (5,028,000)

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

- To the extent that sums appropriated to pay Workers' Compensation claims under R.S.34:15-1 et seq., are insufficient, there are appropriated such additional sums as may be required to pay Workers' Compensation claims, subject to the approval of the Director of the Division of Budget and Accounting.
- The amount hereinabove for the Workers' Compensation Self-Insurance Fund under R.S.34:15-1 et seq. is available for the payment of direct costs of legal, investigative, administrative and medical services related to the investigation, mitigation, litigation and administration of claims against the fund, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding any other law to the contrary, benefits provided to community work experience participants shall be borne by the Work First New Jersey program funded through the Department of Human Services and any costs related to administration, mitigation, litigation and investigation of claims will be reimbursed to the Bureau of Risk Management by the Work First New Jersey program funded through the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.
- To the extent that sums appropriated to pay auto insurance claims are insufficient, there are appropriated such additional sums as may be required to pay auto insurance claims, subject to the approval of the Director of the Division of Budget and Accounting.
- The amount hereinabove for the Vehicle Claims Liability Fund is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.
- The unexpended balance as of June 30, 2000 in the Self-Insurance Deductible Fund is appropriated for the same purposes.
- The amount appropriated for the Self-Insurance Fund-Foster Parents is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.
- The sums hereinabove are available for payment of obligations applicable to prior fiscal years.
- There are appropriated out of revenues received from utility companies such sums as may be required for implementation and administration of the Energy Conservation Initiatives program, subject to the approval of the Director of the Division of Budget and Accounting.
- In addition to the sums hereinabove for Fuel and Utilities, the Director of the Division of Budget and Accounting shall transfer or credit to this account such sums that accrue from appropriations made to various spending agencies for Fuel and Utilities and Salaries and Wages to reflect savings associated with electrical deregulation, fuel switch and other energy-conservation initiatives.
- There is appropriated from the Petroleum Overcharge Reimbursement Fund such sums as are necessary for the cost of purchasing energy from companies that utilize renewable "Green Power" sources, not to exceed \$3,500,000. If there are insufficient balances in the Petroleum Overcharge Reimbursement Fund, such sums as are necessary shall be appropriated from the General Fund for this purpose. Such sums shall be transferred to the various departments and agencies participating in the State electricity contract, as applicable, to

Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, or its successor.

The amount hereinabove for the Liberty Science Center shall be used to provide educational services to students in the "Abbott districts" in the science education component of the comprehensive core curriculum standards as established by law.

CAPITAL CONSTRUCTION

08-9400 Capital Projects -- Statewide	<u>\$226,711,000</u>
Total Capital Construction Appropriation,	
General Government Services	<u>\$226,711,000</u>

Capital Projects:

Statewide Capital Projects

08 Capital Improvements,	
Capital Complex	(\$1,950,000)
08 Fire Detection/Security --	
Central Station Upgrade	(2,800,000)
08 Americans with Disabilities Act	
Compliance Projects -- Statewide	(2,500,000)
08 Fuel Distribution Systems/	
Underground Storage Tank	
Replacements -- Statewide	(10,200,000)
08 Hazardous Materials Removal	
Projects -- Statewide	(5,000,000)
08 Energy Efficiency Projects	(1,000,000)
08 New Jersey Building Authority	(74,511,000)
08 Renovation Projects, Existing and	
Anticipated Leases	(3,700,000)
08 Complex-wide Security	
System Design	(500,000)
08 Cooler-Freezer Repair -- State	
Distribution Center	(800,000)
08 Facility Assessment	(500,000)
08 Elevator Upgrades	(650,000)
08 Replace/relocate Motor Control Center ..	(500,000)
08 South Jersey Port Corporation Capital	
Program	(4,100,000)
Enterprise Initiatives	
08 Network Infrastructure	(16,500,000)
08 Information Technology On-line	
State Portal	(3,500,000)
Open Space Preservation Program	
08 Garden State Preservation Trust	
Fund Account	(98,000,000)

There are appropriated such additional sums as may be required to pay future debt service costs for projects undertaken by the New Jersey Building Authority,

03 Social Security Tax -- State (265,754,000)
 03 Temporary Disability Insurance
 Liability (5,148,000)
 03 Unemployment Insurance Liability . . . (5,356,000)

Less:***Reimbursements from***

Agency Accounts 52,000,000

There is appropriated a sufficient amount in order that upon application to the Director of the Division of Budget and Accounting, an annuity of \$4,000 shall be paid to the widow or widower of any person, now deceased, who was elected and served as Governor of the State, provided such widow or widower was the spouse of such person for all or part of the period during which he or she served as Governor, and provided further, that this shall not apply to any widow or widower receiving a pension granted under R.S.43:8-2, and continued by R.S.43:7-1 et seq., R.S.43:8-1 et seq., and R.S.43:8-8 et seq.

Such additional sums as may be required for Social Security Tax - State may be allotted from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

Such additional sums as may be required for State Employees' Health Benefits may be allotted from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

Of the amounts hereinabove for the Pension Adjustment Program, such sums as are appropriated in advance for increased retirement benefits for local employee members of State-administered retirement systems shall be repaid to the General Treasury upon reimbursement from local public employers.

Such additional sums as may be required for State Employees' Health Benefits, State Employees' Prescription Drug Program, Social Security Tax - State, Temporary Disability Insurance Liability, and Unemployment Insurance Liability are appropriated as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.), pension adjustment benefits for members and beneficiaries of the Consolidated Police and Firemen's Pension Fund shall be paid by the fund. Employer appropriations for these benefits as required under the act shall be paid to the fund.

In addition to the sum hereinabove appropriated to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

The unexpended balance as of June 30, 2000 in the Debt Service on Pension Obligation Bonds account is appropriated for the same purpose.

The amounts hereinabove for State Employees' Health Benefits, State Employees' Prescription Drug Program, Social Security Tax - State, Temporary Disability Insurance Liability, and Unemployment Insurance Liability may be transferred to the Grants-In-Aid accounts for the same purposes.

Direct State Services:

Special Purpose:

- 04 To the Governor, for allotment to the various departments or agencies, to meet any condition of emergency or necessity; provided however, that a sum not in excess of \$5,000 shall be available for the expense of officially receiving dignitaries and for incidental expenses, including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State (\$2,000,000)
- 04 Contingency Funds (1,500,000)
- 04 Interest on Short Term Notes (400,000)
- 04 Notes Issuance Expenses -- Underwriters Costs (1,100,000)
- 04 Catastrophic Illness in Children Relief Fund -- Employer Contributions (125,000)
- 04 Interest on Interfund Borrowing (3,000,000)
- 04 Statewide 911 Emergency Telephone System (15,328,000)
- 04 Information Technology On-Line State Portal (3,300,000)
- 04 Information Technology Data Sharing, Integration and Management (900,000)
- 04 Information Technology Equipment Upgrades (8,000,000)

Unless otherwise indicated, the above amounts may be allotted by the Director of the Division of Budget and Accounting to the various departments and agencies. The unexpended balance as of June 30, 2000 in the Year 2000 Data Processing Initiative is appropriated for the same purpose.

Notwithstanding the provisions of N.J.S.2A:153-1 et seq., there is allocated at the discretion of the Governor, an amount up to \$50,000, from the Special Purpose amount appropriated hereinabove to meet any condition of emergency or necessity, as a reward for the capture and return of Joanne Chesimard.

There are appropriated to the Emergency Services Fund such sums as are required to meet the costs of any emergency occasioned by aggression, civil disturbance, sabotage, disaster, or for flood expenses for State owned structures to comply with Federal Insurance Administration requirements, as recommended by the Emergency Services Council and approved by the Governor, and subject to the approval of the Director of the Division of Budget and Accounting.

To the extent that the costs of imaging projects are reduced, funds appropriated to individual departments for imaging related projects may be available for

No salary range or rate of pay shall be increased or paid in any State department, agency, or commission without the approval of the Director of the Division of Budget and Accounting. Nothing herein shall be construed as applicable to unclassified personnel of the Legislative Branch or the unclassified personnel of the Judicial Branch.

In addition to the amount hereinabove for Unused Accumulated Sick Leave Payments, there are appropriated such sums as may be necessary for payments of unused accumulated sick leave.

Any sums appropriated for Salary Increases and Other Benefits shall be made available for any person holding State office, position or employment, whose compensation is paid directly or indirectly, in whole or in part, from State funds, including any person holding office, position or employment under the Palisades Interstate Park Commission.

GRANTS-IN-AID

05-9430 Salary Increases and Other Benefits	<u>\$23,360,000</u>
Total Grants-in-Aid Appropriation, Salary	
Increases and Other Benefits	<u>\$23,360,000</u>

Grants-in-Aid:

Special Purpose:

05 Salary Increases and Other Benefits . (\$23,360,000)

The sums hereinabove shall be allotted to the various institutions of higher education for the cost of salaries, wages, or other benefits as determined by the Director of the Division of Budget and Accounting.

Inter-Departmental Accounts,	
Total State Appropriation	<u>\$1,970,786,000</u>

Summary of Inter-Departmental Accounts Appropriations (For Display Purposes Only)

Appropriations by Category:

Direct State Services	\$1,232,970,000
Grants-in-Aid	511,105,000
Capital Construction	226,711,000

Appropriation by Fund:

General Fund	\$1,970,786,000
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THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services

DIRECT STATE SERVICES

01-9710 Supreme Court	\$4,244,000
02-9715 Superior Court -- Appellate Division	14,685,000
03-9720 Civil Courts	81,798,000
04-9725 Criminal Courts	65,892,000
05-9730 Family Courts	75,303,000
06-9735 Municipal Courts	807,000

Receipts from charges to the Superior Court Trust Fund, NJ Lawyers Fund for Client Protection, Disciplinary Oversight Committee, Board on Attorney Certification, Bar Admission Financial Committee, Parents' Education Fund, Automated Traffic System Fund, Municipal Court Administrator Certification, Comprehensive Enforcement Program, and Courts Computerized Information Systems Fund are appropriated for services provided to these funds.

The unexpended balances as of June 30, 2000 not to exceed \$2,000,000 in these respective accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

The Judiciary, Total State Appropriation \$419,362,000

***Summary of Judiciary Appropriations
(For Display Purposes Only)***

Appropriations by Category:

Direct State Services \$419,362,000

Appropriation by Fund:

General Fund \$419,362,000

DEBT SERVICE

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

46 Environmental Planning and Administration

99-4800 Interest on Bonds \$39,797,000

99-4800 Bond Redemption 66,113,000

Total Debt Service Appropriation, Department of
Environmental Protection \$105,910,000

Special Purpose:

Interest:

Water Conservation Bonds

(P.L.1969, c.127) (\$937,000)

State Recreation and Conservation Land

Acquisition Bonds (P.L.1971, c.165) (21,000)

State Recreation and Conservation Land

Acquisition and Development Bonds
(P.L.1974, c.102) (947,000)

Clean Waters Bonds (P.L.1976, c.92) (863,000)

Beaches and Harbors Bonds

(P.L.1977, c.208) (165,000)

State Land Acquisition and Development

Bonds (P.L.1978, c.118) (584,000)

Emergency Flood Control Bonds

(P.L.1978, c.78) (126,000)

Natural Resources Bonds (P.L.1980, c.70) . . (218,000)

Water Supply Bonds (P.L.1981, c.261) (523,000)

Hazardous Discharge Bonds

(P.L.1981, c.275) (479,000)

Hazardous Discharge Bonds (P.L.1981, c.275)	(2,423,000)
1983 New Jersey Green Acres Bonds (P.L.1983, c.354)	(965,000)
Shore Protection Bonds (P.L.1983, c.356) . . .	(586,000)
Resource Recovery and Solid Waste Disposal Facility Bonds (P.L.1985, c.330)	(3,400,000)
Pinelands Infrastructure Trust Bonds (P.L.1985, c.302)	(600,000)
Wastewater Treatment Bonds (P.L.1985 c.329)	(4,525,000)
Hazardous Discharge Bonds (P.L.1986, c.113)	(3,233,000)
1987 Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265)	(3,890,000)
1989 New Jersey Open Space Preservation Bonds (P.L.1989, c.183)	(10,617,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181)	(1,010,000)
Green Acres, Clean Water, Farmland and Historic Preservation Bonds (P.L.1992, c.88)	(8,881,000)
Green Acres, Farmland and Historic Preservation and Blue Acres Bonds (P.L.1995, c.204)	(5,850,000)
Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bonds (P.L.1996, c.70)	(645,000)
Total Debt Service Appropriation, Department of Environmental Protection,	<u>\$105,910,000</u>

66 DEPARTMENT OF THE TREASURY**70 Government Direction, Management and Control****76 Management and Administration**

99-2000 Interest on Bonds	\$172,071,000
99-2000 Bond Redemption	<u>252,022,000</u>
Total Debt Service Appropriation, Department of the Treasury	<u>\$424,093,000</u>
Special Purpose:	
Interest:	
Public Buildings Construction Bonds (P.L.1968, c.128)	(\$61,000)

Redemption:

Public Buildings Construction Bonds (P.L.1968, c.128)	(2,350,000)
State Transportation Bonds (P.L.1968, c.126)	(5,450,000)
Higher Education Construction Bonds (P.L.1971, c.164)	(400,000)
State Mortgage Assistance Bonds (P.L.1976, c.94)	(880,000)
Institutions Construction Bonds (P.L.1976, c.93)	(2,640,000)
Medical Education Facilities Bonds (P.L.1977, c.235)	(6,800,000)
Institutional Construction Bonds (P.L.1978, c.79)	(1,700,000)
Transportation Rehabilitation and Improvement Bonds (P.L.1979, c.165)	(5,288,000)
Energy Conservation Bonds (P.L.1980, c.68)	(780,000)
Public Purpose Buildings Construction Bonds (P.L.1980, c.119)	(1,450,000)
Farmland Preservation Bonds (P.L.1981, c.276)	(650,000)
Community Development Bonds (P.L.1981, c.486)	(2,351,000)
Jobs, Science and Technology Bonds (P.L.1984, c.99)	(1,050,000)
Human Services Facilities Construction Bonds (P.L.1984, c.157)	(1,711,000)
Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182)	(175,515,000)
Correctional Facilities Construction Bonds (P.L.1987, c.178)	(6,400,000)
Jobs, Education and Competitiveness Bonds (P.L.1988, c.78)	(15,449,000)
Public Purpose Buildings and Community-Based Facilities Construction Bonds (P.L.1989, c.184)	(4,900,000)
1989 Bridge Rehabilitation and Improvement and Railroad Right- of-way Preservation Bonds (P.L.1989, c.180)	(3,629,000)
Developmental Disabilities' Waiting List Reduction and Human Services Facilities Construction Bonds (P.L.1994, c.108)	(3,114,000)

Special Purpose:

Child Nutrition - Administration (50,000)

State Aid and Grants:

Farmland Preservation (1,050,000)

Child Nutrition - School Lunch . . . (139,803,000)

Child Nutrition - Special Milk (1,461,000)

School Breakfast (23,108,000)

Child Care Food (41,573,000)

Child Care Sponsor Administration . . (1,685,000)

Child Care - Cash for Commodities . . (1,798,000)

Summer Food (8,258,000)

Summer Sponsor Administration (708,000)

State Aid and Grants (800,000)

Additions, Improvements and Equipment . . . (180,000)

Total Appropriation, Department of Agriculture \$225,722,000**22 DEPARTMENT OF COMMUNITY AFFAIRS*****40 Community Development and Environmental Management******41 Community Development Management***02-8020 Housing Services \$150,599,000

Total Appropriation, Community

Development Management \$150,599,000

Personal Services:

Salaries and Wages (\$8,509,000)

Employee Benefits (2,165,000)

Materials and Supplies (189,000)

Services Other Than Personal (1,965,000)

Maintenance and Fixed Charges (1,057,000)

Special Purpose:

Shelter Plus Care Program (48,000)

Moderate Rehabilitation

Housing Assistance (105,000)

Section 8 Existing Housing

Rental Assistance (1,028,000)

Section 8 Housing Voucher

Program (1,181,000)

Housing Opportunities for Persons

with AIDS (3,000)

Small Cities Block Grant Program (21,000)

National Affordable Housing --

HOME Investment Partnerships (61,000)

Other Special Purpose (6,000)

Personal Services:

Salaries and Wages	(\$15,207,000)
Employee Benefits	(384,000)
Materials and Supplies	(8,000)
Special Purpose:	
Title I - Neglected & Delinquent	(3,000)
Title I - Neglected & Delinquent	(9,000)
Title I - Neglected & Delinquent	(2,000)
Title I - Neglected & Delinquent	(2,000)
Title I - Neglected & Delinquent	(2,000)
Individuals with Disabilities Act --	
Part B	(135,000)
Project IN-SIDE	(472,000)

19 Central Planning, Direction and Management

99-7000 Administration and Support Services	<u>\$97,000</u>
Total Appropriation, Central Planning, Direction and Management	<u>\$97,000</u>
Special Purpose	(\$15,000)
Special Purpose:	
Vocational Education Grant --	
Title 11, A and B	(82,000)

Total Appropriation, Department of Corrections \$16,321,000

34 DEPARTMENT OF EDUCATION***30 Educational, Cultural and Intellectual Development******31 Direct Educational Services and Assistance***

03-5060 Miscellaneous Grants-In-Aid	\$8,802,000
04-5060 Adult and Continuing Education	9,507,000
04-5062 Adult and Continuing Education	1,896,000
05-5060 Bilingual Education and Equity Issues	5,765,000
05-5064 Bilingual Education and Equity Issues	433,000
06-5060 Programs for Disadvantaged Youth	192,668,000
06-5064 Programs for Disadvantaged Youth	6,206,000
07-5060 Special Education	151,985,000
07-5065 Special Education	<u>25,850,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$403,112,000</u>

Personal Services:

Salaries and Wages	(\$6,123,000)
Employee Benefits	(1,581,000)
Materials and Supplies	(1,069,000)
Services Other Than Personal	(1,336,000)

Special Purpose:

Halfway Home Project	(23,000)
State Aid and Grants	(630,000)
Additions, Improvements and Equipment	(4,000)

33 Supplemental Education and Training Programs

20-5060 General Vocational Education	\$26,861,000
20-5062 General Vocational Education	<u>3,290,000</u>
Total Appropriation, Supplemental Education and Training Programs	<u>\$30,151,000</u>

Personal Services:

Salaries and Wages	(\$1,371,000)
Employee Benefits	(348,000)
Materials and Supplies	(294,000)
Services Other Than Personal	(812,000)

Special Purpose:

Vocational Education -- Basic Grants, Administration	(54,000)
Vocational Education -- Title II B Leadership Activities	(101,000)
Vocational Curriculum Library -- Administration	(6,000)
Vocational Education Technical Preparation Title III-E	(10,000)
Job Training Partnership Act Title II -- Youth	(18,000)
School to Work Opportunities	(126,000)
State Aid and Grants	(27,011,000)

34 Educational Support Services

29-5029 Educational Technology	\$522,000
29-5060 Educational Technology	9,933,000
30-5060 Academic Programs and Standards	21,711,000
30-5063 Academic Programs and Standards	22,313,000
31-5060 Grants Management and Development	32,306,000
32-5061 Professional Development and Licensure	40,000
33-5060 Service to Local Districts	6,702,000
33-5067 Service to Local Districts	3,958,000
34-5064 Office of School Choice	49,000
34-5068 Office of School Choice	168,000
40-5060 Health, Safety and Community Services	8,489,000
40-5064 Health, Safety and Community Services	<u>2,658,000</u>
Total Appropriation, Educational Support Services	<u>\$108,849,000</u>

Personal Services:

Salaries and Wages	(\$5,724,000)
Employee Benefits	(1,292,000)
Materials and Supplies	(504,000)
Services Other Than Personal	(5,152,000)

99-5095 Administration and Support Services	<u>3,726,000</u>
Total Appropriation, Education Administration and Management	<u>\$4,312,000</u>
Personal Services:	
Salaries and Wages	(\$2,787,000)
Employee Benefits	(819,000)
Materials and Supplies	(161,000)
Services Other Than Personal	(219,000)
Maintenance and Fixed Charges	(9,000)
Special Purpose:	
Adult Basic Education -- Single Audit	(5,000)
IDEA Part B -- Handicapped, Finance ...	(30,000)
Vocational Education -- State Admin.. -- Compliance	(6,000)
Goals 2000 -- Technology	(16,000)
IASA Consolidated Administration	(260,000)

Total Appropriation, Department of Education \$547,374,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

11-4870 Forest Resource Management	\$2,005,000
12-4875 Parks Management	24,141,000
13-4880 Hunters' and Anglers' License Fund	6,340,000
14-4885 Shellfish and Marine Fisheries Management	2,951,000
21-4895 Natural Resources Engineering	<u>290,000</u>
Total Appropriation, Natural Resource Management .	<u>\$35,727,000</u>
Personal Services:	
Salaries and Wages	(\$2,860,000)
Employee Benefits	(724,000)
Materials and Supplies	(1,016,000)
Services Other Than Personal	(1,043,000)
Maintenance and Fixed Charges	(183,000)
Special Purpose:	
Rural Community Fire Protection Program	(16,000)
Forest Resource Management -- Cooperative Forest Fire Control	(33,000)
Nursery - Cm - 4	(35,000)
Consolidated Forest Management	(448,000)
Forest Legacy	(600,000)
Community Forestry Assessment	(40,000)
Stump Jumpers	(20,000)
Rural Forestry Assistance	(15,000)
Stewardship Land Type Association	(30,000)
Conservation Education	(10,000)
Incentives Program	(10,000)

Development of a Computerized Fish & Wildlife Information System	(4,000)
Landscape Model For Rare Species Protection	(60,000)
Watchable Wildlife in New Jersey (PRW)	(100,000)
Wildlife Research and Management	(320,000)
Fish and Wildlife Health	(80,000)
Marine Fisheries Investigation and Management	(279,000)
Fisheries Management Council	(5,000)
Atlantic Coastal Fisheries	(55,000)
Inventory of New Jersey Surf Clam Resources	(40,000)
Artificial Reef Program	(65,000)
Clean Vessels	(489,000)
Community Assistance Program	(65,000)
National Dam Safety Program (FEMA) . .	(59,000)
Other Special Purpose	(822,000)
State Aid and Grants	(1,077,000)
Additions, Improvements and Equipment .	(2,785,000)

43 Science and Technical Programs

02-4801 Air Pollution Control	\$4,710,000
07-4850 Water Monitoring and Planning	2,200,000
15-4801 Land Use Regulation	2,900,000
18-4810 Science, Research and Technology	2,520,000
22-4861 New Jersey Geological Survey	305,000
90-4801 Watershed Management Planning	<u>9,810,000</u>
Total Appropriation, Science and Technical Programs	<u>\$22,445,000</u>
Personal Services:	
Salaries and Wages	(\$4,512,000)
Employee Benefits	(1,201,000)
Materials and Supplies	(139,000)
Services Other Than Personal	(6,046,000)
Maintenance and Fixed Charges	(21,000)
Special Purpose:	
Air Pollution Maintenance Program . .	(1,034,000)
Greenhouse Gas Emission Bank	(100,000)
Particulate Monitoring Grant	(250,000)
Climate Change	(100,000)
Water Pollution Control Program	(801,000)
Coastal Zone Management Implementation	(383,000)
Coastal Zone Management Grant -- Section 309	(10,000)
Coastal Zone Management Grant -- Section 6217	(185,000)

Underground Storage Tanks	(500,000)
Underground Storage Tanks	(63,000)
Other Special Purpose	(504,000)
Additions, Improvements and Equipment	(57,000)

45 Environmental Regulation

01-4820 Radiation Protection	\$500,000
02-4892 Air Pollution Control	1,007,000
05-4840 Water Supply and Watershed Management	22,200,000
09-4860 Public Wastewater Facilities	57,600,000
15-4890 Land Use Regulation	1,750,000
16-4891 Water Monitoring and Planning	710,000
23-4910 Solid and Hazardous Waste Management	<u>2,135,000</u>
Total Appropriation, Environmental Regulation	<u>\$85,902,000</u>

Personal Services:

Salaries and Wages	(\$3,344,000)
Employee Benefits	(892,000)
Materials and Supplies	(148,000)
Services Other Than Personal	(1,063,000)
Maintenance and Fixed Charges	(53,000)

Special Purpose:

Radon Program	(106,000)
Air Pollution Maintenance Program	(198,000)
Safe Drinking Water Act	(256,000)
Drinking Water State Revolving Fund	(1,100,000)
Clean Water State Revolving Fund	(2,500,000)
Coastal Zone Management	
Implementation	(240,000)
State Wetlands Conservation Plan	(250,000)
Publicly Owned Treatment Works	
Diagnostic	(6,000)
Underground Injection Control	(14,000)
NPDES Implementation Support	
Program	(274,000)
Hazardous Waste -- Resource	
Conservation Recovery Act	(264,000)
Pollution Prevention Incentive	(100,000)
Other Special Purpose	(942,000)
State Aid and Grants	(74,100,000)
Additions, Improvements and Equipment	(52,000)

46 Environmental Planning and Administration

26-4805 Regulatory and Governmental Affairs	\$150,000
99-4800 Administration and Support Services	<u>1,800,000</u>
Total Appropriation, Environmental Planning and	
Administration	<u>\$1,950,000</u>

Special Purpose:

New Jersey Classroom Reform Grant . .	(\$150,000)
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Special Purpose:

Supplemental Food Program -	
W.I.C.	(66,269,000)
WIC Farmer's Market Nutrition	
Program	(537,000)
Child Nutrition Program --	
Inspection Services	(18,000)
Toxic Substances Control Act	(23,000)
Sentinel Event Notification System --	
Occupational Risks	(43,000)
HIV/AIDS Prevention Education Grant ..	(15,000)
Health Program for Indochinese Refugees ...	(5,000)
Other Special Purpose	(4,307,000)
State Aid and Grants:	
Pediatric EMS System Development	
for New Jersey	(190,000)
New Jersey Targeted Seabrook	
Capacity Expansion Program	(750,000)
Comprehensive Aids Prevention and	
Surveillance Grant	(55,000)
STD Program -- Syphilis Elimination ...	(435,000)
State Treatment Needs Assessment	(500,000)
Substance Abuse Treatment and HIV/	
AIDS Services	(500,000)
Drug Free Administration	(90,000)
Title IV-B Family Preservation and	
Support Services	(200,000)
State Aid and Grants	(165,855,000)
Additions, Improvements and Equipment .	(1,385,000)

22 Health Planning and Evaluation

06-4260 Long Term Care Systems	\$8,941,000
07-4270 Health Care Systems Analysis	<u>16,139,000</u>
Total Appropriation, Health Planning and Evaluation	<u>\$25,080,000</u>
Personal Services:	
Salaries and Wages	(\$6,349,000)
Employee Benefits	(1,551,000)
Materials and Supplies	(44,000)
Services Other Than Personal	(583,000)
Maintenance and Fixed Charges	(438,000)
Special Purpose:	
Other Special Purpose	(697,000)
State Aid and Grants	(15,170,000)
Additions, Improvements and Equipment ...	(248,000)

25 Health Administration

99-4210 Administration and Support Services	<u>\$460,000</u>
Total Appropriation, Health Administration	<u>\$460,000</u>

24 Special Health Services**7540 Division of Medical Assistance and Health Services**

21-7540 Health Services Administration and Management	\$49,510,000
22-7540 General Medical Services	<u>1,693,014,000</u>
Total Appropriation, Division of Medical Assistance and Health Services	<u>\$1,742,524,000</u>
Personal Services:	
Salaries and Wages	(\$16,148,000)
Employee Benefits	(78,000)
Materials and Supplies	(148,000)
Services Other Than Personal	(4,254,000)
Maintenance and Fixed Charges	(1,604,000)
Special Purpose:	
Payments to Fiscal Agent	(13,418,000)
Professional Standards Review Organization -- Utilization Review	(4,078,000)
Drug Utilization Review Board -- Administrative Costs	(60,000)
NJ KidCare A -- Administration	(2,324,000)
NJ KidCare B, C & D -- Administration	(4,711,000)
NJ FamilyCare Affordable and Accessible Health Insurance -- Administration	(2,447,000)
State Aid and Grants:	
Payments for Medical Assistance	
Recipients -- Personal Care	(91,797,000)
Managed Care Initiative	(432,784,000)
Hospital Health Care Subsidy	(68,664,000)
Hospital Relief Offset Payment	(32,836,000)
Payments for Medical Assistance	
Recipients -- Waiver Initiatives ..	(15,561,000)
Other Treatment Facilities	(7,640,000)
Inpatient Hospital	(184,578,000)
Prescription Drugs	(273,265,000)
Outpatient Hospital	(166,590,000)
Physician	(19,769,000)
Home Health	(37,486,000)
Medicare Premiums	(79,108,000)
Dental	(9,325,000)
Psychiatric Hospital	(12,848,000)
Medical Supplies	(15,203,000)
Clinic	(64,620,000)
Transportation	(17,834,000)
Other Services	(8,637,000)

Materials and Supplies	(116,000)
Services Other Than Personal	(646,000)
Maintenance and Fixed Charges	(354,000)
State Aid and Grants	(4,250,000)
Additions, Improvements and Equipment ...	(106,000)

50 Economic Planning, Development and Security**53 Economic Assistance and Security**

15-7550 Income Maintenance Management	<u>\$812,396,000</u>
Total Appropriation, Economic Assistance and Security	<u>\$812,396,000</u>
Personal Services:	
Salaries and Wages	(\$16,817,000)
Materials and Supplies	(432,000)
Services Other Than Personal	(14,148,000)
Maintenance and Fixed Charges	(1,148,000)
Special Purpose:	
Electronic Benefits Transfer, Evaluation & Development, Food Stamps	(130,000)
Work First New Jersey -- Electronic Benefits Transfer -- Design & Development	(35,000)
Work First New Jersey Technology Investment -- Food Stamps	(3,523,000)
EBT -- Operational Food Stamp Match for CWA's	(1,869,000)
Work First New Jersey -- Benefits Transfer Operational	(694,000)
Work First New Jersey -- Technology Investments	(8,002,000)
Work First New Jersey -- Technology Investments -- Title XIX	(2,122,000)
Hospital Paternity Program	(959,000)
Work First New Jersey -- Technology Investment -- Title IV-D	(6,318,000)
Work First New Jersey -- Child Support -- Program Legislative Initiatives	(9,750,000)
Child Support Initiatives -- New Hires-- TANF	(6,000)
State Aid and Grants	
SSBG CWA Administration	
TANF Transfer	(5,163,000)
Child Care	(500,000)
Faith Based Initiatives	(1,000,000)
Criminal Background Evaluations ...	(2,615,000)

DHS Adult Basic Education Program . . .	(211,000)
Deaf Blind Grant VI-C PL 94-142	(170,000)
Federal Cost Recoveries	(14,701,000)
Child Support Enforcement Program . . .	(299,000)
Title IV-B Child Welfare Services	(134,000)
Title IV-E Foster Care	(288,000)
Low Income Energy Assistance	
Block Grant	(126,000)
Title XIX, ICF/MR	(4,655,000)
Title XIX, Medical Assistance	(2,600,000)
Refugee Resettlement Program	(18,000)
Social Service Block Grant	(2,326,000)
Vocational Rehabilitation Act --	
Section 120	(100,000)
Food Stamp Program	(447,000)
Temporary Assistance to Needy	
Families Block Grant	(604,000)
State Aid and Grants	(2,189,000)
Total Appropriation, Department of	
Human Services	<u>\$3,150,413,000</u>

62 DEPARTMENT OF LABOR***50 Economic Planning, Development and Security******51 Economic Planning and Development***

18-4570 Planning and Analysis	<u>\$8,037,000</u>
Total Appropriation, Economic Planning	
and Development	<u>\$8,037,000</u>
Personal Services:	
Salaries and Wages	(\$4,568,000)
Employee Benefits	(1,720,000)
Materials and Supplies	(119,000)
Services Other Than Personal	(798,000)
Maintenance and Fixed Charges	(176,000)
Special Purpose:	
Reports and Analysis -- Unemployment	
Insurance	(22,000)
Occupational Informational Coordinating	
Program	(15,000)
ES 202 Covered Employment	
and Wages	(64,000)
Current Employment Statistics	(88,000)
Local Area Unemployment Statistics	(13,000)
Occupational Employment Statistics	(7,000)
Labor Market Information - ES	(12,000)
ES Cost Reimbursable Grants -- Alien	
Labor Certification	(4,000)
Permanent Mass Layoff Plant Closings . . .	(16,000)

Employment Services	(1,300,000)
Employment Service Intermittents	(10,000)
Disabled Veterans' Outreach Program ...	(150,000)
Local Veterans' Employment	
Representatives	(80,000)
Employment Services Grant	
Incentive Program	(12,000)
Trade Adjustment Assistance Project ...	(80,000)
Employment Services Grants -- Alien	
Labor Certification	(250,000)
Work Opportunity Tax Credit	(85,000)
Employment Services Cost Reimbursable	
Grants -- Migrant Housing	(4,000)
Agricultural Wage Surveys	(5,000)
NAFTA Transitional Adjustment	
Assistance	(50,000)
Employment Services Rapid	
Response Team	(79,000)
JTPA Title IIID Discretionary Funding ...	(75,000)
Occupational Safety Health Act,	
On-Site Consultation	(100,000)
Mine Safety Educational Program	(1,000)
Federal Public Employees Occupational	
Safety and Health Act	(1,800,000)
Other Special Purpose	(872,000)
State Aid and Grants:	
Technology Related Assistance	
Project	(700,000)
State Aid and Grants	(131,969,000)
Additions, Improvements and Equipment ...	(805,000)
 Total Appropriation, Department of Labor	<u>\$354,612,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY***10 Public Safety and Criminal Justice******12 Law Enforcement***

06-1200 State Police Operations	\$16,124,000
09-1020 Criminal Justice	<u>41,489,000</u>
Total Appropriation, Law Enforcement	<u>\$57,613,000</u>
Personal Services:	
Salaries and Wages	(\$5,760,000)
Cash in Lieu of Maintenance	(18,000)
Employee Benefits	(678,000)
Materials and Supplies	(60,000)
Services Other Than Personal	(134,000)
Maintenance and Fixed Charges	(92,000)
Special Purpose:	
Forensic DNA Laboratory	(300,000)

Child Passenger Protection Education . . .	(200,000)
Drunk Driver Protection	(5,000)
Increased Seat Belt Use	(800,000)
Paid Advertising	(154,000)
Combating Underage Drinking	(360,000)
Combat Underage Drinking --	
Discretionary	(400,000)
State Aid and Grants	(3,780,000)
Additions, Improvements and Equipment	(13,000)

18 Juvenile Services

34-1500 Juvenile Community Programs	\$6,766,000
36-1505 Institutional Care and Treatment	371,000
36-1510 Institutional Care and Treatment	297,000
99-1500 Administration and Support Services	<u>5,078,000</u>
Total Appropriation, Juvenile Services	<u>\$12,512,000</u>

Personal Services:

Salaries and Wages	(\$570,000)
Employee Benefits	(133,000)
Materials and Supplies	(11,000)
Services Other Than Personal	(12,000)
Maintenance and Fixed Charges	(1,000)

Special Purpose:

Juvenile Accountability Incentive	
Block Grant	(5,925,000)
Challenge Grant	(189,000)
Title V Funding	(2,415,000)
Juvenile Monitoring Unit	(48,000)
State Aid and Grants	(3,205,000)
Additions, Improvements and Equipment	(3,000)

19 Central Planning, Direction and Management

99-1000 Administration and Support Services	<u>\$23,250,000</u>
Total Appropriation, Central Planning, Direction	
and Management	<u>\$23,250,000</u>

Special Purpose	(\$8,000,000)
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Special Purpose:

Criminal Justice Info. System	
Master Plan Study	(250,000)
Truth In Sentencing Incentive Grant	(15,000,000)

80 Special Government Services

82 Protection of Citizens' Rights

16-1350 Protection of Civil Rights	\$625,000
19-1440 Victims of Crime Compensation Board	<u>2,200,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$2,825,000</u>

Personal Services:

Salaries and Wages	(\$625,000)
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Veterans' Education Monitoring (28,000)
 Transitional Housing (980,000)
 Veteran's Honor Guard (145,000)
 Other Special Purpose (87,000)
 Additions, Improvements and Equipment (23,986,000)

Total Appropriation, Department of Military
 and Veterans' Affairs \$50,587,000

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

45-2405 Adjudication of Administrative Appeals \$16,933,000
 80-2400 Statewide Planning and Coordination of
 Higher Education 1,648,000
 Total Appropriation, Higher Educational Services . . . \$18,581,000

Personal Services:

Salaries and Wages (\$8,598,000)
 Employee Benefits (2,291,000)
 Materials and Supplies (375,000)
 Services Other Than Personal (3,358,000)
 Maintenance and Fixed Charges (680,000)

Special Purpose:

Student Loan Administrative Cost
 Deduction and Allowance (228,000)
 State Aid and Grants (2,801,000)
 Additions, Improvements and Equipment . . . (250,000)

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts \$743,000
 06-2535 Museum Services 315,000
 10-2570 Public Broadcasting Services 1,250,000
 Total Appropriation, Cultural and Intellectual
 Development Services \$2,308,000

Personal Services:

Salaries and Wages (\$464,000)

Special Purpose:

Delaware Water Gap National
 Recreational Area (152,000)
 Institute of Museum Services -- General
 Support Grant (113,000)
 National Endowment for the Arts --
 Museum Exhibition (50,000)
 National Telecommunications
 Information Agency (1,250,000)

Route	Section	Description	County	Amount
Special Purpose:				
INTERSTATE PROGRAM				
1. CONSTRUCTION				
80	1AU	Sign upgrades	Warren Morris Sussex	(\$8,900,000)
80	5AW 10L	Saddle River Road to South Summit Avenue, eastbound local lanes, rehabilitation and operational improvements	Bergen	(14,300,000)
80	G	Garden State Parkway to Route 17, rehabilitation and operational improvements	Bergen	(18,500,000)
80 CR615		Interchange with Howard Boulevard, park and ride, and operational improvements	Morris	(2,300,000)
80		Shoulder widening in the vicinity of Mount Hope Avenue, eastbound	Morris	(500,000)
95 31		Interchange improvements at Route 31	Mercer	(6,650,000)
95		Interchange reconstruction at Scotch Road	Mercer	(10,000,000)
287		Vicinity of Franklin Avenue to Route 17, pavement rehabilitation	Bergen	(2,000,000)
287 24		Interchange improvements at I-287 and Route 24	Morris	(4,000,000)
2. DESIGN				
80		Route I-287 to Route 23, noise barriers	Morris Essex Passaic	(400,000)
80		Route 23 to Passaic River, noise barriers	Passaic	(500,000)
80		Truck weigh station, Mill Road to Main Street	Morris	(500,000)
287 24		Interchange improvements at I-287 and Route 24	Morris	(500,000)
295		South of County Route 561 to north of Route 38 interchange, rehabilitation	Burlington Camden	(2,000,000)
676		Martin Luther King Boulevard to Newton Avenue, ramps and improvements	Camden	(250,000)

CR 628	Kapkowski Road; North Avenue to Trumbull Street		Union	(1,240,000)
	Kinnaman Avenue over Pohatcong Creek, bridge replacement		Warren	(216,000)
	Maple Grange Road over Pochuk Creek, bridge replacement		Sussex	(243,000)
	Market Street, Essex Street, Rochelle Avenue/Main Street, improvements		Bergen	(675,000)
	Intersection improvements at Montvale/ Chestnut Ridge Road and Grand Avenue at Garden State Parkway		Bergen	(68,000)
	NJ Performing Arts Center pedestrian access		Essex	(180,000)
	Ocean City - Longport bridge, replacement		Cape May	(4,500,000)
	Toms River bridge		Atlantic Ocean	(1,144,000)
	University Heights Connector, First Street from Sussex Avenue to West Market Street		Essex	(4,510,000)
	Victory Bridge Connector		Middlesex	(190,000)
4	2AE 2P	Weehawken multi-modal facility	Hudson	(2,160,000)
17	3G	Garden State Parkway to Farview Avenue, Route 4 and Route 17 interchange replacement	Bergen	(1,148,000)
17	3H 5AE	East Ridgewood Avenue over Route 17, rehabilitation	Bergen	(486,000)
21	TSM 6	Green Street to Passaic Street, widening and bridge replacement	Essex	(1,000,000)
22		Interchange construction at Chimney Rock Road	Somerset	(9,661,000)
23	2P 4BF	Route I-80 West to Route 23 North	Passaic	(1,530,000)
80		South of Lalor Street to vicinity of Cass Street, landscape improvements	Mercer	(505,000)
29		Interchange improvements at Riverview Drive	Passaic	(8,625,000)
46	12H			
CR640				

5. PROJECT DEVELOPMENT

	Bear Brook bicycle path	Mercer	(49,000)
	West Deptford bicycle trail and riverside improvements	Gloucester	(126,000)
35	Tinton Avenue to Shrewsbury Avenue, grade separation	Monmouth	(675,000)
130	Airport Circle to CR541, corridor rehabilitation and operational improvements	Burlington Camden	(540,000)
130	Pedestrian bridge, Washington Township	Mercer	(405,000)
295	Ramps between I-295 and Route 42 (Study A)	Camden	(1,500,000)
42	I-295/42/I-76 interchange improvements (Study B)	Camden	(1,000,000)
295			
42/I-76			

Special Purpose:

CONGESTION MITIGATION AND AIR QUALITY PROGRAM

1. CONSTRUCTION

	Bicycle & pedestrian facilities	Various	(\$3,000,000)
	Enhanced vehicle inspection and maintenance program	Various	(45,000,000)
	Incident and congestion management, operational support	Various	(2,600,000)
	Transportation Management Associations	Various	(3,200,000)
	Traffic Operations Centers	Various	(6,100,000)
	Traffic Signal Contract 16: Routes 70, 30, 38 and 73	Various	(10,800,000)
	Transportation Demand Management/Smart Moves Program	Various	(3,000,000)

2. PLANNING

	Transportation Management Association program support	Various	(420,000)
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3. PROJECT DEVELOPMENT

1	Market Street - Route 129 - Barlow Street intersection, install sidewalks	Mercer	(100,000)
33			
129			

10	2L	Interchange improve-		
53	3J	ments	Morris	(1,000,000)
46	12K	Interchange improvements		
CR646	13E	at Union Boulevard	Passaic	(9,000,000)
130 (16)		Intersection improve-		
		ments, Renaissance		
		Boulevard to Adams		
		Lane	Middlesex	(3,500,000)
4.	PROJECT DEVELOPMENT			
		Truck weigh stations	Various	(1,000,000)
30		Intersection at Mays		
		Landing-Port Republic		
		Road, safety problem	Atlantic	(140,000)

Special Purpose:

SURFACE TRANSPORTATION PROGRAM

1. CONSTRUCTION

Accident reduction		
program	Various	(\$1,000,000)
Amboy Avenue bridge		
over Matawan Creek,		
interim repairs	Monmouth	(750,000)
Bridge deck repair	Various	(3,000,000)
Bridge painting	Various	(11,000,000)
Burlington County		
computerized signal		
control, Phase III	Burlington	(1,050,000)
Burlington County		
traffic sign management		
program	Burlington	(1,100,000)
Camden City resurfacing	Camden	(2,068,000)
Camden City signalized		
intersection upgrade	Camden	(1,050,000)
Camden County traffic		
sign management		
program	Camden	(500,000)
Cedar Grove Lane from		
Amwell Road to New		
Brunswick Road,		
resurfacing	Somerset	(280,000)
Cherry Hill Road bridge		
over Bedens Brook,		
replacement	Somerset	(1,340,000)
Disadvantaged Business		
Enterprises	Various	(200,000)
Drainage rehabilitation		
and maintenance	Various	(3,000,000)
Delaware Valley Regional		
Planning Commission -		
Future projects	Various	(250,000)
East Main Street from		
Gaston Avenue to Foothill		
Road, resurfacing	Somerset	(394,000)

Rail-highway grade crossing program	Various	(5,000,000)
Restriping program	Various	(4,500,000)
Resurfacing program	Various	(1,000,000)
Safety management system	Various	(5,400,000)
South Jersey Transportation Planning Organization -Future projects	Various	(166,000)
Springfield Avenue from 21st Street to Becker Terrace, resurfacing	Essex	(1,500,000)
Springfield Avenue from 21st Street to Market Street, resurfacing	Essex	(3,000,000)
Stonehouse Road from Valley Road to Lyons Road, resurfacing	Somerset	(249,000)
Tilton Road from Cardiff Circle to Airport Circle, resurfacing	Atlantic	(736,000)
Traffic calming: Newark; Norfolk Street, Jones Street, Irvine Tucker Boulevard	Essex	(560,000)
Traffic sign inventory and replacement program	Morris	(600,000)
Traffic signal improvements	Hudson	(190,000)
TRANSMIT program	Various	(250,000)
Transportation Enhancements	Various	(12,740,000)
Transportation grants	Various	(1,000,000)
Tuckahoe Road, Phase II, Landis Avenue to Bearshead Road, resurfacing	Atlantic	(800,000)
Union County various roads, resurfacing	Union	(2,500,000)
Union County traffic signal modernization, Rahway	Union	(1,200,000)
USS New Jersey port facility	Camden	(500,000)
Utility reconnaissance and relocation	Various	(1,000,000)
Value engineering	Various	(250,000)
Warren County highway safety improvements	Warren	(340,000)
Warren County line, County Route 519 to Route 94, resurfacing	Sussex	(2,000,000)

9		Intersection improve- ments at County Route 524	Monmouth	(275,000)
10		Vicinity of Main Street to west of Hillside Avenue, operational and safety improvements	Morris	(1,200,000)
17		Vicinity of Essex Street (northbound only), drainage improvements	Bergen	(1,020,000)
22		Vicinity of Crab Brook and North Drive, drainage improvements	Somerset	(500,000)
22		Vicinity of Evergreen Court, drainage improvements	Union	(350,000)
23		Old Deckertown Road to Loomis Avenue, operational improvements; bridge over Papakating Creek, replacement	Sussex	(2,600,000)
31		Intersection improve- ments at County Route 518	Mercer Hunterdon	(500,000)
34		Intersection improve- ments at County Route 537	Monmouth	(625,000)
36		Vicinity of Flat Creek, drainage improvements	Monmouth	(720,000)
50	2E 3B	Bridge over Tuckahoe River, replacement; intersection improve- ments at Route 49	Cape May Atlantic	(700,000)
57	1B	Bridge over Merrill's Creek, replacement	Warren	(1,000,000)
73		Cooper Folly Road to Fellowship Road, median openings	Camden Burlington	(300,000)
173		Lakeview Avenue to New Street, rehabilitation	Hunterdon	(600,000)
206		Intersection improve- ments at entrance to Stokes State Park	Sussex	(175,000)
3.	RIGHT-OF-WAY			
CR 635		Intersection improve- ments at Ark Road and Marne Highway	Burlington	(100,000)
		Doremus Avenue; Wilson Avenue to Raymond Boulevard, reconstruction	Essex	(150,000)

		Sea Isle Boulevard, Section II, Garden State Parkway to Ludlams Thorofare bridge, reconstruction	Cape May	(200,000)
		Somers Point-Mays Landing Road over English Creek, rehabilit- ation or replacement	Atlantic	(50,000)
		South Jersey Visitor Center	Salem	(100,000)
9		Indian Head Road to Ford Road, widening	Ocean	(1,000,000)
0		Tilton Road at Route 9, operational improve- ments	Atlantic	(100,000)
15		Route 181 to Route 94 (Morris Farm Road), widening	Sussex	(1,500,000)
40	(2)	Malaga Lake dam over Scotland Run, replacement	Gloucester	(200,000)
44		Vicinity of Fowler Lane, drainage improvements	Gloucester	(302,000)
47		Intersection of Chapel Heights Avenue and East Holly Avenue, improvements; rehabili- tate bridge over		
		Mantua Creek	Gloucester	(300,000)
48		Bridge over branch of Game Creek, replacement	Salem	(600,000)
49		Cumberland Pond Dam, replacement	Cumberland	(180,000)
49		Salem River to Route 55, bicycle improvements	Salem Cumberland	(50,000)
55Fwy		Interchange at Deptford Center Road, mitigate congestion problem	Gloucester	(100,000)
70		Bridge over Bisphams Mill Creek, rehabilitate or replace	Burlington	(500,000)
206		Vicinity of Ewing Street, drainage improvements	Mercer	(100,000)
322		Commodore Barry bridge to east of Route 55, as well as local roads, corridor study	Gloucester	(450,000)
322		Intersection improve- ments at Main Street and State Street	Gloucester	(100,000)

		Bridges over Mill Creek and Upper Thorofare, rehabilitation or replacement; Ocean Drive from Route 109 to Upper Thorofare bridge, road-way improvement	Cape May	(1,500,000)
		Race Street bridge over south branch of Rancocas Creek, replacement	Burlington	(600,000)
		Rockaway Road bridge over NJ Transit Boonton Line and Morristown Line, replacement	Morris	(650,000)
		Smithville Road bridge over Rancocas Creek, replacement	Burlington	(100,000)
		Timber bridges over west branch of Wading River, replacement	Burlington	(100,000)
		West Mountain Road bridge over New York, Susquehanna, and Western Railroad, replacement	Sussex	(300,000)
		Wilson Avenue bridge over Bell's Lake Stream, replacement	Gloucester	(150,000)
1 & 9	(6)	Magnolia Avenue bridge over Route 1&9, replacement	Union	(700,000)
36	3K	Bridge over Shrewsbury River, replacement	Monmouth	(2,500,000)
139		12th Street Viaduct, 14th Street Viaduct, rehabilitation, Contract #2	Hudson	(5,000,000)
3.	RIGHT-OF-WAY			
		East Atlantic Avenue bridge over Peter's Creek, replacement	Camden	(50,000)
		First Street and Second Street over NJ Transit, replacement	Essex	(50,000)
		Alloway-Mullica Hill Road over Alloway Creek, replacement	Salem	(100,000)
9	17B	Bridge over Bass River, replacement	Burlington	(850,000)
4.	PROJECT DEVELOPMENT			
		Bridge management system	Various	(400,000)

62 Public Transportation

29-6310 Congestion Mitigation and Air Quality Program	\$20,000,000
96-6310 Federal Transit Administration	<u>403,750,000</u>
Total Appropriation, Public Transportation	<u>\$423,750,000</u>

Special Purpose:

CONGESTION MITIGATION AND AIR QUALITY PROGRAM

Bus acquisition program	Various	(\$9,470,000)
Clean Air programs	Various	(1,000,000)
Private carrier equipment program	Various	(1,400,000)
Rail support facilities and equipment	Various	(8,130,000)

Special Purpose:

FEDERAL TRANSIT ADMINISTRATION:

Building capital leases	Various	(\$8,460,000)
Bus acquisition program	Various	(10,410,000)
Bus support facilities and equipment	Various	(1,779,000)
Hoboken Terminal/ Yard rehabilitation	Hudson	(11,380,000)
Hudson-Bergen Light Rail Transit System, Minimum Operating Segment I	Hudson Bergen	(121,000,000)
Newark-Elizabeth Rail Link, Minimum Operating Segment I	Essex	(47,450,000)
Other rail station/ terminal improvements	Various	(1,500,000)
Preventive maintenance - bus	Various	(59,940,000)
Preventive maintenance - rail	Various	(52,800,000)
Rail rolling stock procurement	Various	(8,000,000)
Rail support facilities and equipment	Various	(6,490,000)
Signals and communication/electric traction systems	Various	(21,000,000)
Track program	Various	(15,300,000)
Transit enhancements	Various	(221,000)
Tunnel and bridge rehabilitation	Various	(38,020,000)

98 THE JUDICIARY
10 Public Safety and Criminal Justice
15 Judicial Services

04-9725 Criminal Courts	\$100,000
04-9852 Criminal Courts	566,603,000
05-9730 Family Courts	3,561,000
05-9813 Family Courts	962,000
05-9823 Family Courts	840,000
05-9833 Family Courts	461,000
05-9843 Family Courts	428,000
05-9853 Family Courts	1,012,000
05-9863 Family Courts	972,000
05-9873 Family Courts	612,000
05-9883 Family Courts	699,000
05-9893 Family Courts	530,000
05-9903 Family Courts	595,000
05-9913 Family Courts	763,000
05-9923 Family Courts	746,000
05-9933 Family Courts	588,000
05-9943 Family Courts	394,000
05-9953 Family Courts	1,135,000
07-9740 Probation Services	14,273,000
07-9814 Probation Services	1,662,000
07-9824 Probation Services	2,069,000
07-9834 Probation Services	1,634,000
07-9844 Probation Services	3,178,000
07-9854 Probation Services	4,478,000
07-9864 Probation Services	2,462,000
07-9874 Probation Services	1,774,000
07-9884 Probation Services	1,602,000
07-9894 Probation Services	1,700,000
07-9904 Probation Services	1,025,000
07-9914 Probation Services	1,767,000
07-9924 Probation Services	1,769,000
07-9934 Probation Services	1,444,000
07-9944 Probation Services	1,219,000
07-9954 Probation Services	<u>2,321,000</u>
Total Appropriation, Judicial Services	<u>\$625,378,000</u>
Personal Services:	
Salaries and Wages	(\$38,635,000)
Employee Benefits	(10,296,000)
Materials and Supplies	(529,000)
Services Other Than Personal	(1,975,000)
Maintenance and Other Fixed Charges ...	(207,000)
Special Purpose:	
Drug Court -- OJP -- Direct	(100,000)
Technology Opportunity Program .	(566,603,000)
NJ State Court Improvement Grant ...	(164,000)

services block grant; and the child care block grant. These reports shall account for all federal, State and local funds which are anticipated to be expended on block grant programs, shall provide an accounting of block grant expenditures during the prior fiscal year, and shall provide a detailed list of contracts awarded to provide services under the block grants.

Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered or services rendered in prior fiscal years, upon the written recommendations of any department head or the department head's designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which the director deems improper.

The sum herein appropriated to the Department of Transportation for the Hudson-Bergen Light Rail Transit System is hereby appropriated, to the extent necessary, to pay the principal of and interest on the grant anticipation notes issued by the New Jersey Transit Corporation.

To the extent that federal funds are received in fiscal year 2001 pursuant to the full funding grant agreement for the Hudson-Bergen Light Rail Transit System subsequent to the payment by the New Jersey Transportation Trust Fund Authority of its obligations under a Standby Deficiency Agreement, such federal funds are hereby appropriated to the New Jersey Transportation Trust Fund Authority to be allotted to projects as shall be determined by the Commissioner of Transportation.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification, and within the federal matching funding, in the Division of Medical Assistance and Health Services in the Department of Human Services, and within the Medical Services for the Aged program classification, and within the federal matching funding, in the Division of Senior Services in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Grand Total Appropriation, All Funds \$29,440,929,000

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 and Finance Officer, private contributions, revolving funds and dedicated funds received, receivable or estimated to be received for the use of the State or its agencies in excess of those anticipated, unless otherwise provided herein, and the unexpended balances as of June 30, 2000 of such funds, subject to the approval of the Director of the Division of Budget and Accounting.

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

services must be provided and approved by the Director of the Division of Budget and Accounting, the State Treasurer and the Commissioner of Health and Senior Services.

b. Submission of a plan that complies with criteria and program guidelines established by the Commissioner of Health and Senior Services, the Director of the Division of Budget and Accounting and the State Treasurer. The plan should describe the potential disposition of the facility, if such a plan exists. The ongoing access to emergency services to the service area of the hospital ceasing acute care operations should also be identified.

c. Lastly, the State is the payor of last resort and the plan must specify the availability of other resources including, but not limited to:

- (1) Funds from bond insurance;
- (2) The net revenue likely to accrue to a hospital acquiring the assets of the hospital ceasing acute care operations;
- (3) The net liabilities of the hospital ceasing acute care operations; and
- (4) The assets of a hospital system whose member is a hospital ceasing acute care operations.

10. In addition to the amounts appropriated hereinabove, such additional sums as may be necessary are appropriated to fund the costs of the collection of debts, taxes and other fees and charges owed to the State, including but not limited to the services of auditors and attorneys and enhanced compliance programs, subject to the approval of the Director of the Division of Budget and Accounting.

11. Notwithstanding any provision of law to the contrary, any surplus balance remaining in the New Jersey Medical Malpractice Reinsurance Recovery Fund after all financial obligations of the New Jersey Medical Malpractice Reinsurance Association are funded, as determined by the Director of the Division of Budget and Accounting, is appropriated for transfer to the General Fund as State revenue.

12. There is appropriated \$200,000 from the Mortgage Assistance Fund for transfer to the General Fund as State revenue.

13. There is appropriated \$11,600,000 from the Legal Services Trust Fund established pursuant to section 6 of P.L.1996, c.52 (C.22A:2-51), for transfer to the General Fund as State revenue to fund the following programs: \$8,000,000 for Legal Services of New Jersey grant, \$3,000,000 for ten additional judgeships in the Judiciary, and \$600,000 for Clinical Legal Programs for the Poor at the Rutgers-Camden Law School, the Rutgers-Newark Law School and Seton Hall Law School.

14. The unexpended balances as of June 30, 2000 in the accounts of the several departments and agencies heretofore appropriated or established in the category of Additions, Improvements and Equipment are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

“item of appropriation” means the spending authority identified by an organization code, appropriation source, and program code, unique to the item. If the director consents to the transfer, the amount transferred shall be credited by the director to the designated item of appropriation and notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. However, the director, after consenting thereto, shall submit the following transfer requests to the Legislative Budget and Finance Officer for legislative approval or disapproval unless otherwise provided in this act:

(1) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$300,000, to or from any item of appropriation;

(2) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$50,000, to or from any Special Purpose account, as defined by major object 5, or Grant account, as defined by major object 6, within an item of appropriation, from or to a different item of appropriation;

(3) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$50,000, to or from any Special Purpose or Grant account in which the identifying organization code, appropriation source, and program code, remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations;

(4) Requests for the transfer of State funds, in amounts greater than \$50,000, between items of appropriation in different departments or between items of appropriation in different appropriation classifications herein entitled as Direct State Services, Grants-In-Aid, State Aid, Capital Construction and Debt Service;

(5) Requests for the transfer of federal funds, in amounts greater than \$300,000, from one item of appropriation to another item of appropriation, if the amount of the transfer to an item in combination with the amount of the appropriation to that item would result in an amount in excess of the appropriation authority for that item, as defined by the program class;

(6) Requests for such other transfers as are appropriate in order to ensure compliance with the legislative intent of this act.

b. The Joint Budget Oversight Committee or its successor may review all transfer requests submitted for legislative approval and may direct the Legislative Budget and Finance Officer to approve or disapprove any such transfer request. Transfers submitted for legislative approval pursuant to paragraph (4) of subsection a. of this section shall be made only if approved by the Legislative Budget and Finance Officer at the direction of the committee.

c. The Legislative Budget and Finance Officer shall approve or disapprove requests for the transfer of funds submitted for legislative approval within 10 working days of the physical receipt thereof and shall return them to the director. If any provision of this act or any supplement thereto requires the Legislative Budget and Finance Officer to approve or disapprove requests for the transfer of funds, the request shall be deemed to be approved by the Legislative Budget and Finance Officer if, within 20 working days of the physical receipt of the request, he has not disapproved the request and so notified the requesting officer. However, this time period shall not pertain to any transfer request under review by the Joint Budget Oversight Committee or its successor, provided notice of such review has been given to the director.

shall have their allocation proportionately reduced, subject to the approval of the Director of the Division of Budget and Accounting.

28. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and the director is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget and Finance Officer upon the effective date thereof. If such transfers may be required among appropriations made to the Legislature and its agencies, the Legislative Budget and Finance Officer, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be that officer's duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

29. The Director of the Division of Budget and Accounting is empowered and it shall be the director's duty in the disbursement of funds for payment of expenses classified as employee benefits, debt service, rent, telephone, motor pool, insurance, postage, lease payments on equipment purchases and compensation awards to credit or transfer to the Department of the Treasury, to an Inter-Departmental account, or to the General Fund, as applicable, from any other department, branch or non-State fund source out of funds appropriated thereto, such sums as may be required to cover the costs of such payment attributable to such other department, branch or non-State fund source as the director shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

30. 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.

31. 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.

32. The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to any State agency for services provided, or to be provided, by that agency to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

40. The Director of the Division of Budget and Accounting is empowered to establish revolving and dedicated funds as required. Notice of the establishment of such funds shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date thereof.

41. The Director of the Division of Budget and Accounting may, upon application therefor, allot from appropriations made to any official, department, commission or board, a sum to establish a petty cash fund for the payment of expenses under rules and regulations established by the director. Allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefor, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefor from all persons obtaining money from the fund. The director shall make regulations governing disbursement from petty cash funds.

42. 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.

43. Notwithstanding the provision of any other law, the State Treasurer may transfer from any fund in the State Treasurer's custody, deposited with the State Treasurer pursuant to law, sufficient sums to enable payments from any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds established pursuant to statutes that provide for interest earnings to accrue to those funds, all such transfers shall be without interest. If the statute provides for interest earnings, it shall be calculated at the average rate of earnings during the fiscal year from the State's general investments.

44. 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 unreserved, undesignated fund balance in the Property Tax Relief Fund, as determined by the State Treasurer, is sufficient to support the expenditure.

45. The Director of the Division of Budget and Accounting may settle any claim not exceeding \$2,000 due and owing to the State.

46. Notwithstanding any other provisions of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding \$4,000 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. The Legislative Budget and Finance Officer shall be notified of the

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.

52. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with copies of all BB-4s, Application for Non-State funds, and accompanying project proposals or grant applications, which require a State match and that may commit or require State support after the grant's expiration.

53. In order to provide effective cash flow management for revenues and expenditures of the General Fund and the Property Tax Relief Fund in the implementation of the fiscal year 2000 annual appropriations act, there are appropriated from the General Fund such sums as may be required to pay the principal of and interest on tax and revenue anticipation notes including notes in the form of commercial paper (hereinafter collectively referred to as short-term notes), together with any costs or obligations relating to the issuance thereof or contracts related thereto, according to the terms set forth herein. Provided further that, to the extent that short-term notes are issued for cash flow management purposes in connection with the Property Tax Relief Fund, there are appropriated from the Property Tax Relief Fund such sums as may be required to pay the principal of those short-term notes.

54. The State Treasurer is authorized to issue short-term notes, which notes shall not constitute a general obligation of the State or a debt or a liability within the meaning of the State Constitution, and the State Treasurer is authorized to pay any costs or obligations relating to the issuance of such short-term notes or contracts relating thereto. Such short-term notes shall be issued in such amounts and at such times as the State Treasurer shall deem necessary for the above stated purposes and for the payment of related costs, and on such terms and conditions, sold in such manner and at such prices, bearing interest at such fixed or variable rate or rates, renewable at such time or times, and entitled to such security, and using such paying agents as shall be determined by the State Treasurer. The State Treasurer is authorized to enter into such contracts and to take such other actions, all as determined by the State Treasurer to be appropriate to carry out the above cash flow management purposes. The State Treasurer shall give consideration to New Jersey-based vendors in entering into such contracts. Whenever the State Treasurer issues such short-term notes, the State Treasurer shall report on each such issuance to the Chairman of the Senate Budget and Appropriations Committee and the Chairman of the Assembly Appropriations Committee.

55. Notwithstanding the provisions of the Surplus Revenue Fund, P.L.1990, c.44 (C.52:9H-14), or any other laws to the contrary, the balance of the fund shall not exceed \$720,000,000. Any amount in excess of \$720,000,000 shall be deposited to a fund, the Debt Retirement Fund, to economically defease or retire long term obligations as the State Treasurer, subject to the approval of the Joint

Department of Human Services	Payments for Medical Assistance Recipients - Dental	\$3,244,000
	Title XIX Children's Initiative	\$10,000,000
State Aid		
Treasury	School Facilities Construction and Renovation	<u>\$11,900,000</u>
Total, General Fund, Payable from Tobacco Settlement Fund		<u>\$144,219,000</u>

b. The following amounts are appropriated from the Tobacco Settlement Fund:

Department	Line Item	Amount
Health and Senior Services	Health Care Subsidy Fund	\$128,064,000
Human Services	NJ Family Care	\$70,000,000
State	Cancer Institute of New Jersey, UMDNJ	\$5,000,000
Treasury	Tobacco Settlement Reserve Account	<u>\$42,000,000</u>
Total Appropriation, Tobacco Settlement Fund		<u>\$245,064,000</u>

57. In addition to the amount appropriated hereinabove from the Tobacco Settlement Fund, there is appropriated from the Tobacco Settlement Fund Reserve Account an amount not to exceed \$25,000,000 to establish a prescription drug discount program for elderly and disabled citizens who are not eligible to participate in the Pharmaceutical Assistance for the Aged and Disabled (PAAD) Program, P.L.1975, c.194 (C.30:4D-20 et seq.), subject to the enactment of enabling legislation.

58. If receipts to the Tobacco Settlement Fund are less than anticipated, such sums as are necessary up to the limit of the appropriations above shall be appropriated from the General Fund, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are more than anticipated, such sums shall be appropriated at a later date.

59. The unexpended balances as of June 30, 2000 in accounts funded from the Tobacco Settlement Fund are appropriated for deposit into the Health Care Subsidy Fund, subject to the approval of the Director of the Division of Budget and Accounting.

60. Notwithstanding any other provision of law, funds derived from the sale or conveyance of any lands and buildings or proceeds from the sale of all fill material held by a department are appropriated for demolition, acquisition of land, rehabilitation or improvement of existing facilities and construction of new facilities subject to the approval of the Director of the Division of Budget and Accounting.

CHAPTER 54

AN ACT permitting certain local authorities and sewerage commissions to participate in structured financing agreements and amending P.L.1999, c.157.

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

1. Section 10 of P.L.1999, c.157 (C.52:31C-10) is amended to read as follows:

C.52:31C-10 Procedures for undertaking structured financing agreements by public agencies other than the State.

10. Notwithstanding any law to the contrary, the State Treasurer shall establish procedures under which a county or municipal governing board, a board of education, a sewerage authority created pursuant to the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.), a utilities authority created pursuant to the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), or the Passaic Valley Sewerage Commissioners, continued pursuant to R.S.58:14-2 may undertake structured financing agreements involving local assets in a manner similar to that provided for State assets.

2. This act shall take effect immediately.

Approved June 30, 2000.

CHAPTER 55

AN ACT concerning certain controlled dangerous substances and amending N.J.S.2C:35-5.

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

1. N.J.S.2C:35-5 is amended to read as follows:

Manufacturing, distributing or dispensing.

2C:35-5. Manufacturing, Distributing or Dispensing. a. Except as authorized by P.L.1970, c.226 (C.24:21-1 et seq.), it shall be unlawful for any person knowingly or purposely:

and one-half of the sentence imposed by the court, during which the defendant shall be ineligible for parole. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to \$500,000.00 may be imposed;

(7) Lysergic acid diethylamide, or its analog, in a quantity of less than 100 milligrams including any adulterants or dilutants, or where the amount is undetermined, or phencyclidine, or its analog, in a quantity of less than 10 grams including any adulterants or dilutants, or where the amount is undetermined, is guilty of a crime of the second degree;

(8) Methamphetamine, or its analog, or phenyl-2-propanone (P2P), in a quantity of five ounces or more including any adulterants or dilutants is guilty of a crime of the first degree. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to \$300,000.00 may be imposed;

(9) (a) Methamphetamine, or its analog, or phenyl-2-propanone (P2P), in a quantity of one-half ounce or more but less than five ounces including any adulterants or dilutants is guilty of a crime of the second degree;

(b) Methamphetamine, or its analog, or phenyl-2-propanone (P2P), in a quantity of less than one-half ounce including any adulterants or dilutants is guilty of a crime of the third degree except that notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$75,000.00 may be imposed;

(10) (a) Marijuana in a quantity of 25 pounds or more including any adulterants or dilutants, or more than 50 marijuana plants, regardless of weight, or hashish in a quantity of five pounds or more including any adulterants or dilutants, is guilty of a crime of the first degree. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to \$300,000.00 may be imposed;

(b) Marijuana in a quantity of five pounds or more but less than 25 pounds including any adulterants or dilutants, or 10 or more but fewer than 50 marijuana plants, regardless of weight, or hashish in a quantity of one pound or more but less than five pounds, including any adulterants and dilutants, is guilty of a crime of the second degree;

(11) Marijuana in a quantity of one ounce or more but less than five pounds including any adulterants or dilutants, or hashish in a quantity of five grams or more but less than one pound including any adulterants or dilutants, is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000.00 may be imposed;

(12) Marijuana in a quantity of less than one ounce including any adulterants or dilutants, or hashish in a quantity of less than five grams including any adulterants or dilutants, is guilty of a crime of the fourth degree;

b. The safety of students housed in dormitories at secondary schools, military schools, boarding schools, or at institutions of higher education is a vital concern. These students represent New Jersey's future.

c. Automatic fire suppression systems installed in buildings have been proven to be a very effective method of preventing injury, death and widespread property damage. The construction, reconstruction, development, extension and improvement of dormitory safety facilities, including fire prevention and sprinkler systems, shall therefore be deemed in the public interest and a public purpose.

C.52:27D-198.9 Definitions relative to installation of fire suppression systems in student dormitories; requirements.

3. a. Notwithstanding any law, rule or regulation to the contrary, all buildings used as dormitories, in whole or in part, or similar accommodations to house students at a public or private school or at a public or private institution of higher education, shall be equipped throughout with an automatic fire suppression system in accordance with the provisions of this section. For the purpose of this act:

(1) "Dormitories" means buildings, or portions thereof, containing rooms which are provided as residences or for overnight sleeping for individuals or groups, and includes those residences utilized by fraternities or sororities which are recognized by or owned by a school or institution of higher education, but does not include those residences or multiple dwellings which are not recognized by or owned by a school or institution of higher education.

(2) "Equipped throughout" means installed in the common areas as well as in the areas utilized for sleeping within a dormitory.

(3) "Common areas" means those areas within a building which are normally accessible to all residents, including the corridors, lounge or lobby areas, and areas which contain elements of fire hazards, such as boiler rooms.

(4) "School" means a secondary school, military school, or a boarding school.

b. Within 120 days of the effective date of P.L.2000, c.56 (C.52:27D-198.7 et al.), each entity responsible for a building subject to the requirements of this section shall file with the Division of Fire Safety in the Department of Community Affairs a plan outlining the installation of automatic fire suppression systems in those buildings as required pursuant to subsection a. of this section. A plan may cover installation projects which were begun within a 12 month period prior to the effective date of P.L.2000, c.56 (C.52:27D-198.7 et al.). Each plan shall provide that:

(1) at least 25 percent of the required installation will be completed no later than the last day of the 12th month next following the effective date of P.L.2000, c.56 (C.52:27D-198.7 et al.);

be maintained as a separate account and administered by the authority to carry out the provisions of P.L.2000, c.56 (C.52:27D-198.7 et al.). There shall be paid into this fund:

(1) moneys received from the sale of bonds or notes issued pursuant to section 8 of P.L.2000, c.56 (C.18A:72A-12.8);

(2) moneys appropriated by the Legislature, including moneys as may be appropriated annually in an amount sufficient to pay the principal and interest on the bonds or notes;

(3) all interest and investment earnings received on the moneys in the trust fund; and

(4) all repayments of loans authorized pursuant to P.L.2000, c.56 (C.52:27D-198.7 et al.).

b. The trust fund shall be used to provide loans to the schools and institutions of higher education which are required pursuant to P.L.2000, c.56 (C.52:27D-198.7 et al.) to install automatic fire suppression systems, for the cost, or a portion of the cost, of the construction, reconstruction, development, extension or improvement of dormitory safety facilities, including fire prevention and sprinkler systems.

C.18A:72A-12.7 Establishment of program to provide loans.

7. a. The State Treasurer shall establish a program to provide the loans authorized pursuant to P.L.2000, c.56 (C.52:27D-198.7 et al.). The governing board of a public or private institution of higher education as defined pursuant to N.J.S.18A:72A-3 or of a public or private secondary school shall be eligible for and may determine by resolution to apply for a loan from the trust fund established pursuant to section 6 of P.L.2000, c.56 (C.18A:72A-12.6). The resolutions shall be transmitted to and in a manner to be determined by the State Treasurer. Owners of residences being utilized by fraternities or sororities, other than those owned by public or private institutions of education, who are responsible for the installation of an automatic fire suppression system pursuant to section 3 of P.L.2000, c.56 (C.52:27D-198.9) shall not be eligible for a loan from the trust fund established pursuant to section 6 of P.L.2000, c.56 (C.18A:72A-12.6), but shall be eligible and may apply for a life safety improvement loan pursuant to section 13 of P.L.1983, c.530 (C.55:14K-13) as amended by section 13 of P.L.2000, c.56.

b. Individual loan amounts from the trust fund shall be limited to no more than the projected costs as stated in the plan required to be filed with the Director of the Division of Fire Safety in the Department of Community Affairs pursuant to section 3 of P.L.2000, c.56 (C.52:27D-198.9), and loan amounts shall be disbursed in accordance with the need and the time frame established under the installation plan. If sufficient funds are not available to fully fund each request, the State Treasurer may limit the amounts loaned

a debt service savings. The authority shall issue the bonds or notes in such manner as it shall determine in accordance with the provisions of P.L.1993, c.375 (C.18A:72A-49 et al.) and the "New Jersey educational facilities authority law," N.J.S.18A:72A-1 et seq., provided that no bonds or notes shall be issued pursuant to this section without the prior written consent of the State Treasurer.

b. Bonds or notes issued pursuant to P.L.2000, c.56 (C.52:27D-198.7 et al.) shall not be in any way a debt or liability of the State or of any political subdivision thereof other than the authority and shall not create or constitute any indebtedness, liability or obligation of the State or of any political subdivision thereof, or be or constitute a pledge of the faith and credit of the State or of any political subdivision thereof, but all bonds or notes, unless funded or refunded by the bonds or notes of the authority, shall be payable solely from revenues of funds pledged or available for their payment as authorized by P.L.2000, c.56 (C.52:27D-198.7 et al.). Each bond shall contain on its face a statement to the effect that the authority is obligated to pay the principal thereof, redemption premium, if any, or the interest thereon only from revenue or funds of the authority and that neither the State nor any political subdivision thereof is obligated to pay the principal thereof, redemption premium, if any, or interest thereon and that neither the faith and credit nor the taxing power of the State or of any political subdivision thereof is pledged to the payment of the principal of, redemption premium, if any, or the interest on the bonds.

c. The State of New Jersey does hereby pledge to and covenant and agree with the holders of any bonds or notes issued pursuant to the authorization hereunder that the State shall not limit or alter the rights or powers hereby vested in the authority to perform and fulfill the terms of any agreement made with the holders of the bonds or notes, or to fix, establish, charge and collect such rents, fees, rates, payments, or other charges as may be convenient or necessary to produce sufficient revenues to meet all expenses of the authority and to fulfill the terms of any agreement made with the holders of the bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders, until the bonds and notes, together with interest thereon, are fully met and discharged or provided for.

d. The State Treasurer is hereby authorized to enter into a contract with the authority pursuant to which the State Treasurer, subject to available appropriations, shall pay the amount necessary to pay the principal and interest on bonds, notes and other obligations of the authority issued pursuant to P.L.2000, c.56 (C.52:27D-198.7 et al.) plus any amounts

library, laboratory, research facility, classroom, athletic facility, health care facility, teaching hospital, and parking maintenance storage or utility facility and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of an institution for higher education, and public libraries, and the necessary and usual attendant and related facilities and equipment, but shall not include any facility used or to be used for sectarian instruction or as a place for religious worship;

"Emerging needs program" means a program at one or more public or private institutions of higher education directed to meeting new and advanced technology needs or to supporting new academic programs in science and technology;

"Higher education equipment" means any property consisting of, or relating to, scientific, engineering, technical, computer, communications or instructional equipment;

"Participating college" means a public institution of higher education or private college which, pursuant to the provisions of this chapter, participates with the authority in undertaking the financing and construction or acquisition of a project;

"Project" means a dormitory or an educational facility or any combination thereof, or a county college capital project;

"Private college" means an institution for higher education other than a public college, situated within the State and which, by virtue of law or charter, is a nonprofit educational institution empowered to provide a program of education beyond the high school level;

"Private institution 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;

"Public institution 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;

"School" means a secondary school, military school, or boarding school;

"University" means Rutgers, The State University.

11. N.J.S.18A:72A-5 is amended to read as follows:

- (b) the heating and ventilating systems and equipment;
- (c) the electrical work, including any electrical power plants;
- (d) the structural steel and ornamental iron work;
- (e) all other work and materials required for the completion of the project, or
- (2) bids for all work and materials required to complete the entire project if awarded as a single contract; or
- (3) both (1) and (2) above.

All bids submitted shall set forth the names and license numbers of, and evidence of performance security from, all subcontractors to whom the bidder will subcontract the work described in the foregoing categories (1)(a) through (1)(e).

Contracts shall be awarded to the lowest responsible bidder whose bid, conforming to the invitation for bids, will be the most advantageous to the authority;

(k) To determine the location and character of any project to be undertaken pursuant to the provisions of this chapter, and to construct, reconstruct, maintain, repair, operate, lease, as lessee or lessor, and regulate the same; to enter into contracts for any or all such purposes; to enter into contracts for the management and operation of a project, and to designate a participating college as its agent to determine the location and character of a project undertaken by such participating college under the provisions of this chapter and, as the agent of the authority, to construct, reconstruct, maintain, repair, operate, lease, as lessee or lessor, and regulate the same, and, as agent of the authority, to enter into contracts for any and all such purposes including contracts for the management and operation of such project;

(l) To establish rules and regulations for the use of a project or any portion thereof and to designate a participating college as its agent to establish rules and regulations for the use of a project undertaken by such participating college;

(m) Generally to fix and revise from time to time and to charge and collect rates, rents, fees and other charges for the use of and for the services furnished or to be furnished by a project or any portion thereof and to contract with holders of its bonds and with any other person, party, association, corporation or other body, public or private, in respect thereof;

(n) To enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the authority or to carry out any power expressly given in this chapter;

(o) To invest any moneys held in reserve or sinking funds, or any moneys not required for immediate use or disbursement, at the discretion of the authority, in such obligations as are authorized by law for the investment of trust funds in the custody of the State Treasurer;

13. Section 13 of P.L.1983, c.530 (C.55:14K-13) is amended to read as follows:

C.55:14K-13 Life safety improvement loans.

13. a. In order to encourage the construction, acquisition and rendering of life safety improvements at or to boarding houses, the agency is hereby authorized to finance by life safety improvement loans the construction, acquisition and rendering of life safety improvements at or to boarding houses and residences utilized by fraternities or sororities which are recognized by a public or private institution of higher education. For the purposes of this section, "boarding house" shall include reference to residences utilized by fraternities or sororities which are recognized by a public or private institution of higher education.

b. To carry out the purposes of this section, the agency may accept from boarding house owners applications for life safety improvement loans and enter into agreements with boarding house owners with respect thereto. In considering applications for life safety improvement loans, the agency shall give consideration to:

(1) the degree of need for the life safety improvement at the boarding house with respect to which the application is made;

(2) factors affecting the tax-exempt status of interest on the bonds issued by the agency to raise the money necessary to make the life safety improvement loan, including the location and ownership of boarding houses with respect to which applications have been and are being made;

(3) the extent of the benefit which, in the agency's opinion, can be expected to be achieved from the life safety improvement intended to be financed with the life safety improvement loan for which the application is made, giving effect to, among other things, the cost of such life safety improvement;

(4) the applicant's ability to obtain alternate financing; and

(5) the extent of the applicant's compliance with the "Rooming and Boarding House Act of 1979," P.L.1979, c.496 (C.55:13B-1 et seq.), if that act is applicable. This determination shall be accomplished through an inspection of the boarding house by either the New Jersey Department of Community Affairs or the New Jersey Department of Health and Senior Services. Deficiencies which are to be corrected through life safety improvement loans are not to be used as a basis for disapproving a loan under this section.

c. Life safety improvement loans made by the agency shall not be subject to the terms and conditions set forth in sections 6 through 10 of this act but shall be subject to the following terms and conditions:

(1) the amount of the loan shall not exceed 100% of the cost of the life safety improvement to be constructed, acquired or rendered, as determined by the agency.

(2) the interest rate on the loan shall be established by the agency at the lowest level consistent with the agency's cost of operation but not lower than

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

C.45:14BB-1 Short title.

1. This act shall be known and may be cited as the "Psychoanalysts State Certification Act."

C.45:14BB-2 Findings, declarations relative to certification of psychoanalysts.

2. The Legislature finds and declares that the public interest requires the establishment of clear certification standards for psychoanalysts; and that the health and welfare of the residents of the State will be protected by identifying to the public those individuals who are qualified to call themselves State certified psychoanalysts.

C.45:14BB-3 Definitions relative to certification of psychoanalysts.

3. As used in this act:

"Advisory committee" means the Certified Psychoanalysts Advisory Committee established pursuant to section 4 of this act.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety or his designee.

"National psychoanalytic association" means a national professional organization of psychoanalysts that conducts on-site visits of psychoanalytic institutes applying for association membership.

"Psychoanalytic services" means therapeutic services that are based on an understanding of the unconscious and how unconscious processes affect the human mind as a whole, including actions, thoughts, perceptions and emotions.

"State certified psychoanalyst" means an individual who has met the eligibility requirements contained in section 6 of this act and holds a current, valid certificate of State certification.

C.45:14BB-4 Certified Psychoanalysts Advisory Committee.

4. a. There is created within the Division of Consumer Affairs in the Department of Law and Public Safety a Certified Psychoanalysts Advisory Committee which shall serve as an advisory body to the director with respect to the State certification of psychoanalysts. The advisory committee shall consist of six members who are residents of the State, four of whom shall be State certified psychoanalysts and two of whom shall be public members. The four psychoanalyst members shall be, except for the members first appointed, State certified psychoanalysts under the provisions of this act and shall have been actively engaged in the practice of psychoanalytic services in the State for at least five years immediately preceding their appointment.

b. The Governor shall appoint the members with the advice and consent of the Senate. Each member shall be appointed for a term of three

government and approved by the director or accredited by a national psychoanalytic association and approved by the director; and

e. Have successfully passed an examination approved by the director, in consultation with the advisory committee, to determine the applicant's competence to practice psychoanalytic services.

C.45:14BB-7 Contents of examination; administration.

7. a. The examination required by subsection e. of section 6 of this act shall cover the theories relating to an applicant's psychoanalytic educational background. The director may use psychoanalytic tests utilized by state or foreign psychoanalytic training institutions or by national psychoanalytic associations.

b. The examination required by subsection e. of section 6 of this act shall be held within the State at least once each year at a time and place to be determined by the director, in consultation with the advisory committee, except that an examination need not be conducted when no one has applied to be examined. The director shall give adequate written notice of the examination to applicants for State certification and examination.

c. If an applicant fails an examination twice, the applicant may take a third examination not less than one year nor more than three years from the date of the applicant's initial examination. Additional examinations may be permitted in accordance with standards set by the director, after consultation with the advisory committee.

C.45:14BB-8 Issuance of certification.

8. The director shall issue a certificate of State certification to any applicant who, in the opinion of the director, has satisfactorily met the requirements of this act. The director may waive the requirement under subsection d. of section 6 of this act and allow an applicant to sit for the State certification examination if in the opinion of the director, the applicant has sufficient experience in psychoanalysis and holds a current State of New Jersey license, registration, or certificate in a mental health profession.

All certificates of State certification shall be issued for a two-year period upon the payment of the certification fee prescribed by the director, after consultation with the advisory committee, and shall be renewed upon filing of a renewal application, the payment of a certification fee and presentation of satisfactory evidence that the renewal applicant has successfully completed the continuing education requirements prescribed by the director by regulation.

C.45:14BB-9 Use of title restricted.

9. No person shall use the title, "State certified psychoanalyst" or the abbreviation "SCP," unless certified pursuant to the provisions of this act.

c. Anonymity, confidentiality and freedom from prosecution may encourage the parent to leave an infant safely and save the life of the infant.

d. Texas passed a law in 1999 concerning the emergency possession of certain abandoned children (Texas Family Code Section 262.301 et seq.) and measures similar to this Texas law have passed in Minnesota and Louisiana and are under consideration in more than 20 states, including California, Colorado, Kentucky and Indiana to name a few.

e. Infants at risk may be served by having this legislation in place and this legislation is worthwhile if it saves even one infant's life.

3. Section 7 of P.L.1991, c.275 (C.30:4C-15.1) is amended to read as follows:

C.30:4C-15.1 Termination of parental rights, standards.

7. a. The division shall initiate a petition to terminate parental rights on the grounds of the "best interests of the child" pursuant to subsection (c) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the following standards are met:

(1) The child's safety, health or development has been or will continue to be endangered by the parental relationship;

(2) The parent is unwilling or unable to eliminate the harm facing the child or is unable or unwilling to provide a safe and stable home for the child and the delay of permanent placement will add to the harm. Such harm may include evidence that separating the child from his foster parents would cause serious and enduring emotional or psychological harm to the child;

(3) The division has made reasonable efforts to provide services to help the parent correct the circumstances which led to the child's placement outside the home and the court has considered alternatives to termination of parental rights; and

(4) Termination of parental rights will not do more harm than good.

b. The division shall initiate a petition to terminate parental rights on the ground that the "parent has abandoned the child" pursuant to subsection (e) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the following standards are met:

(1) a court finds that for a period of six or more months:

(a) the parent, although able to have contact, has had no contact with the child, the child's foster parent or the division; and

(b) the parent's whereabouts are unknown, notwithstanding the division's reasonable efforts to locate the parent; or

(2) where the identities of the parents are unknown and the division has exhausted all reasonable methods of attempting identification, the division may immediately file for termination of parental rights upon the completion of the law enforcement investigation; or

(2) take any action or provide any treatment necessary to protect the child's physical health and safety; and

(3) no later than the first business day after taking possession of the child, notify the Division of Youth and Family Services in the Department of Human Services that the hospital has taken possession of the child.

c. The Division of Youth and Family Services shall assume the care, custody and control of the child immediately upon receipt of notice from a licensed general hospital pursuant to paragraph (3) of subsection b. of this section. The division shall commence a thorough search of all listings of missing children to ensure that the relinquished child has not been reported missing.

d. A child for whom the Division of Youth and Family Services assumes care, custody and control pursuant to subsection c. of this section shall be treated as a child taken into possession without a court order.

e. It shall be an affirmative defense to prosecution for abandonment of a child that the parent voluntarily delivered the child to and left the child at, or voluntarily arranged for another person to deliver the child to and leave the child at, a State, county or municipal police station as provided in subsection a. of this section or the emergency department of a licensed general hospital in this State as provided in subsection b. of this section. Nothing in this subsection shall be construed to create a defense to any prosecution arising from any conduct other than the act of delivering the child as described herein, and this subsection specifically shall not constitute a defense to any prosecution arising from an act of abuse or neglect committed prior to the delivery of the child to a State, county or municipal police station as provided in subsection a. of this section or the emergency department of a licensed general hospital in this State as provided in subsection b. of this section.

f. A State, county or municipal police officer and the governmental jurisdiction employing that officer or an employee of an emergency department of a licensed general hospital in this State and the hospital employing that person shall incur no civil or criminal liability for any good faith acts or omissions performed pursuant to this section.

g. Any person who voluntarily delivers a child who is or appears to be no more than 30 days old to a licensed general hospital or a police station in accordance with this section shall not be required to disclose that person's name or other identifying information or that of the child or the child's parent, if different from the person who delivers the child to the hospital or police station, or provide background or medical information about the child, but may voluntarily do so.

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

Approved July 7, 2000.

CHAPTER 59

AN ACT concerning transportation and amending P.L. 1984, c.73.

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

1. Section 3 of P.L.1984, c.73 (C.27:1B-3) is amended to read as follows:

C.27:1B-3 Definitions.

3. The following words or terms as used in this act shall have the following meaning unless a different meaning clearly appears from the context:

a. "Act" means this New Jersey Transportation Trust Fund Authority Act of 1984.

b. "Authority" means the New Jersey Transportation Trust Fund Authority created by section 4 of this act.

c. "Bonds" means bonds issued by the authority pursuant to the act.

d. "Commissioner" means the Commissioner of Transportation.

e. "Department" means the Department of Transportation.

f. "Federal aid highway" means any highway within the State in connection with which the State receives payment or reimbursement from the federal government under the terms of Title 23, United States Code or any amendment, successor, or replacement thereof, for the purposes contained in the act.

g. "Federal government" means the United States of America, and any officer, department, board, commission, bureau, division, corporation, agency or instrumentality thereof.

h. "South Jersey Transportation Authority" means the public corporation created by section 4 of P.L.1991, c.252 (C.27:25A-4) or its successor.

i. "New Jersey Highway Authority" means the public corporation created by section 4 of P.L.1952, c.16 (C.27:12B-4) or its successor.

j. "New Jersey Turnpike Authority" means the public corporation created by section 3 of P.L.1948, c.454 (C.27:23-3) or its successor.

k. "Notes" means the notes issued by the authority pursuant to the act.

l. "Public highways" means public roads, streets, expressways, freeways, parkways, motorways and boulevards, including bridges, tunnels,

Signal System, Hudson River Waterfront Transportation System, Newark-Newark International Airport-Elizabeth Transit Link, a rail connection between Penn Station Newark and Broad Street Station, Newark, New York Penn Station Concourse, and the equipment needed to operate revenue service associated with improvements made by the project, and (2) the modification and reconstruction of the West Shore Line in Bergen County connected to Allied Junction/Secaucus Transfer Meadowlands Rail Center; the construction of a rail station and associated components at the Meadowlands Sports Complex; the modification and reconstruction of the Susquehanna and Western Railway, as defined and provided in section 3035 (a) of the "Intermodal Surface Transportation Efficiency Act of 1991"; the modification and reconstruction of the Lackawanna Cutoff Commuter Rail Line connecting Morris, Sussex and Warren Counties to the North Jersey Transportation Rail Centers; and commuter rail service in the central New Jersey region terminating at the proposed Lakewood Transportation Center in Ocean County or other location, as determined by the Board of the New Jersey Transit Corporation, pursuant to a resolution of the board providing for the achievement of a consensus among the interested parties as to the direction of the proposed rail line; provided, however, that this 2000 amendatory act shall not be construed as affecting any priorities which may have been assigned to any other project in the Circle of Mobility.

2. This act shall take effect immediately.

Approved July 11, 2000.

CHAPTER 60

AN ACT preventing consumer fraud in the preparation, distribution and sale of food represented as halal and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

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

C.56:8-98 Short title.

1. Sections 1 through 6 of this act shall be known and may be cited as the "Halal Food Consumer Protection Act."

C.56:8-99 Definitions relative to food represented as halal.

2. As used in this act:

CHAPTER 61

AN ACT concerning impounded motor vehicles and supplementing Title 39 of the Revised Statutes.

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

C.39:3-40.6 Proof of valid motor vehicle insurance before release of impounded vehicle.

1. No motor vehicle which has been impounded pursuant to the laws of this State shall be released by the State or local law enforcement authority which impounded the vehicle unless proof of valid motor vehicle insurance for that vehicle is presented to the law enforcement authority. The recovery or salvage of the impounded motor vehicle by, or on behalf of, an insurer, financial institution or other lending entity, shall not require proof of valid motor vehicle insurance for that vehicle.

2. This act shall take effect on the 60th day after enactment.

Approved July 13, 2000.

CHAPTER 62

AN ACT concerning the monitoring of patients' pain in health care facilities and supplementing Title 26 of the Revised Statutes.

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

C.26:2H-5b Routine monitoring of pain as fifth vital sign required.

1. a. The Commissioner of Health and Senior Services shall prescribe, by regulation, requirements to be adopted by health care facilities licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) for the routine monitoring of pain as a fifth vital sign in patients, in addition to blood pressure, pulse, respiration and temperature.

For the purpose of this subsection, the commissioner shall require health care facilities to:

- (1) routinely inquire whether a patient is in pain;
- (2) maintain policies and procedures as prescribed by the commissioner for asking patients to rate their degree of pain for a specified period of time and to record their responses; and
- (3) routinely record levels of pain intensity on patient charts.

c. "Institutional support services" means all services, facilities, equipment, personnel and expenditures associated with the creation and maintenance of approved research projects.

d. "Qualifying research institution" means the Institute for Medical Research in Camden, New Jersey, the University of Medicine and Dentistry of New Jersey, Rutgers--The State University, Princeton University and any other institution approved by the commission, which is conducting an approved research project.

2. Section 5 of P.L.1983, c.6 (C.52:9U-5) is amended to read as follows:

C.52:9U-5 Duties of commission.

5. The commission shall:
- a. Review and authorize approved research projects;
 - b. Apportion all available funds to qualifying research institutions to finance approved research projects and necessary institutional support services;
 - c. Ensure that funds appropriated to approved research projects are not diverted to any other use;
 - d. Take steps necessary to encourage the development within the State of research projects on:
 - (1) the causes of cancer; and
 - (2) pain management and palliative care for persons diagnosed with cancer;
 - e. Compile a directory of all cancer research projects being conducted in the State; and
 - f. Provide the Governor and the Legislature with a report by January 30 of each year describing the status of the commission's activities and the results of its funded research efforts.

3. This act shall take effect immediately.

Approved July 13, 2000.

CHAPTER 64

AN ACT establishing the New Jersey Pain Management Policy Advisory Council in the Department of Health and Senior Services.

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

d. The advisory council shall select a chairman from among its members and a secretary who need not be a member of the council.

e. The Department of Health and Senior Services shall provide such staff support as the advisory council requires to perform its duties.

3. The purpose of the advisory council shall be to provide advice and recommendations to the Department of Health and Senior Services and other State regulatory agencies with respect to pain management policy, including, but not limited to, the following: acute and chronic pain management treatment practices by health care providers in New Jersey; State statutes and regulations relating to pain management therapies; the sanction and use of alternative therapies; acute and chronic pain management education provided by medical schools in this State; acute and chronic pain management needs of both adults and children; and such other issues relating to pain management as the advisory council deems appropriate.

4. The advisory council shall report to the Governor and the Legislature no later than two years after the date of its organization on the results of its activities and shall include in that report such recommendations for administrative or legislative action as it desires to present.

5. This act shall take effect immediately and shall expire upon the issuance of the report by the advisory council pursuant to section 4 of this act.

Approved July 13, 2000.

CHAPTER 65

AN ACT concerning the rights of hospital patients and nursing home residents and amending P.L.1989, c.170 and P.L.1976, c.120.

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

1. Section 2 of P.L.1989, c.170 (C.26:2H-12.8) is amended to read as follows:

C.26:2H-12.8 Rights of persons admitted to a general hospital.

2. Every person admitted to a general hospital as licensed by the State Department of Health and Senior Services pursuant to P.L.1971, c.136 (C.26:2H-1 et al.) shall have the right:

which transfer shall not be effected unless it is determined by the physician to be medically necessary;

k. To be informed, upon request, of other health care and educational institutions that the hospital has authorized to participate in his treatment;

l. To be advised if the hospital proposes to engage in or perform human research or experimentation and to refuse to participate in these projects. For the purposes of this subsection "human research" does not include the mere collecting of statistical data;

m. To examine and receive an explanation of his bill, regardless of source of payment, and to receive information or be advised on the availability of sources of financial assistance to help pay for the patient's care, as necessary;

n. To expect reasonable continuity of care;

o. To be advised of the hospital rules and regulations that apply to his conduct as a patient;

p. To treatment without discrimination as to race, age, religion, sex, national origin, or source of payment; and

q. To contract directly with a New Jersey licensed registered professional nurse of the patient's choosing for private professional nursing care during his hospitalization. A registered professional nurse so contracted shall adhere to hospital policies and procedures in regard to treatment protocols and policies and procedures so long as those policies and procedures are the same for private duty and regularly employed nurses. The registered professional nurse shall not be considered an agent or employee of the hospital for purposes of any financial liabilities, including, but not limited to, State or federal employee taxes, worker's compensation payments or coverage for professional liability.

The hospital, upon a patient's or his designee's request for private professional nursing care, shall provide the patient or his designee with a list of local nonprofit professional nurses association registries that refer nurses for private professional nursing care.

2. Section 5 of P.L.1976, c.120 (C.30:13-5) is amended to read as follows:

C.30:13-5 Rights of nursing home residents.

5. Every resident of a nursing home shall:

a. Have the right to manage his own financial affairs unless he or his guardian authorizes the administrator of the nursing home to manage such resident's financial affairs. Such authorization shall be in writing and shall be attested by a witness that is unconnected with the nursing home, its operations, its staff personnel and the administrator thereof, in any manner whatsoever.

management and treatment of pain as an integral component of that person's care consistent with sound nursing and medical practices.

k. Have the right to refuse to perform services for the nursing home that are not included for therapeutic purposes in his plan of care as recorded in his medical record by his physician.

l. Have the right to reasonable opportunity for interaction with members of the opposite sex. If married, the resident shall enjoy reasonable privacy in visits by his spouse and, if both are residents of the nursing home, they shall be afforded the opportunity, where feasible, to share a room, unless medically inadvisable.

m. Not be deprived of any constitutional, civil or legal right solely by reason of admission to a nursing home.

3. This act shall take effect immediately.

Approved July 13, 2000.

CHAPTER 66

AN ACT concerning the New Jersey Automobile Insurance Risk Exchange and amending P.L.1983, c.362.

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

1. Section 15 of P.L.1983, c.362 (C.39:6A-21) is amended to read as follows:

C.39:6A-21 The New Jersey Automobile Insurance Risk Exchange; membership, board of directors.

15. The New Jersey Automobile Insurance Risk Exchange: membership, board of directors.

There shall be created, within 45 days of the operative date of this act, an unincorporated association, to operate on a nonprofit-nonloss basis, to be known as the New Jersey Automobile Insurance Risk Exchange, with its headquarters to be located within the State of New Jersey. Every insurer licensed to transact private-passenger automobile insurance in this State shall be a member of the exchange and shall be bound by the rules of the exchange as a condition of the authority to transact insurance business in this State. Any insurer which ceases to transact automobile insurance business in this State shall remain liable for any amounts due to the

1. Section 188 of P.L.1948, c.67 (C.17:9A-188) is amended to read as follows:

C.17:9A-188 Board of managers; number; qualifications; oath.

188. Board of managers; number; qualifications; oath.

A. (1) Except as otherwise provided by subsection L of this section, every savings bank shall be managed by a board of not less than five and not more than twenty-one managers.

(2) For the first five years of operation, not less than two-thirds of the managers of a de novo savings bank shall be residents and citizens of this State.

B. Each manager shall, following his election and before he assumes office, take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of the savings bank, and that he will not knowingly violate or knowingly permit to be violated, any provisions of law applicable to the savings bank. Such oath shall be subscribed by the manager making it, certified by the officer before whom it is taken, and shall be transmitted to the commissioner and filed in the department.

C. A manager who, within thirty days after his election, or, in case of his disability, within such further time as the commissioner shall fix, fails to subscribe the oath specified in subsection B of this section, shall cease to be a manager.

D. Vacancies in the board of managers shall be filled by the board within one year after the vacancies occur. If the board fails to do so, the commissioner may fill any vacancy with a person qualified under this article.

E. The board of managers may meet at such times and so often as they shall deem necessary, but shall meet at least once in each calendar month excepting July and August. A meeting held in January of each year shall be designated the annual meeting of the board; or, in the case of a savings bank operating on a fiscal-year basis, the annual meeting shall be held no later than 120 days after the closing of the fiscal year.

F. Managers shall be elected by a plurality of the votes of the members of the board of managers at the time in office, present and voting at such election, including those managers whose terms are then expiring. Except as hereinafter provided, each manager shall be elected for a term of three years, and until his successor is elected and shall have qualified. Managers shall be eligible for election to succeed themselves. Elections of managers shall be held annually at an annual meeting of the board.

G. Every savings bank hereafter organized shall, at the first meeting of its board of managers, divide the managers named in its certificate of incorporation into three classes of equal size; the members of one class shall hold office until the first annual meeting of the board next succeeding the first meeting; the members of one class shall hold office until the second annual meeting next succeeding the first meeting; and the members of one

2. Section 20 of P.L.1948, c.67 (C.17:9A-20) is amended to read as follows:

C.17:9A-20 Application for establishment of full branch office, minibranch office, communication terminal facility.

20. A. (1) Before any full branch office shall be established, the bank or savings bank shall file written application in the department for the commissioner's approval thereof. If, after such investigation or hearings, or both, as the commissioner may determine to be advisable, the commissioner shall find:

(a) That the bank or savings bank has complied with the requirements of section 19 of P.L.1948, c.67 (C.17:9A-19);

(b) That the interests of the public will be served to advantage by the establishment of such full branch office;

(c) That conditions in the locality in which the proposed full branch office is to be established afford reasonable promise of successful operation; and

(d) That the applicant has achieved sufficient compliance, as defined by the commissioner by regulation, with the "Community Reinvestment Act of 1977," 12 U.S.C. s.2901 et seq.; the commissioner shall, within 90 days after the filing of the application, approve such application.

(2) To determine if an applicant meets the requirements of subparagraph (c) of paragraph (1) of this subsection A., the commissioner shall consider only the costs of purchasing, constructing, leasing or otherwise establishing the proposed office including the costs for staffing, furniture and equipment needed therefor and the effect of these costs on the operations of the applicant as a whole.

(3) The applicant need not demonstrate an ability to operate the proposed office at a profit within a definable period of time based on the generation of new deposits from the market area to be entered except to the extent that losses suffered at the proposed office could affect the safety and soundness of the applicant's overall operations.

B. Before any minibranch office shall be established, the bank or savings bank shall file a written application on forms supplied by the commissioner. A duly adopted resolution of the board of directors or managers authorizing such application shall accompany the application. Notice of such application shall be published in accordance with procedural rules and regulations of the department. Within 20 days after said notice is published, any person or banking institution having objections to the application shall submit detailed written factual and legal grounds for the objection to the commissioner. There shall be no hearing required to be held by the commissioner in connection with such application. The commissioner, after considering the application and written objections and

information, if any, as the commissioner may require by rule or regulation to confirm that an establishment of the branch will not adversely affect the safety and soundness of the bank or savings bank or the public interest.

(2) An application shall be deemed approved on the 30th day after receipt by the commissioner, unless approved or denied earlier by the commissioner in writing.

(3) For purposes of this subsection, "well capitalized" has the meaning given the term in 12 U.S.C. s.1831o and "well managed" means, unless otherwise determined in writing by the commissioner, (a) the achievement of a composite rating of 1 or 2 under the Uniform Financial Institutions Rating System or an equivalent rating system, in connection with the most recent examination or subsequent review of the bank or savings bank, and (b) at least a rating of 2 for management, if such a rating is given. Nothing in this subsection shall be construed to affect the confidentiality of any rating under applicable law or regulation.

3. Section 1 of P.L.1981, c.163 (C.17:9A-24b1) is amended to read as follows:

C.17:9A-24b1 Exercise of powers, rights, benefits, privileges.

1. Notwithstanding the provisions of P.L.1948, c.67 (C.17:9A-1 et seq.) or any other law, banks and savings banks may exercise those powers, rights benefits or privileges now or hereafter authorized for national or out-of-State banks or for federal or out-of-State savings banks or savings associations either directly or through a financial subsidiary or other subsidiary, to the same extent and, subject to the same limitations as national or out-of-State banks or federal or out-of-State savings banks or savings associations, may exercise those powers, rights, benefits or privileges, provided that before exercising any power, right, benefit or privilege of an out-of-State bank or out-of-State savings bank or savings association, the commissioner has adopted a regulation approving an exercise of that power, right, benefit or privilege by banks and savings banks generally or the bank or savings bank provides notice to the commissioner and on a case-by-case basis the commissioner either approves the activity or does not provide notice before the expiration of 45 days that such power, right, benefit or privilege is not appropriate for the New Jersey bank or savings bank on the grounds of safety and soundness or on other grounds designated by the commissioner by regulation. The commissioner shall have the authority to adopt rules and regulations pursuant to this section, which rules and regulations shall have as their objective the placing of banks and savings banks on a substantially competitive parity with national and out-of-State banks and federal and out-of-State savings banks and savings associations.

(4) To extend credit through the use of credit cards issued by it through an arrangement with participating vendors, and without limitation of the generality of the foregoing, to exercise all the powers permitted to associations pursuant to subsection (18) of section 48 of the "Savings and Loan Act (1963)," P.L.1963, c.144 (C.17:12B-48).

(5) To make any investment authorized for associations by section 165 of the "Savings and Loan Act (1963)," P.L.1963, c.144 (C.17:12B-165), provided, however, that where reference is made to State associations or federal associations therein such reference for purposes of this act shall be deemed to refer to banking institutions as defined in section 1 of "The Banking Act of 1948," P.L.1948, c.67 (C.17:9A-1).

(6) To exercise any powers and activities that have been or are hereafter approved by regulation of the Board of Governors of the Federal Reserve System as being (i) financial in nature or incidental to such financial activity, (ii) complementary to a financial activity and not posing a substantial risk to the safety or soundness of depository institutions or the financial system generally, or (iii) so closely related to banking or managing or controlling banks as to be a proper activity for a bank holding company or financial holding company pursuant to the "Bank Holding Company Act of 1956," 70 Stat. 133 (12 U.S.C. s. 1841 et seq.) and regulations thereunder, to the extent that federal law does not prohibit banks or savings banks from exercising those powers or activities.

(7) To apply to the commissioner for authority, and if granted, to exercise any power or activity that has been or is hereafter deemed to be (i) financial in nature or incidental to such financial activity, (ii) complementary to a financial activity and not posing a substantial risk to the safety or soundness of depository institutions or the financial system generally, or (iii) closely related to banking under the "Bank Holding Company Act of 1956," 70 Stat. 133 (12 U.S.C. s. 1841 et seq.) and which has been permitted on an individual basis by order of the Board of Governors of the Federal Reserve System.

(8) To make loans, as defined in this subsection, pursuant to which the parties may contract for and the bank or savings bank may receive interest or other compensation at a rate or rates or in an amount that the bank or savings bank and the borrower may agree upon, notwithstanding the provisions of any other law of this State, except N.J.S.2C:21-19, which limits the interest rate or finance charge which would otherwise be applicable to the loan. A loan, for the purposes of this subsection, includes loans in the amount of \$5,000.00 or more, payable on demand or in installments, and (a) which is for the purpose of acquiring or is secured by equipment used for business or commercial purposes or (b) is secured by (i) an interest in warehouse receipts, bills of lading, or other documents of title which are subject to chapter 7 of Title 12A of the New Jersey Statutes, or

payment of any such dividend, a certificate made by two officers of the bank, one of whom shall be the president or a vice-president, shall be filed in the department for the approval of the commissioner, stating

- (1) the date upon which the dividend is to be paid; and
- (2) the amount of such dividend;
- (3) the amount of the capital stock and the surplus of the bank after giving effect to the payment of such dividend;
- (4) the payment of the dividend will not violate the provisions of subsection B of this section; and
- (5) the certificate of incorporation of the bank, or an amendment thereof, authorizes the payment of dividends in stock of the bank without an amendment of the bank's certificate of incorporation pursuant to article 19.

A filing shall be deemed approved on the 30th day after receipt by the commissioner, unless approved or denied earlier by the commissioner in writing. Upon approval pursuant to this section, the certificate shall thereupon be amended as set forth in the certificate of amendment. A certificate filed in the department pursuant to this subsection shall be deemed for all purposes to be an amendment of the certificate of incorporation of the bank with the same effect as if it had been authorized, executed, approved and filed in the department pursuant to article 19.

D. When the certificate of incorporation of a bank, or an amendment thereof, does not provide that dividends may be paid in stock of the bank without an amendment of the bank's certificate of incorporation pursuant to article 19, no such dividend which results in an increase in the capital stock of the bank shall be paid unless the necessary increase in capital stock is authorized pursuant to article 19.

E. Subsections C and D of this section shall not apply to a stock dividend paid pursuant to section 212.

F. This section shall not limit the power of a bank to pay dividends on shares of preferred stock issued prior to the effective date of this act, as provided in its certificate of incorporation.

6. Section 117 of P.L.1948, c.67 (C.17:9A-117) is amended to read as follows:

C.17:9A-117 Procedure for amending certificate of incorporation.

117. Whenever the board of directors shall deem it advisable to amend the certificate of incorporation, it shall adopt a resolution setting forth the proposed amendment and fixing a date for a meeting of stockholders to take action thereon, upon notice given pursuant to section 81. If, at such meeting or at any adjournment thereof, the holders of at least two-thirds of the capital stock entitled to vote shall vote in favor of the proposed amendment or any

(6) whether the savings bank has available competent legal counsel to advise and pass upon trust matters whenever necessary; and

(7) any other matters which, in the discretion of the commissioner, are relevant.

17:9A-402. Amendment of certificate of incorporation

21. Whenever the board of directors of a subsidiary capital stock savings bank deems it advisable to amend the certificate of incorporation, it shall adopt a resolution setting forth the proposed amendment, which amendment shall be approved, at a meeting of the stockholders entitled to vote, by at least 2/3 of the capital stock entitled to vote. If the holders of 2/3 of the shares of capital stock entitled to vote approve the amendment, a certificate of this approval setting forth the amendment and certifying that the amendment was made for a purpose authorized by law in the manner specified by this section, shall be attested by two officers of the bank, one of whom shall be the president or vice president, and shall be submitted to the commissioner for approval. A filing shall be deemed approved on the 30th day after receipt by the commissioner, unless approved or denied earlier by the commissioner in writing. Upon approval pursuant to this section, the certificate of incorporation shall thereupon be amended as set forth in the certificate of amendment.

9. Section 24 of P.L.1963, c.144 (C.17:12B-24) is amended to read as follows:

C.17:12B-24 Establishment, operation of branch offices by State association.

24. A. No State association shall hereafter establish or operate a branch office or offices, other than as provided by law without the prior written approval of the commissioner; provided, however, that any association operating an authorized branch office at the effective date of this act may continue to do so.

(1) An association operating a branch office approved prior to the effective date of this act with conditions or restrictions imposed on its operation may upgrade such office by notifying the commissioner at least 30 days before such upgrading. A branch office is considered upgraded if the association is relieved of any of the conditions or restrictions imposed on operation of the office when it opened. If within 30 days of receipt of the notice, the commissioner does not notify the association of his objection which would require the association to submit an application or additional information before upgrading, the association may upgrade the office.

(2) An approved, but unopened branch office as of the effective date of this amendatory act may open and operate in the same manner as a branch office approved subsequent to the effective date of this amendatory act.

section 40 of P.L.1963, c.144 (C.17:12B-40), a State association which, directly or through a predecessor association by merger or other reorganization, has been in business for at least three years, and which is well capitalized, adequately managed, and, if applicable, has received in its most recent examination under the "Community Reinvestment Act of 1977," 12 U.S.C. s.2901 et seq., a rating of not less than "satisfactory record of meeting community credit needs," or its equivalent, may apply for expedited branch office approval pursuant to this subsection. The State association shall file written application of the proposed establishment with the commissioner and with those other persons designated by the commissioner by rule or regulation. The application shall be accompanied by or be in the form of a certification that (a) all applicable provisions of this subsection have been met, (b) the applicant requests expedited processing under this subsection, and (c) contains that other information, if any, as the commissioner may require by rule or regulation to confirm that an establishment of the branch will not adversely affect the safety and soundness of the State association or the public interest.

(2) An application shall be deemed approved on the 30th day after receipt by the commissioner, unless approved or denied earlier by the commissioner in writing.

(3) For purposes of this subsection, the term "well capitalized" has the meaning given the term in 12 U.S.C. s.1831o and "well managed" means, unless otherwise determined in writing by the commissioner, (a) the achievement of a composite rating of 1 or 2 under the Uniform Financial Institutions Rating System or an equivalent rating system in connection with the most recent examination or subsequent review of the State association, and (b) at least a rating of 2 for management, if such rating is given. Nothing in this subsection shall be construed to affect the confidentiality of any such rating under applicable law or regulation.

10. Section 48 of P.L.1963, c.144 (C.17:12B-48) is amended to read as follows:

C.17:12B-48 Powers of association.

48. Without limiting the generality of the foregoing, every association shall have power to:

- (1) Have succession by its corporate name for the period limited in its charter or certificate of incorporation, and when no period is limited, perpetually.
- (2) Sue and be sued in any court.
- (3) Adopt and use a corporate seal and alter the same.
- (4) Purchase and otherwise acquire, hold, mortgage, pledge, lease, exchange, sell, convey and otherwise dispose of, any real and personal

paid by a member upon an account nor shall the total of any such charges against any account in any fiscal year exceed the amount that may be charged for failure to make any payments for a six-month period nor shall any charge for default be made on a charge for default. Otherwise an association may impose a charge for failure to make any required payment to it when due upon any loan or contract for the resale of real estate to a member, not to exceed 4% of the amount of each payment in arrears, but no more than one such charge may be made with respect to any one payment in arrears. An association may impose a reasonable service charge against any member who tenders to such association, for collection or as payment, a check or other instrument of any type which subsequently is not honored by the institution or person upon which such check or other instrument is drawn. None of such charges shall be deemed usurious.

(14) Compute interest upon any direct reduction loan, on designated payment dates, and add the same to the unpaid balance of such loan.

(15) Act as agent for any person where such agency will further the interests of the association and its members, subject to such limitations as may be prescribed by the commissioner.

(16) Upon application to and approval by the commissioner, to act as custodian or trustee within the contemplation of the Federal Self-Employed Individuals Tax Retirement Act of 1962, as amended and supplemented, and the Employee Retirement Income Security Act of 1974 as amended and supplemented, and as custodian, trustee or manager of any such investment fund the authorized investments of which include, but need not be limited to, savings accounts or real estate loans, and the beneficial interests in which may be represented by transferable shares or certificates. Associations exercising the powers authorized by this subsection shall segregate all funds held in such fiduciary capacities from the general assets of the association and shall keep a separate set of books and records showing in detail all transactions made under authority of this subsection. If individual records are kept for each self-employed individual's retirement plan and each such investment fund, then all such funds held in such fiduciary capacities by an association may be commingled for appropriate purposes of investment. No funds held in such fiduciary capacities shall be used by an association in the conduct of its business; however, such funds may be invested in savings accounts of the association in the event that the custodial, trust or other plan does not prohibit such investment. In granting or refusing the association's application the commissioner shall take into consideration the investment policies, amount, type and adequacy of reserves, fidelity bonds and any legally required deposits of the applicant and other pertinent facts and circumstances.

(17) Upon compliance with subsection (5) of this section, accept from its members accounts to be repaid upon such terms, not inconsistent with

be carried in a separate account and shall not be used by the association in the conduct of its business unless it shall first set aside in the trust department United States bonds or other securities approved by the commissioner. In the event of the failure of such association, the owners of the funds held in trust for investment shall have a lien on the bonds or other securities so set apart, in addition to their claim against the estate of the association. Whenever the laws of this State require corporations acting in a fiduciary capacity to deposit securities with the State authorities for the protection of private or court trusts, associations so acting shall be required to make similar deposits and securities so deposited shall be held for the protection of private or court trusts, as provided by New Jersey law. Associations in such cases shall not be required to execute the bond usually required of individuals if New Jersey corporations under similar circumstances are exempt from this requirement. Associations shall have power to execute such bond when so required by the laws of New Jersey. In any case in which the laws of this State require that a corporation acting as trustee, executor, administrator, or in any capacity specified in this section shall take an oath or make an affidavit, any officer, as defined in section 65 of P.L.1963, c.144 (C.17:12B-65), of such association may take the necessary oath or execute the necessary affidavit. It shall be unlawful for any association to lend any officer, director, or employee any funds held in trust under the powers conferred by this section. Any officer, director, or employee making such loan, or to whom such loan is made, may be fined not more than \$5,000.00, or imprisoned not more than five years, or may be both fined and imprisoned, in the discretion of the court. In passing upon applications for permission to exercise the powers enumerated in this section, the commissioner may take into consideration the amount of capital and surplus of the applying association, whether or not such capital and surplus is sufficient under the circumstances of the case, the needs of the community to be served, and any other facts and circumstances that seem to him proper, and may grant or refuse the application accordingly, except that approval shall not be granted to any association having a capital and surplus less than the capital and surplus required by New Jersey law of State banks, trust companies, and corporations exercising such powers.

(b) Any association desiring to surrender its right to exercise the powers granted under this section, in order to relieve itself of the necessity of complying with the requirements of this section, or to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, or for any other purpose, may file with the commissioner a certified copy of a resolution of its board of directors signifying such desire. Upon receipt of such resolution, the commissioner, after satisfying himself that such association has been relieved in accordance

or privilege of any out-of-State bank or out-of-State savings bank or savings association, the commissioner has adopted a regulation approving an exercise of that power, right, benefit or privilege by State associations generally or the State association provides notice to the commissioner and on a case-by-case basis the commissioner either approves the activity or does not provide notice before the expiration of 45 days that such power, right, benefit or privilege is not appropriate for the State association on grounds of safety and soundness or on other grounds designated by the commissioner by regulation. The commissioner shall have the authority to adopt rules and regulations pursuant to this section, which rules and regulations shall have as their objective the placing of State associations on a substantial competitive parity with national and out-of-State banks and federal and out-of-State savings banks and savings associations.

(22) Exercise any powers and activities that have been or are hereafter approved by regulation of the Board of Governors of the Federal Reserve System as being (i) financial in nature or incidental to such financial activity, (ii) complementary to a financial activity and not posing a substantial risk to the safety or soundness of depository institutions or the financial system generally, or (iii) so closely related to banking or managing or controlling savings associations as to be a proper activity for a bank holding company or financial holding company pursuant to the "Bank Holding Company Act of 1956," 70 Stat. 133 (12 U.S.C. s. 1841 et seq.) and regulations thereunder, to the extent that federal law does not prohibit savings associations from exercising those powers or activities.

(23) Apply to the commissioner for authority, and if granted, to exercise any power or activity that has been or is hereafter deemed to be (i) financial in nature or incidental to such financial activity, (ii) complementary to a financial activity and not posing a substantial risk to the safety or soundness of depository institutions or the financial system generally, or (iii) closely related to banking under the "Bank Holding Company Act of 1956," 70 Stat. 133 (12 U.S.C. s. 1841 et seq.) and which has been permitted on an individual basis by order of the Board of Governors of the Federal Reserve System.

11. Section 21 of P.L.1989, c.165 (C.17:12B-312) is amended to read as follows:

C.17:12B-312 Amendment of certificate of incorporation.

21. Whenever the board of directors of a subsidiary capital stock state association deems it advisable to amend the certificate of incorporation, it shall adopt a resolution setting forth the proposed amendment, which amendment shall be approved, at a meeting of the stockholders entitled to vote, by at least 2/3 of the capital stock entitled to vote. If the holders of 2/3

C.17:12B-250 Powers available to capital stock association.

21. The powers contained in section 47 (C.17:12B-47), section 48 (C.17:12B-48) and section 130 (C.17:12B-130) of this act shall be available to capital stock associations (but the term "member" as used therein shall be deemed to refer to "depositor" or "borrower," and the term "dividends" shall be deemed to refer to "interest" as may be appropriate in the context), and in addition every capital stock association shall have the power to:

a. Amend its certificate of incorporation in the following manner:

(1) The board shall approve the proposed amendment and direct that it be submitted to a vote at a meeting of the stockholders.

(2) Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each stockholder of record entitled to vote thereon within the time and in the manner provided in this act for the giving of notice of meetings of stockholders.

(3) At such meeting a vote of the stockholders entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of a majority of the votes cast in person or by proxy by the stockholders.

(4) No amendment shall become effective until it shall have been submitted to the commissioner and he shall either have approved it in writing or failed to take action thereon for a period of 30 days after it shall have been submitted to him. Approval shall not be withheld by the commissioner unless an amendment is in conflict with the provisions of this act.

b. Subject to amendment of its certificate of incorporation, authorize issuance of additional capital stock for:

(1) Payment of a consideration other than cash in connection with mergers with or purchase of assets of another association.

(2) The purpose of increasing the amount of its stated capital by sale of such additional capital stock.

(3) Capital stock options, the aggregate of which shall not exceed 10% of the amount of authorized capital stock at the time of the granting of such options and the establishment of one or more capital stock purchase plans for officers and employees of the capital stock association, which plan or plans may include provisions for partial contribution by the association.

c. Declare and distribute stock dividends without the necessity of an amendment to its certificate of incorporation, notwithstanding that the payment of such dividends will effect an increase in the capital stock of the capital stock association. In such a case, dividends may be paid from time to time on the stock of the capital stock association, at the discretion of the board, provided that prior to the date of the payment of any such dividend,

Such shares may consist of one class or may be divided into two or more classes and any class may be divided into one or more series. Each class and series may have such designation and such relative dividend, liquidation and other rights, preferences and limitations as shall be stated in the certificate of incorporation, except that all shares of the same class shall be either without par value or shall have the same par value. Each class and series shall be designated so as to distinguish its shares from every other class and series.

b. A capital stock association may, in its original or amended certificate of incorporation, make provision for authorized but unissued stock. Such stock may, with the approval of the commissioner as hereinafter provided, be issued for such purposes, in addition to the purposes expressly authorized by law, and for such consideration as the board of directors may determine. So long as such stock remains unissued, it shall not constitute capital stock for the purposes of P.L.1963, c.144 (C.17:12B-1 et seq.).

c. Prior to the time when authorized or unissued shares are issued by a capital stock association, a certificate of amendment made by two officers of the capital stock association, one of whom shall be the president or a vice-president, shall be filed in the Department of Banking and Insurance. The certificate of amendment shall state (1) the amount of the authorized but unissued stock which will be issued; (2) the consideration which will be received by the capital stock association on the issuance of such stock; (3) the date upon which the stock will be issued; and (4) the amount of the capital stock association's capital stock which will be outstanding, and the amount of its surplus after giving effect to such issue. A filing shall be deemed approved on the 30th day after receipt by the commissioner, unless approved or disapproved earlier by the commissioner in writing. Upon approval pursuant to this section, the certificate of incorporation shall thereupon be amended as set forth in the certificate of amendment. The commissioner may disapprove a filing if the commissioner finds that the issuance of the stock will be in violation of law or contrary to the public interest or that the capital stock association's original or amended certificate of incorporation does not provide for authorized but unissued stock. A certificate filed in the department pursuant to this section shall be deemed for all purposes to be an amendment of the capital stock association's certificate of incorporation with the same effect as if it had been authorized, executed, approved and filed in the department pursuant to article 19 of P.L.1963, c.144 (C.17:12B-1 et seq.).

Repealer.

15. Sections 9 and 10 of P.L.1981, c.153 (C.17:9A-24a and C.17:9A-24b) and section 2 of P.L.1981, c.163 (C.17:9A-24b.2) are repealed.

c. The manner and basis of converting the shares or other interests in the subsidiary or subsidiaries into shares of the financial institution, or the basis for payment of interests which are not to be so converted; and

d. Such other provisions with respect to the proposed merger as are deemed necessary or desirable by the commissioner.

C.17:16X-5 Adoption of merger plan.

5. The governing board of a subsidiary shall adopt a plan of merger pursuant to the provisions of the law under which the subsidiary was created.

C.17:16X-6 Application for commissioner's approval.

6. A financial institution shall apply for the commissioner's approval to merge with a subsidiary other than a financial institution, and shall provide the information as required by this act and by rules and regulations adopted by the commissioner. An application shall be deemed approved on the 30th day after receipt by the commissioner, unless approved or disapproved earlier by the commissioner in writing.

C.17:16X-7 Merger deemed effective from filing of certification.

7. A merger between a financial institution and a subsidiary other than a financial institution shall be effective from the filing with the commissioner of a certification of the president or a vice president of the financial institution setting forth that all of the conditions and requirements of this act and the commissioner's approval, if applicable, have been satisfied. When the merger has become effective:

a. The parties to the merger shall be a single corporation, which shall be the financial institution.

b. The separate existence of the subsidiary or subsidiaries which are parties to the plan of merger shall cease.

c. The financial institution shall possess all the rights, privileges, powers, immunities, purposes and franchises of each merging subsidiary except for any power or authority of a subsidiary which is not permitted to the financial institution by law.

d. All the real property and personal properties, tangible and intangible, of every kind and description belonging to each of the parties merged, and any action existing or proceeding pending by or against any such party, may be enforced as if the merger had not taken place. Neither the rights of any creditors nor any liens upon, or security interest in, the property of any party to the merger shall be impaired by the merger.

C.17:16X-8 Dissent from the merger.

8. Any holder of an interest in a subsidiary to be merged, including a shareholder, partner or member, shall have the right to dissent from the merger as set forth in this section.

ensure that their children get necessary immunizations and regular checkups from their primary care physicians;

c. Providing health care coverage for uninsured adults encourages continued work efforts, reduces dependence on welfare and other State-subsidized programs, and alleviates reliance on hospital charity care funding;

d. The FamilyCare Health Coverage Program established pursuant to this act builds on New Jersey's long-standing commitment to assure access to quality health care provided in an efficient and effective manner and at reasonable cost; and

e. It is appropriate that the FamilyCare Health Coverage Program utilize resources from the funds that the State receives under the Master Settlement Agreement between the State and tobacco product manufacturers, and other State resources, to establish the foundation for assuring health care coverage for low and moderate-income, uninsured adults.

C.30:4J-3 Definitions regarding the FamilyCare Health Coverage Program.

3. As used in this act:

"Commissioner" means the Commissioner of Human Services.

"Poverty level" means the official poverty level based on family size established and adjusted under Section 673(2) of Subtitle B, the "Community Services Block Grant Act," of Pub.L.97-35 (42 U.S.C. s.9902(2)).

"Program" means the FamilyCare Health Coverage Program established pursuant to this act.

"Qualified applicant" means a person who: is a resident of this State; is a citizen of the United States, or has been lawfully admitted for permanent residence into and remains lawfully present in the United States; has no health insurance coverage; and is ineligible for the Medicaid program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and the Children's Health Care Coverage Program established pursuant to P.L.1997, c.272 (C.30:4I-1 et seq.).

C.30:4J-4 The FamilyCare Health Coverage Program.

4. a. The FamilyCare Health Coverage Program is established in the Department of Human Services. The purpose of the program shall be to provide subsidized private health insurance coverage, and other health care benefits as determined by the commissioner, within the limits of funds appropriated or otherwise made available for the program, to any qualified applicant who is: a parent or caretaker relative of a child whose gross family income does not exceed 200% of the poverty level, a child whose gross family income does not exceed 350% of the poverty level, or a single adult or couple without dependent children whose gross family income does not exceed 100% of the poverty level.

b. For the purposes of this program, the commissioner:

(2) During the period in which the person is presumptively eligible for the program, coverage shall be limited to inpatient and outpatient hospital and federally qualified health center services and prescription drug benefits designated by the commissioner;

(3) A person shall be limited to a single period of presumptive eligibility for the program. The presumptive eligibility period shall begin with the month in which presumptive eligibility is determined and expire at the end of the following month; except that an extension of the presumptive eligibility period may be authorized until the person's application for the program is approved or denied, subject to the person's cooperation with the application process during the presumptive eligibility period. The person's failure to provide such cooperation within a period of time determined by the commissioner shall result in a denial of the application; and

(4) A person without health insurance coverage who presents for treatment at an acute care hospital and is determined to not qualify for presumptive eligibility or for the program shall be evaluated for eligibility for charity care pursuant to P.L.1992, c.160 (C.26:2H-18.51 et al.).

b. Notwithstanding the provisions of this act, or any rule or regulation adopted pursuant thereto, to the contrary, the commissioner may:

(1) within the limits of funds appropriated or otherwise made available for the program, reallocate such funds in order to increase the amount available for covered health care services received by persons who are presumptively eligible for the program, for which purpose the commissioner shall cause a notice of such reallocation of funds to be published in the New Jersey Register; and

(2) terminate the presumptive eligibility process, upon the commissioner's finding that all monies appropriated for the program will be expended for covered health care services received by persons enrolled in the program, for which purpose the commissioner shall cause a notice of termination of the presumptive eligibility process to be published in the New Jersey Register.

C.30:4J-6 Rules, regulations.

6. The commissioner shall adopt 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; except that, notwithstanding any provision of P.L.1968, c.410 to the contrary, the commissioner may adopt, immediately upon filing with the Office of Administrative Law, such regulations as the commissioner deems necessary to implement the provisions of this act, which shall be effective for a period not to exceed six months and may thereafter be amended, adopted or readopted by the commissioner in accordance with the requirements of P.L.1968, c.410.

XIX of the federal Social Security Act such as a durational residency requirement, relative responsibility, consent to imposition of a lien;

(5) (Deleted by amendment, P.L.2000, c.71);

(6) Is an individual under 21 years of age who, without regard to resources, would be, except for dependent child requirements, eligible for the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act as of July 16, 1996, or groups of such individuals, including but not limited to, children in foster placement under supervision of the Division of Youth and Family Services whose maintenance is being paid in whole or in part from public funds, children placed in a foster home or institution by a private adoption agency in New Jersey or children in intermediate care facilities, including developmental centers for the developmentally disabled, or in psychiatric hospitals;

(7) Would be eligible for the Supplemental Security Income program, but is not receiving such assistance and applies for medical assistance only;

(8) Is determined to be medically needy and meets all the eligibility requirements described below:

(a) The following individuals are eligible for services, if they are determined to be medically needy:

(i) Pregnant women;

(ii) Dependent children under the age of 21;

(iii) Individuals who are 65 years of age and older; and

(iv) Individuals who are blind or disabled pursuant to either 42 C.F.R.435.530 et seq. or 42 C.F.R.435.540 et seq., respectively.

(b) The following income standard shall be used to determine medically needy eligibility:

(i) For one person and two person households, the income standard shall be the maximum allowable under federal law, but shall not exceed 133 1/3% of the State's payment level to two person households under the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act in effect as of July 16, 1996; and

(ii) For households of three or more persons, the income standard shall be set at 133 1/3% of the State's payment level to similar size households under the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act in effect as of July 16, 1996.

(c) The following resource standard shall be used to determine medically needy eligibility:

(i) For one person households, the resource standard shall be 200% of the resource standard for recipients of Supplemental Security Income pursuant to 42 U.S.C.s.1382(1)(B);

(iii) The division is responsible for certifying incurred medical expenses for all eligible persons who attempt to qualify for the program pursuant to subparagraph (d) of paragraph (8) of this subsection;

(9) (a) Is a child who is at least one year of age and under 19 years of age and, if older than six years of age but under 19 years of age, is uninsured; and

(b) Is a member of a family whose income does not exceed 133% of the poverty level and who meets the federal Medicaid eligibility requirements set forth in section 9401 of Pub.L.99-509 (42 U.S.C. s.1396a);

(10) Is a pregnant woman who is determined by a provider to be presumptively eligible for medical assistance based on criteria established by the commissioner, pursuant to section 9407 of Pub.L.99-509 (42 U.S.C. s.1396a(a));

(11) Is an individual 65 years of age and older, or an individual who is blind or disabled pursuant to section 301 of Pub.L.92-603 (42 U.S.C. s.1382c), whose income does not exceed 100% of the poverty level, adjusted for family size, and whose resources do not exceed 100% of the resource standard used to determine medically needy eligibility pursuant to paragraph (8) of this subsection;

(12) Is a qualified disabled and working individual pursuant to section 6408 of Pub.L.101-239 (42 U.S.C. s.1396d) whose income does not exceed 200% of the poverty level and whose resources do not exceed 200% of the resource standard used to determine eligibility under the Supplemental Security Income Program, P.L.1973, c.256 (C.44:7-85 et seq.);

(13) Is a pregnant woman or is a child who is under one year of age and is a member of a family whose income does not exceed 185% of the poverty level and who meets the federal Medicaid eligibility requirements set forth in section 9401 of Pub.L.99-509 (42 U.S.C. s.1396a), except that a pregnant woman who is determined to be a qualified applicant shall, notwithstanding any change in the income of the family of which she is a member, continue to be deemed a qualified applicant until the end of the 60-day period beginning on the last day of her pregnancy;

(14) (Deleted by amendment, P.L.1997, c.272).

(15) (a) Is a specified low-income Medicare beneficiary pursuant to 42 U.S.C. s.1396a(a)10(E)iii whose resources beginning January 1, 1993 do not exceed 200% of the resource standard used to determine eligibility under the Supplemental Security Income program, P.L.1973, c.256 (C.44:7-85 et seq.) and whose income beginning January 1, 1993 does not exceed 110% of the poverty level, and beginning January 1, 1995 does not exceed 120% of the poverty level.

(b) An individual who has, within 36 months, or within 60 months in the case of funds transferred into a trust, of applying to be a qualified

1996, except for the income eligibility requirements of that program, and whose family earned income does not exceed 133% of the poverty level plus such earned income disregards as shall be determined according to a methodology to be established by regulation of the commissioner; or

(17) Is an individual from 18 through 20 years of age who is not a dependent child and would be eligible for medical assistance pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), without regard to income or resources, who, on the individual's 18th birthday was in foster care under the care and custody of the Division of Youth and Family Services and whose maintenance was being paid in whole or in part from public funds.

j. "Recipient" means any qualified applicant receiving benefits under this act.

k. "Resident" means a person who is living in the State voluntarily with the intention of making his home here and not for a temporary purpose. Temporary absences from the State, with subsequent returns to the State or intent to return when the purposes of the absences have been accomplished, do not interrupt continuity of residence.

l. "State Medicaid Commission" means the Governor, the Commissioner of Human Services, the President of the Senate and the Speaker of the General Assembly, hereby constituted a commission to approve and direct the means and method for the payment of claims pursuant to this act.

m. "Third party" means any person, institution, corporation, insurance company, group health plan as defined in section 607(1) of the federal "Employee Retirement and Income Security Act of 1974," 29 U.S.C. s.1167(1), service benefit plan, health maintenance organization, or other prepaid health plan, or public, private or governmental entity who is or may be liable in contract, tort, or otherwise by law or equity to pay all or part of the medical cost of injury, disease or disability of an applicant for or recipient of medical assistance payable under this act.

n. "Governmental peer grouping system" means a separate class of skilled nursing and intermediate care facilities administered by the State or county governments, established for the purpose of screening their reported costs and setting reimbursement rates under the Medicaid program that are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated State or county skilled nursing and intermediate care facilities.

o. "Comprehensive maternity or pediatric care provider" means any person or public or private health care facility that is a provider and that is approved by the commissioner to provide comprehensive maternity care or comprehensive pediatric care as defined in subsection b. (18) and (19) of section 6 of P.L.1968, c.413 (C.30:4D-6).

to a special hospital licensed by the Department of Health and Senior Services which is not eligible to receive a charity care subsidy from the Health Care Subsidy Fund established pursuant to P.L.1992, c.160 (C.26:2H-18.51 et al.) and to which payments were made prior to July 1, 1991 on behalf of patients receiving general public assistance;

(2) nursing home costs for a person residing in a non-Medicaid certified nursing facility prior to July 1, 1995, whose income is above the Medicaid institutional cap and who does not otherwise qualify for State-funded nursing home care as a medically needy person pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), to be paid for out of a separate account from the Medicaid program; which assistance shall continue until the person is no longer eligible for long-term care; and

(3) nursing home costs for an alien residing in a Medicaid certified nursing facility prior to the effective date of this act who is not Medicaid-eligible under Pub.L.104-193; which assistance shall continue until the person is no longer eligible for long-term care.

b. The provisions of this section shall not affect the eligibility of a single adult or a couple without dependent children for the New Jersey FamilyCare Health Coverage Program established pursuant to section 4 of P.L.2000, c.71 (C.30:4J-4).

9. This act shall take effect immediately.

Approved July 13, 2000.

CHAPTER 72

AN ACT concerning the construction and financing of public school facilities, revising parts of the statutory law and making an appropriation.

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

C.18A:7G-1 Short title.

1. Sections 1 through 30 and 57 through 71 of this act shall be known and may be cited as the "Educational Facilities Construction and Financing Act."

C.18A:7G-2 Findings, declarations relative to construction, financing of public school facilities.

2. The Legislature finds and declares that:

a. The Constitution of the State of New Jersey requires the Legislature to provide for the maintenance and support of a thorough and efficient system of free public schools and this legislative responsibility includes

the second year to which the report applies. The area cost allowance used in determining preliminary eligible costs of school facilities projects shall be that of the year of application for approval of the project;

"Authority means the New Jersey Economic Development Authority established pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.);

"Community provider" means a private entity which has contracted to provide early childhood education programs for an ECPA district and which (a) is licensed by the Department of Human Services to provide day care services pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.); and (b) is a tax exempt nonprofit organization;

"Community early childhood education facilities project" means a school facilities project consisting of facilities in which early childhood education programs are provided to 3 or 4-year old children under contract with the ECPA district but which are owned and operated by a community provider;

"Commissioner" means the Commissioner of Education;

"Core curriculum content standards" means the standards established pursuant to the provisions of subsection a. of section 4 of P.L.1996, c.138 (C.18A:7F-4);

"Cost index" means the average annual increase, expressed as a decimal, in actual construction cost factors for the New York City and Philadelphia areas during the second fiscal year preceding the budget year as determined pursuant to regulations promulgated by the authority pursuant to section 26 of this act;

"Debt service" means and includes payments of principal and interest upon school bonds issued to finance the acquisition of school sites and the purchase or construction of school facilities, additions to school facilities, or the reconstruction, remodeling, alteration, modernization, renovation or repair of school facilities, including furnishings, equipment, architect fees and the costs of issuance of such obligations and shall include payments of principal and interest upon school 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.1978, c.74 (C.18A:58-33.22 et seq.), 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;

"Demonstration project" means a school facilities project selected by the State Treasurer for construction by a redevelopment entity pursuant to section 6 of this act;

"District" means a local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes, a county special services school district established pursuant to article 8 of chapter 46 of Title 18A of the New Jersey Statutes, a county vocational school district

grades 1 through 12 shall be counted at 100% of the actual count of students, in the case of districts which operate a half-day kindergarten program each kindergarten student shall be counted at 50% of the actual count of kindergarten students, in the case of districts which operate a full-day kindergarten program or which currently operate a half-day kindergarten program but propose to build facilities to house a full-day kindergarten program each kindergarten student shall be counted at 100% of the actual count of kindergarten students, and preschool students shall not be counted. In addition, each preschool handicapped child who is entitled to receive a full-time program pursuant to N.J.S.18A:46-6 shall be counted at 100% of the actual count of these students in the district;

"Functional capacity" means the number of students that can be housed in a building in order to have sufficient space for it to be educationally adequate for the delivery of programs and services necessary for student achievement of the core curriculum content standards. Functional capacity is determined by dividing the existing gross square footage of a school building by the minimum area allowance per FTE student pursuant to subsection b. of section 8 of this act for the grade level students contained therein. The difference between the projected enrollment determined pursuant to subsection a. of section 8 of this act and the functional capacity is the unhoused students that are the basis upon which the additional costs of space to provide educationally adequate facilities for the entire projected enrollment are determined. The existing gross square footage for the purposes of defining functional capacity is exclusive of existing spaces that are not contained in the facilities efficiency standards but which are used to deliver programs and services aligned to the core curriculum content standards, used to provide support services directly to students, or other existing spaces that the district can demonstrate would be structurally or fiscally impractical to convert to other uses contained in the facilities efficiency standards;

"Lease purchase payment" means and includes payment of principal and interest for lease purchase agreements in excess of five years approved pursuant to subsection f. of N.J.S.18A:20-4.2 prior to the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) to finance the purchase or construction of school facilities, additions to school facilities, or the reconstruction, remodeling, alteration, modernization, renovation or repair of school facilities, including furnishings, equipment, architect fees and issuance costs. Approved lease purchase agreements in excess of five years shall be accorded the same accounting treatment as school bonds;

"Level II district" means a district which is directed by the commissioner to enter level II monitoring pursuant to the provisions of section 14 of P.L.1975, c.212 (C.18A:7A-14);

"Redevelopment entity" means a redevelopment entity authorized by a municipal governing body to implement plans and carry out redevelopment projects in the municipality pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.);

"Report on the Cost of Providing a Thorough and Efficient Education" or "Report" means the report issued by the commissioner pursuant to section 4 of P.L.1996, c.138 (C.18A:7F-4);

"School bonds" means, in the case of a school facilities project which is to be constructed by the authority, a redevelopment entity, or a district under section 15 of this act, bonds, notes or other obligations issued by a district to finance the local share; and, in the case of a school facilities project which is not to be constructed by the authority or a redevelopment entity, or financed under section 15 of this act, bonds, notes or other obligations issued by a district to finance the total costs;

"School enrollment" means the number of FTE students other than evening school students, including post-graduate students and post-secondary vocational students, who, on the last school day prior to October 16 of the current school year, are recorded in the registers of the school;

"School facility" means and includes any structure, building or facility used wholly or in part for academic purposes by a district, but shall exclude athletic stadiums, grandstands, and any structure, building or facility used solely for school administration;

"School facilities project" means the acquisition, demolition, construction, improvement, repair, alteration, modernization, renovation, reconstruction or maintenance of all or any part of a school facility or of any other personal property necessary for, or ancillary to, any school facility, and shall include fixtures, furnishings and equipment, and shall also include, but is not limited to, site acquisition, site development, the services of design professionals, such as engineers and architects, construction management, legal services, financing costs and administrative costs and expenses incurred in connection with the project;

"Special education services pupil" means a pupil receiving specific services pursuant to chapter 46 of Title 18A of the New Jersey Statutes;

"State aid" means State municipal aid and State school aid;

"State debt service aid" means for school bonds issued for school facilities projects approved by the commissioner after the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) of districts which elect not to have the authority or a redevelopment entity construct the project or which elect not to finance the project under section 15 of this act, the amount of State aid determined pursuant to section 9 of this act; and for school bonds or certificates of participation issued for school facilities projects approved by

safety of occupants of the school facility, or is related to required early childhood education programs, or is related to a school facility in which the functional capacity is less than 90% of the facilities efficiency standards based on current school enrollment, or the district received bids on the school facilities project prior to the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) and the district demonstrates that further delay will negatively affect the cost of the project.

c. An amendment to a long-range facilities plan may be submitted at any time to the commissioner for review and approval.

d. Each long-range facilities plan shall include a cohort survival methodology or other methodology approved by the commissioner, accompanied by a certification by a qualified demographer retained by the district that serves as the basis for identifying the capacity and program needs detailed in the long-range facilities plan.

e. The long-range facilities plan shall include an educational adequacy inventory of all existing school facilities in the district, the identification of all deficiencies in the district's current inventory of school facilities, which includes the identification of those deficiencies that involve emergent health and safety concerns, and the district's proposed plan for future construction and renovation. The long-range facilities plan submissions shall conform to the guidelines, criteria and format prescribed by the commissioner.

f. Each district shall determine the number of "unhoused students" for the ensuing five-year period calculated pursuant to the provisions of section 8 of this act.

g. Each district shall submit the long-range facilities plan to the planning board of the municipality or municipalities in which the district is situate for the planning board's review and findings.

h. The commissioner shall develop, for the March 2002 Report on the Cost of Providing a Thorough and Efficient Education and for subsequent reports, facilities efficiency standards for elementary, middle, and high schools consistent with the core curriculum school delivery assumptions in the report and sufficient for the achievement of the core curriculum content standards, including the provision of required programs in Abbott districts and early childhood education programs in the districts in which these programs are required by the State. The area allowances per FTE student in each class of the district shall be derived from these facilities efficiency standards.

The facilities efficiency standards developed by the commissioner shall not be construction design standards but rather shall represent the instructional spaces, specialized instructional areas, and administrative spaces that are determined by the commissioner to be educationally adequate to support the achievement of the core curriculum content standards including the provision of required programs in Abbott districts and early childhood education

valuation per resident pupil as equalized valuation is defined in section 3 of P.L.1996, c.138 (C.18A:7F-3); the district's income per resident pupil as district income is defined in section 3 of P.L.1996, c.138 (C.18A:7F-3); the population per square mile of the municipality or municipalities in which the district is situate; and the municipal overburden of the municipality or municipalities in which the district is situate as that term is defined by the New Jersey Supreme Court in *Abbott v. Burke*.

l. By July 1, 2001, the commissioner shall provide the Legislature with recommendations to address the circumstances of districts which are contiguous with two or more Abbott districts. The recommendations shall address the issues of the financing of school facilities projects and the funding of the educational and other programs required within these districts as a result of their unique demographic situation.

m. By July 1, 2001, the commissioner shall study the Safe Schools Design Guidelines, prepared by the Florida Center for Community Design and Research, which address the issues of school safety and security through the design of school facilities. Based upon the commissioner's study, the commissioner shall issue recommendations to districts on the appropriateness of including the Safe Schools Design Guidelines in the design and construction of school facilities projects.

C.18A:7G-5 Financing, construction of school facilities in certain districts by authority.

5. a. The authority shall construct and finance the school facilities projects of Abbott districts, level II districts, and districts with a district aid percentage equal to or greater than 55%.

b. Any district whose district aid percentage is less than 55% may elect to have the authority undertake the construction of a school facilities project in the district and the State share shall be determined pursuant to this section. In the event that the district elects not to have the authority undertake the construction of the project, State support for the project shall be determined pursuant to section 9 or section 15 of this act, as applicable.

c. Notwithstanding any provision of N.J.S.18A:18A-16 to the contrary, the procedures for obtaining approval of a school facilities project shall be as set forth in this act; provided that any district whose district aid percentage is less than 55%, which elects not to have the authority or a redevelopment entity undertake the construction of the project, shall also be required to comply with the provisions of N.J.S.18A:18A-16.

d. Any district seeking to initiate a school facilities project shall apply to the commissioner for approval of the project. The application shall, at a minimum, contain the following information: a description of the school facilities project; a schematic drawing of the project or, at the option of the district, preliminary plans and specifications; a delineation and description

per FTE student derived from the facilities efficiency standards if the additional area allowances are necessary to accommodate centralized facilities to be shared among two or more school buildings within the district and the centralized facilities represent a more cost effective alternative.

(2) The commissioner may waive a facilities efficiency standard if the board of education or State district superintendent, as appropriate, demonstrates to the commissioner's satisfaction that the waiver will not adversely affect the educational adequacy of the school facility, including the ability to deliver the programs and services necessary to enable all students to achieve the core curriculum content standards.

(3) To house the district's central administration, a district may request an adjustment to the approved areas for unhoused students of 2.17 square feet for each FTE student in the projected total district school enrollment if the proposed administrative offices will be housed in a school facility and the district demonstrates either that the existing central administrative offices are obsolete or that it is more practical to convert those offices to instructional space. To the extent that existing administrative space will continue to be used for administrative purposes, the space shall be included in the formulas set forth in section 7 of this act.

If the commissioner approves excess facilities efficiency standards or additional area allowances pursuant to paragraph (1), (2), or (3) of this subsection, the commissioner shall calculate the preliminary eligible costs based upon the additional area allowances or excess facilities efficiency standards pursuant to the formulas set forth in section 7 of this act. In the event that the commissioner does not approve the excess facilities efficiency standards or additional area allowances, the district may either: modify its submission so that the school facilities project meets the facilities efficiency standards; or pay for the excess costs.

(4) The commissioner shall approve spaces in excess of, or inconsistent with, the facilities efficiency standards, hereinafter referred to as nonconforming spaces, upon a determination by the district that the spaces are necessary to comply with State or federal law concerning individuals with disabilities. A district may apply for additional State aid for nonconforming spaces that will permit pupils with disabilities to be educated to the greatest extent possible in the same buildings or classes with their nondisabled peers. The nonconforming spaces may: (a) allow for the return of pupils with disabilities from private facilities; (b) permit the retention of pupils with disabilities who would otherwise be placed in private facilities; (c) provide space for regional programs in a host school building that houses both disabled and nondisabled pupils; and (d) provide space for the coordination of regional programs by a county special services school district, educational services commission, jointure commission, or other agency authorized by law to provide regional

(2) In all other cases, the commissioner shall promptly prepare and submit to the authority a preliminary project report which shall consist, at a minimum, of the following information: a complete description of the school facilities project; the actual location of the project; the total square footage of the project together with a breakdown of total square footage by functional component; the preliminary eligible costs of the project; the project's priority ranking determined pursuant to subsection m. of this section; any other factors to be considered by the authority in undertaking the project; and the name and address of the person from the district to contact in regard to the project.

i. Upon receipt by the authority of the preliminary project report, the authority, upon consultation with the district, shall prepare detailed plans and specifications and schedules which contain the authority's estimated cost and schedule to complete the school facilities project. The authority shall transmit to the commissioner the authority's recommendations in regard to the project which shall, at a minimum, contain the detailed plans and specifications; whether the school facilities project can be completed within the preliminary eligible costs; and any other factors which the authority determines should be considered by the commissioner.

(1) In the event that the authority determines that the school facilities project can be completed within the preliminary eligible costs: the final eligible costs shall be deemed to equal the preliminary eligible costs; the commissioner shall be deemed to have given final approval to the project; and the preliminary project report shall be deemed to be the final project report delivered to the authority pursuant to subsection j. of this section.

(2) In the event that the authority determines that the school facilities project cannot be completed within the preliminary eligible costs, prior to the submission of the authority's recommendations to the commissioner, the authority shall, in consultation with the district and the commissioner, determine whether changes can be made in the project which will result in a reduction in costs while at the same time meeting the facilities efficiency standards approved by the commissioner.

(a) If the authority determines that changes in the school facilities project are possible so that the project can be accomplished within the scope of the preliminary eligible costs while still meeting the facilities efficiency standards, the authority shall so advise the commissioner, whereupon the commissioner shall: calculate the final eligible costs to equal the preliminary eligible costs; give final approval to the project with the changes noted; and issue a final project report to the authority pursuant to subsection j. of this section.

(b) If the authority determines that it is not possible to make changes in the school facilities project so that it can be completed within the preliminary eligible costs either because the additional costs are the result of factors

school facilities project, the district may apply to the commissioner to receive 100% State support for the project and the commissioner may request the approval of the Legislature to increase the State share of the project to 100%.

l. The local share for school facilities projects constructed by the authority or a redevelopment entity shall equal the final eligible costs plus any excess costs less the State share.

m. The commissioner shall establish, in consultation with the Abbott districts, a priority ranking of all school facilities projects in the Abbott districts based upon his determination of critical need, and shall establish priority categories for all school facilities projects in non-Abbott districts. The commissioner shall rank projects from Tier I to Tier IV in terms of critical need according to the following prioritization:

Tier I: health and safety, including electrical system upgrades; required early childhood education programs; unhoused students/class size reduction as required to meet the standards of the "Comprehensive Educational Improvement and Financing Act of 1996," P.L.1996, c.138 (C.18A:7F-1 et seq.);

Tier II: educational adequacy - specialized instructional spaces, media centers, cafeteriums, and other non-general classroom spaces contained in the facilities efficiency standards; special education spaces to achieve the least restrictive environment;

Tier III: technology projects; regionalization or consolidation projects;

Tier IV: other local objectives.

n. The provisions of the "Public School Contracts Law," N.J.S.18A:18A-1 et seq., shall be applicable to any school facilities project constructed by a district but shall not be applicable to projects constructed by the authority or a redevelopment entity pursuant to the provisions of this act.

o. In the event that a district whose district aid percentage is less than 55% elects not to have the authority undertake construction of a school facilities project, any proceeds of school bonds issued by the district for the purpose of funding the project which remain unspent upon completion of the project shall be used by the district to reduce the outstanding principal amount of the school bonds.

p. Upon completion by the authority of a school facilities project, if the cost of construction and completion of the project is less than the total costs, the district shall be entitled to receive a portion of the local share based on a pro rata share of the difference based on the ratio of the State share to the local share.

q. The authority shall determine the cause of any costs of construction which exceed the amount originally projected by the authority and approved for financing by the authority.

eligible for approval, provided that facilities which are jointly used by 3 or 4-year old children from the ECPA district and from other districts shall also be eligible for approval.

(3) If the commissioner approves the project, the commissioner shall determine, in consultation with the authority, the cost to complete the approved project, which shall be the reasonable, estimated cost of the renovation or new construction necessary to provide a facility which is structurally adequate and safe and capable of providing a program which will enable preschool children being served pursuant to the ECPA district's approved early childhood education operation plan to meet the standards for early childhood education programs established by the department. For projects initiated by an Abbott district, the State support shall be 100% of such reasonable, estimated cost. For projects initiated by an ECPA district that is not an Abbott district, the State support shall be an amount equal to 115% of the district aid percentage of that ECPA district, of such reasonable, estimated cost, except that the State support shall not be less than 40% of such reasonable, estimated cost. The commissioner shall issue a final project report to the authority which shall contain a complete description of the project, the actual location of the project, the total square footage of the project together with a breakdown of total square footage by functional component; any other factors to be considered by the authority in undertaking the project; the names and addresses of the people to contact from the district and the community provider; the amount of State support for the project; and the amount of local support required from the community provider to pay for costs, if any, of the project which have not been approved by the commissioner for State support.

(4) Upon submission to the authority of a final project report, the authority shall undertake the financing, acquisition, construction and all other appropriate actions necessary to complete the community early childhood education facilities project, provided, that if there is local support required for the project, such actions shall not commence until the authority receives the local support from the community provider. The authority may, in its discretion, and upon consultation with the commissioner, authorize a community provider to undertake the acquisition, construction and all other appropriate action necessary to complete the project, in which case the authority shall not provide State support until the community provider provides the local support, if any.

(5) In order to implement the arrangements established for community early childhood education facilities projects, the authority shall enter into an agreement with the district, the commissioner and the community provider containing the terms and conditions determined by the parties to be necessary to effectuate the project.

(2) whether the demonstration project provides significant social and economic benefits to the municipality, its neighborhoods and residents;

(3) whether the development of the school facilities project is consistent with the local development plan;

(4) the extent to which the school facilities project contains community design features which can be used by the community;

(5) whether the redevelopment entity has the current capacity to construct the demonstration project;

(6) whether the redevelopment entity has the appropriate prior experience in developing similar types of projects; and

(7) whether there exist donations from private entities for the purpose of the demonstration project.

d. The authority's review of the proposed school facilities project for designation as a demonstration project under this section shall commence upon approval by the commissioner of the school facilities project pursuant to section 5 of P.L.2000, c.72 (C.18A:7G-5). Upon approval by the commissioner of the school facilities project, and recommendation by the authority that the school facilities project be a demonstration project, the recommendation of the authority shall be forwarded to the State Treasurer who shall determine whether the school facilities project should be designated as a demonstration project. At the same time as the authority forwards its recommendation to the State Treasurer, the authority shall forward its recommendation to the Urban Coordinating Council for review pursuant to subsection i. of this section.

e. In addition to the requirements set forth in section 5 of this act, a demonstration project may request inclusion in the final eligible costs of the school facilities project, of all or any portion of the cost of any community design features including any area, rooms, equipment, recreational area or playground included in the school facilities project which are to be used in common by students of the district and by residents of the community, but there shall not be included in the final eligible costs any portion of the cost of any features which are not an integral part of the school building and grounds or exceed the facilities efficiency standards. The commissioner shall approve the inclusion of the community design features as part of the school facilities project if he finds that the inclusion of the community design features as part of the school facilities project would be conducive to the usefulness and success of the project for both the students of the district and the residents of the community. The commissioner may condition his approval upon the adoption by the district of policies suitable for assuring continuing community or educational access to the community design features.

f. The cost of the community design features approved by the commissioner shall be reviewed by the authority. The district shall submit

students are calculated by subtracting the projected enrollment for a school building from its functional capacity.

Preliminary eligible costs for construction of new school facilities and additions to school facilities pursuant to this subsection shall be calculated as follows:

Preliminary eligible costs = $AU \times C$

where

AU is the approved area for unhoused students; and

C is the area cost allowance.

b. Preliminary eligible costs shall be approved for a rehabilitation project which means the reconstruction, remodeling, alteration, modernization, renovation or repair of school facilities but only for the purpose of keeping the school building functional for its original purpose or for new purposes that can be accomplished without increasing the gross square footage of the original facility.

Preliminary eligible costs for rehabilitation projects pursuant to this subsection shall be calculated as follows:

Preliminary eligible costs = estimated actual costs.

All school facilities shall be deemed suitable for rehabilitation unless a pre-construction evaluation undertaken by the district demonstrates to the satisfaction of the commissioner that the structure might pose a risk to the safety of the occupants even after rehabilitation, or that rehabilitation is not cost-effective. Whenever a district determines to undertake new construction rather than a rehabilitation project, the district shall undertake a preconstruction evaluation to determine whether, because of health and safety or efficiency, it would be more feasible to replace rather than renovate the school facility. When the district demonstrates to the satisfaction of the commissioner that replacement is more feasible, the district shall be authorized to have the school facility replaced rather than renovated and the preliminary eligible costs shall be determined pursuant to subsection a. of this section. The estimated costs of a rehabilitation project shall contain only those costs necessary for compliance with the Uniform Construction Code, health and safety, and educational adequacy as determined pursuant to the facilities efficiency standards and paragraph (1) of subsection g. of section 5 of this act.

c. When construction done in lieu of rehabilitation projects qualifies as new construction, the approved area for unhoused students shall be determined by the commissioner, with consideration of the existing school facilities in the district.

d. Preliminary eligible costs for new construction done in lieu of rehabilitation projects which does not meet the requirements of subsection b. of this section shall be determined in accordance with the methodology

b. Approved area for unhoused students (AU) shall be determined according to the following formula:

$$AU = (UEC \times SEC) + (UE \times SE) + (UM \times SM) + (UH \times SH) \text{ where}$$

UEC, UE, UM, UH are the numbers of unhoused students in the early childhood, elementary, middle, and high school enrollment categories, respectively; and

SEC, SE, SM, SH are the area allowances per FTE student in preschool and kindergarten, grades 1 through 5, grades 6 through 8, and grades 9 through 12, respectively. Area allowances shall be determined based on the grade level of a student regardless of the grade configurations used in the school buildings of the district.

The minimum area allowance per FTE student shall be as follows:

Preschool through grade 5	125 sq. ft.
Grades 6 through 8	134 sq. ft.
Grades 9 through 12	151 sq. ft.

The commissioner, in consultation with the State Treasurer and the Commissioner of the Department of Community Affairs, shall adopt regulations that establish a process for the consideration of special circumstances, in addition to those provided in section 5 of this act, in which the area allowances per FTE student established pursuant to this subsection may be adjusted. Any decision made by the commissioner pursuant to those regulations shall be made in consultation with the State Treasurer and the Commissioner of the Department of Community Affairs.

C.18A:7G-9 Distribution of State debt service aid.

9. a. State debt service aid for capital investment in school facilities for a district whose district aid percentage is less than 55% and which elects not to have the authority construct a school facilities project or to finance the project under section 15 of this act, shall be distributed upon a determination of preliminary eligible costs by the commissioner, according to the following formula:

Aid is the sum of A for each issuance of school bonds issued for a school facilities project approved by the commissioner after the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.)

where

$$A = B \times AC/P \times (DAP \times 1.15) \times M, \text{ with } AC/P = 1$$

whenever AC/P would otherwise yield a number greater than one,

and where:

B is the district's debt service for the individual issuance for the fiscal year;

AC is the preliminary eligible costs determined pursuant to section 7 of this act;

c. Any district which obtained approval from the commissioner since September 1, 1998 and prior to the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) of the educational specifications for a school facilities project or obtained approval from the Department of Community Affairs or the appropriately licensed municipal code official since September 1, 1998 of the final construction plans and specifications, and the district has issued debt, may elect to have the final eligible costs of the project determined pursuant to section 5 of this act and to receive debt service aid under this section or under section 10 of this act.

Any district which received approval from the commissioner for a school facilities project at any time prior to the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.), and has not issued debt, other than short term notes, may submit an application pursuant to section 5 of this act to have the final eligible costs of the project determined pursuant to that section and to have the authority construct the project; or, at its discretion, the district may choose to receive debt service aid under this section or under section 10 of this act or to receive a grant under section 15 of this act.

For the purposes of this subsection, the "issuance of debt" shall include lease purchase agreements in excess of five years.

C.18A:7G-10 Issuance of school bonds, certificates of participation, determination of aid.

10. For each issuance of school bonds or certificates of participation issued for a school facilities project approved by the commissioner prior to the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.):

Aid is the sum of A

where

$$A = B \times \text{CCSAID/TEBUD}$$

and where

B is the district's total debt service or lease purchase payment for the individual issuance for the fiscal year;

CCSAID is the district's core curriculum standards aid amount determined pursuant to section 15 of P.L.1996, c.138 (C.18A:7F-15); and

TEBUD is the district's T&E budget determined pursuant to section 13 of P.L.1996, c.138 (C.18A:7F-13).

For county special services school districts, CCSAID/TEBUD shall be that of the county vocational school district in the same county.

C.18A:7G-11 Approval of local share of project.

11. A school facilities project shall not be constructed unless the local share of the project, if any, is approved in accordance with the provisions for the approval of capital projects pursuant to N.J.S.18A:22-1 et seq., N.J.S.18A:24-1 et seq. and P.L.1991, c.139 (C.18A:7A-46.1 et seq.), as applicable to the district.

share of the school facilities project or the State share and the local share of the project. In the event that the authority finances only the State share of a project, the authority shall not commence acquisition or construction of the project until the authority receives the local share from the district.

c. In order to implement the arrangements established for school facilities projects which are to be constructed by the authority and financed pursuant to this section, a district shall enter into an agreement with the authority and the commissioner containing the terms and conditions determined by the parties to be necessary to effectuate the project.

d. Upon completion by the authority of a school facilities project, the district shall enter into an agreement with the authority to provide for the maintenance of the project by the district. In the event that the school facilities project is constructed by a district, upon the completion of the project, the district shall submit to the commissioner a plan to provide for the maintenance of the project by the district. Any agreement or plan shall contain, in addition to any other terms and provisions, a requirement for the establishment of a maintenance reserve fund, the funding levels of which shall be as set forth in regulations adopted by the commissioner pursuant to section 26 of this act.

C.18A:7G-14 Powers of authority concerning financing.

14. Notwithstanding any other provisions of law to the contrary:

a. The authority shall have the power, pursuant to the provisions of this act and P.L.1974, c.80 (C.34:1B-1 et seq.), to issue bonds and refunding bonds, incur indebtedness and borrow money secured, in whole or in part, by moneys received pursuant to sections 17, 18 and 19 of this act for the purposes of: financing all or a portion of the costs of school facilities projects and any costs related to the issuance thereof, including, but not limited to, the administrative, insurance, operating and other expenses of the authority to undertake the financing, design, construction and maintenance of school facilities projects; lending moneys to local units to pay the costs of all or a portion of school facilities projects and any costs related to the issuance thereof; funding the grants to be made pursuant to section 15 of this act; and financing the acquisition of school facilities projects to permit the refinancing of debt by the district pursuant to section 16 of this act. The aggregate principal amount of the bonds, notes or other obligations issued by the facilities authority shall not exceed: \$100,000,000 for the State share of costs for county vocational school district school facilities projects; \$6,000,000,000 for the State share of costs for Abbott district school facilities projects; and \$2,500,000,000 for the State share of costs for school facilities projects in all other districts. This limitation shall not include any bonds, notes or other obligations issued for refunding purposes.

(2) Pledge of rentals, receipts and other revenues to be derived from leases or other contractual arrangements with any person or entity, public or private, including one or more local units, or a pledge or assignment of those leases or other contractual arrangements and the rights and interests of the authority therein;

(3) Pledge of all moneys, funds, accounts, securities and other funds, including the proceeds of the bonds;

(4) Pledge of the receipts to be derived from payments of State aid to the authority pursuant to section 21 of this act;

(5) Pledge of the contract or contracts with the State Treasurer pursuant to section 18 of this act;

(6) Pledge of any sums remitted to the local unit by donation from any person or entity, public or private, subject to the approval of the State Treasurer;

(7) A mortgage on all or any part of the property, real or personal, comprising a school facilities project then owned or thereafter to be acquired, or a pledge or assignment of mortgages made to the authority by any person or entity, public or private, including one or more local units and rights and interests of the authority therein; and

(8) The receipt of any grants, reimbursements or other payments from the federal government.

d. The resolution authorizing the issuance of bonds or refunding bonds pursuant to this section may also provide for the authority to enter into any revolving credit agreement, agreement establishing a line of credit or letter of credit, reimbursement agreement, interest rate exchange agreement, currency exchange agreement, interest rate floor or cap, options, puts or calls to hedge payment, currency, rate, spread or similar exposure or similar agreements, float agreements, forward agreements, insurance contracts, surety bonds, commitments to purchase or sell bonds, purchase or sale agreements, or commitments or other contracts or agreements and other security agreements approved by the authority in connection with the issuance of the bonds or refunding bonds pursuant to this section. In addition, the authority may, in anticipation of the issuance of the bonds or the receipt of appropriations, grants, reimbursements or other funds, including, without limitation, grants from the federal government for school facilities projects, issue notes, the principal of or interest on which, or both, shall be payable out of the proceeds of notes, bonds or other obligations of the authority or appropriations, grants, reimbursements or other funds or revenues of the authority.

e. The authority is authorized to engage, subject to the approval of the State Treasurer and in such manner as the State Treasurer shall determine, the services of financial advisors and experts, placement agents, underwrit-

C.18A:7G-15 Election by district to receive one-time grant for State share.

15. In the case of a district whose district aid percentage is less than 55% and which elects not to have the authority undertake the construction of the school facilities project, for any project approved by the commissioner after the effective date of this act, the district may elect to receive a one-time grant for the State share of the project rather than annual debt service aid under section 9 of this act. The State share payable to the district shall equal the product of the project's final eligible costs and 115% of the district aid percentage or 40%, whichever is greater. The authority shall provide grant funding for the State's share of the final eligible costs of a school facilities project pursuant to an agreement between the district and the authority which shall, in addition to other terms and conditions, set forth the terms of disbursement of the State share. The funding of the State share shall not commence until the district secures financing for the local share.

C.18A:7G-16 Additional powers, duties of authority concerning financing.

16. In addition to the other powers and duties which have been granted to the authority, whenever any local unit finances the construction or acquisition of a school facilities project which would otherwise qualify under this act except that the debt was issued prior to the effective date of this act, the authority may refinance the debt issued by the local unit through the issuance of bonds secured by repayments of loans made to the local units and may purchase the work or improvement and lease the same to the district, subject to the approval of the State Treasurer; except that the amount of the purchase price for a school facilities project shall not exceed the original cost. Each loan to a local unit pursuant to this section shall be evidenced by local unit obligations and shall be authorized and issued as provided by law. Notwithstanding the provisions of any law to the contrary, the local unit obligations may be sold at private sale to the authority at any price, whether or not less than par value, and shall be subject to redemption prior to maturity at any times and at any prices as the authority and the local unit may agree. All powers, rights, obligations and duties granted to or imposed upon the authority, districts, State departments and agencies or others by this act in respect to school facilities projects shall apply to the same extent with respect to any refinance of debt pursuant to this section; except that any action otherwise required to be taken at a particular time in the implementation of a school facilities project may, when the circumstances require in connection with a refinance of debt pursuant to this section, be taken with the same effect as if taken at that particular time. Upon repayment of the bonds or provision for repayment of bonds issued by the authority to refinance the debt of the local unit, the school facilities project shall be transferred to the district.

b. Each loan to a local unit shall be evidenced by local unit obligations and shall be authorized and issued as provided by law. Notwithstanding the provisions of any other law to the contrary, the local unit obligations may be sold at private sale to the authority at any price, whether or not less than par value, and shall be subject to redemption prior to maturity at any times and at any prices as the authority and the local unit may agree. Each loan to a local unit and the local unit obligations issued to evidence the loan shall bear interest at a rate or rates per annum, including zero interest, and shall be repaid in whole or in part, as the authority and the local unit may agree, with the approval of the State Treasurer.

C.18A:7G-20 Acquisition of school facilities by local unit.

20. A local unit may purchase, lease, rent, sublease or otherwise acquire any school facilities project or any space within a project and pay the amounts as may be agreed upon between the local unit and the authority as the purchase price, rent or other charge therefor; provided that the terms and conditions of the agreement between the authority and the local unit relating to the purchase, lease, rental or sublease shall be subject to the approval of the State Treasurer.

C.18A:7G-21 Payment to authority to cover deficiency.

21. a. In the event that a local unit has failed or is unable to pay to the authority in full when due any local unit obligations issued by the local unit to the authority, including, but not limited to, any lease or sublease obligations, or any other moneys owed by the district to the authority, to assure the continued operation and solvency of the authority, the State Treasurer shall pay directly to the authority an amount sufficient to satisfy the deficiency from State aid payable to the local unit; provided that if the local unit is a school district, the State aid shall not include any State aid which may otherwise be restricted pursuant to the provisions of P.L.1996, c.138 (C.18A:7F-1 et seq.). As used in this section, local unit obligations include the principal or interest on local unit obligations or payment pursuant to a lease or sublease of a school facilities project to a local unit, including the subrogation of the authority to the right of the holders of those obligations, any fees or charges payable to the authority, and any amounts payable by a local unit under a service contract or other contractual arrangement the payments under which are pledged to secure any local unit obligations issued to the authority by another local unit.

b. If the authority requires, and if there has been a failure or inability of a local unit to pay its local unit obligations to the authority for a period of 30 days, the chairman or the executive director of the authority shall certify to the State Treasurer, with written notice to the fiscal officer of the local unit, the amount remaining unpaid, and the State Treasurer shall pay that amount to the authority; or if the right to receive those payments has been

(C.54A:1-1 et seq.) in the case of a donation by an individual, or P.L.1945, c.162 (C.54:10A-1 et seq.) in the case of a donation by a corporation.

All incentive payments made pursuant to this section shall be funded by and shall be subject to annual appropriations to the authority for this purpose, and shall in no way rely upon funds raised by the issuance of bonds for school facilities projects.

C.18A:7G-23 Prevailing wage rates on construction contracts.

23. a. Not less than the prevailing wage rate determined by the Commissioner of Labor pursuant to the provisions of P.L.1963, c.150 (C.34:11-56.25 et seq.) shall be paid to workers employed in the performance of construction contracts in connection with any school facilities project that is undertaken by the authority, a redevelopment entity, or a district and any contractor who violates the provisions of this subsection shall be prohibited from subsequently bidding on any State or district contract.

b. Registration fees collected pursuant to P.L.1999, c.238 (C.34:11-56.48 et seq.) shall be applied toward the enforcement and administrative costs of the Division of Workplace Standards, Office of Wage and Hour Compliance, Public Contracts section and Registration section within the Department of Labor.

C.18A:7G-24 Annual report on school facilities construction program.

24. The commissioner, in consultation with the State Treasurer, shall annually submit to the Governor, the Joint Budget Oversight Committee, the President of the Senate and the Speaker of the General Assembly a report on the school facilities construction program established pursuant to the provisions of this act. The report shall be submitted no later than August 1 of each year and shall include, but not be limited to, the following information for the prior fiscal year: the number of school facilities projects approved by the commissioner pursuant to section 5 of this act; the number of projects constructed by the authority and the amount of time that it has taken the authority to complete those projects; the aggregate principal amount of bonds, notes or other obligations issued by the authority for the State share of construction and renovation of school facilities and whether there is a need to adjust the aggregate principal amount of bonds, notes or other obligations authorized for issuance pursuant to subsection a. of section 14 of this act; the number of projects constructed by districts; the number of demonstration projects approved; the number of approved projects which exceeded the facilities efficiency standards, the components of those projects which exceeded the standards, and the amount of construction by individual districts and Statewide estimated to have exceeded the standards; and recommendations for changes in the school facilities construction program established pursuant to this act.

shall thereafter be amended, adopted or re-adopted by the authority, in accordance with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

c. Any regulations adopted to implement this act shall include provisions to ensure that all programs necessary to comply with Abbott v. Burke, 153 N.J. 480 (1998) (Abbott V), are approved.

C.18A:7G-27 Authority's property exempt from levy, sale.

27. All property of the authority shall be exempt from levy and sale by virtue of an execution and no execution of other judicial process shall issue against the same nor shall any judgment against the authority be a charge or lien upon its property; provided that nothing herein contained shall apply to or limit the rights of the holder of any bonds, notes or other obligations to pursue any remedy for the enforcement of any pledge or lien given by the authority on or with respect to any project, school facilities project, or any revenues or other moneys.

C.18A:7G-28 Severability.

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

C.18A:7G-29 Liberal construction.

29. This act shall be construed liberally to effectuate the legislative intent and the purposes of this act as complete and independent authority for the performance of each act and thing herein authorized and all powers herein granted shall be broadly interpreted to effectuate the intent and purposes and not as a limitation of powers.

C.18A:7G-30 Annual appropriation from tobacco settlement.

30. There shall be appropriated annually for the purposes of this act up to \$100,000,000 from moneys made available to the State from tobacco companies under the nationwide settlement of the respective actions by the various states against those companies, entered into by this State in the Master Settlement Agreement in State of New Jersey v. R.J. Reynolds Tobacco Company, et al., Superior Court, Chancery Division, Middlesex County, No.C.254-96.

31. Section 11 of P.L.1975, c.212 (C.18A:7A-11) is amended to read as follows:

C.18A:7A-11 Annual report by school districts, commissioner.

11. Each school district and county vocational school district shall make an annual report of its progress in conforming to the standards for the evaluation of school performance adopted pursuant to section 10 of P.L.1975, c.212 (C.18A:7A-10). Each district's annual report shall include but not be limited to:

- a. Demographic data related to each school;

be entitled to one member, appointed by the executive officer with the consent of the governing body. However, if a local governing body fails to agree upon the selection of either board member appointed by an executive officer, then the Commissioner of Education shall make the appointment. One member shall be appointed by the Director of the Division of Local Government Services in the Department of Community Affairs who shall have experience in the area of local finance and capital projects. The fifth member shall be the State district superintendent of schools who shall serve ex-officio and shall act as chairperson of the board. The board members, except for the State district superintendent, shall each serve for a term of one year commencing on July 1 of each year and expiring on June 30 of the following year. Any vacancy in the membership of the board shall be filled for the unexpired term in the manner provided by the original appointment. Members of the board may be employees of the State or any subdivision thereof. All members of the board shall serve without compensation.

c. The board shall meet from time to time upon the request of the State district superintendent. All meetings of the board shall be conducted pursuant to the provisions of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.). The State district superintendent, or his designee, shall be charged with the responsibility of preparing a transcript of the proceedings and all votes shall be recorded in writing.

33. Section 2 of P.L.1991, c.139 (C.18A:7A-46.2) is amended to read as follows:

C.18A:7A-46.2 Board to hear recommendations concerning proposed capital projects.

2. The board shall hear the recommendation of the State district superintendent concerning any proposed capital project, which is to be financed in whole or in part by school bonds or notes, or through a lease purchase agreement pursuant to subsection f. of N.J.S.18A:20-4.2, and shall undertake all actions necessary to review the proposed capital project to determine whether the project will assist the State-operated school district in providing a thorough and efficient system of education in that district. In making this determination it may take into consideration factors such as the conditions in the school district, any applicable educational goals, the objectives and standards established by the State, the need for the capital project, the reasonableness of the amount to be expended for the capital project, the estimated time for the undertaking and completion of the capital project, and any other factors which the board may deem necessary including the relationship of the capital project to the long-term capital budget or plan of the school district and the fiscal implications thereof.

Following its review and within 60 days of the date on which the State district superintendent submits the recommendation to the board, the board shall adopt a resolution as to whether the State-operated school district

Powers of boards concerning real property.

18A:20-4.2. The board of education of any school district may, for school purposes:

(a) Purchase, take and condemn lands within the district and lands not exceeding 50 acres in extent without the district but situate in a municipality or municipalities adjoining the district, but no more than 25 acres may be so acquired in any one such municipality, without the district, except with the consent, by ordinance, of such municipality;

(b) Grade, drain and landscape lands owned or to be acquired by it and improve the same in like manner;

(c) Erect, lease for a term not exceeding 50 years, enlarge, improve, repair or furnish buildings;

(d) Borrow money therefor, with or without mortgage; in the case of a type II district without a board of school estimate, when authorized so to do at any annual or special school election; and in the case of a type II district having a board of school estimate, when the amount necessary to be provided therefor shall have been fixed, determined and certified by the board of school estimate; and in the case of a type I district, when an ordinance authorizing expenditures for such purpose is finally adopted by the governing body of a municipality comprised within the district; provided, however, that no such election shall be held nor shall any such resolution of a school estimate board or ordinance of a municipal governing body be introduced to authorize any lease of any building for a term exceeding one year, until the proposed terms of such lease have been reviewed and approved by the Commissioner of Education and the Local Finance Board in the Department of Community Affairs;

(e) Construct, purchase, lease or otherwise acquire a building with the federal government, the State, a political subdivision thereof or any other individual or entity properly authorized to do business in the State; provided that: (1) the noneducational uses of the building are compatible with the establishment and operation of a school, as determined by the Commissioner of Education; (2) the portion of the building to be used as a school meets regulations of the Department of Education; (3) the board of education has complied with the provisions of law and regulations relating to the selection and approval of sites; and (4) in the case of a lease, that any lease in excess of five years shall be approved by the Commissioner of Education and the Local Finance Board in the Department of Community Affairs;

(f) Acquire, with the approval of either the commissioner, or voters or board of school estimate, as applicable, improvements or additions to school buildings through lease purchase agreements not in excess of five years. The agreement shall be recorded as an expenditure of the General Fund of the district. The

(1) The individual or entity agrees to construct on the site, or provide for the construction thereon, a building or buildings for use of the board of education separately or jointly with the individual or entity, which shall be subject to the joint ownership arrangement;

(2) The provision of the building shall be at no cost or at a reduced cost to the board of education;

(3) The school district shall not make any payment for use of the building other than its pro rata share of costs of maintenance and improvements;

(4) The noneducational uses of the building are compatible with the establishment and operation of a school, as determined by the Commissioner of Education;

(5) The portion of the building to be used as a school, and the site, meet regulations of the Department of Education; and

(6) Any such agreement shall be approved by the Commissioner of Education and the Local Finance Board in the Department of Community Affairs;

(h) Acquire through sale and lease-back textbooks and non-consumable instructional materials provided that the sale price and principal amount of the lease-back do not exceed the fair market value of the textbooks and instructional materials and that the interest rate applied in the lease-back is consistent with prevailing market rates or is less.

36. N.J.S.18A:22-18 is amended to read as follows:

Capital projects; appropriations; estimation.

18A:22-18. When a board of education of a type I district shall determine by resolution that it is necessary to sell school bonds to raise money for any capital project authorized by law, it shall prepare and deliver to each member of the board of school estimate a statement of the amount of money estimated to be necessary for such purpose. The statement shall include the amount needed to be raised by school bonds, the final eligible costs of the project as approved by the commissioner pursuant to section 5 of P.L.2000,c.72 (C.18A:7G-5) and in the case of a demonstration project pursuant to sections 5 and 6 of P.L.2000, c.72 (C.18A:7G-5 and C.18A:7G-6), and, if applicable, the amount of any costs of the project which are in addition to the final eligible costs.

37. N.J.S.18A:22-19 is amended to read as follows:

Determination of local share amount.

18A:22-19. The board of school estimate shall fix and determine the local share amount necessary for said purpose and shall certify such amount separately to the board of education and to the governing body of the municipality.

other interested persons an opportunity to present objections and to be heard with respect to said resolution and the amount of money necessary to be raised locally for such project or projects and with respect to the various items and projects for which the same is to be raised.

41. N.J.S.18A:22-30 is amended to read as follows:

Determination of amount to be raised locally.

18A:22-30. At or after such hearing the board of school estimate shall fix and determine the amount of money necessary to be raised locally for said project or projects, and the secretary of said board shall certify said amount to the board of education of the district and to the board or body of each municipality comprised therein which has power to make appropriations of money to be raised by taxes in such municipality. The board of education of the district and the governing body of each such municipality comprising the district shall apportion the amount so to be appropriated, assessed, levied and raised in each of such municipalities, as nearly as may be, on the same basis and by the application of the same standards as are provided by law for apportionment of appropriations by county tax boards.

42. N.J.S.18A:22-39 is amended to read as follows:

Type II districts without board of school estimate; submission of capital projects.

18A:22-39. Whenever the undertaking of any capital project or projects to be paid for from the proceeds of an issue or issue of bonds is submitted to the voters of a type II district at an annual or special school election for their approval or disapproval, the board shall frame and adopt by a recorded roll call majority vote of its full membership the question or questions to be submitted so that each project is submitted in a separate question, or all or any number of them are submitted in one question, which shall state the project or projects so submitted and the amounts to be raised for each of the projects so separately submitted or for each or for all of the projects so jointly submitted, as the case may be, but any proposal for the purchase of land shall be sufficient to authorize the taking and condemning of such land. If the project is to be constructed by the New Jersey Economic Development Authority or a redevelopment entity or by the district with a grant pursuant to section 15 of P.L.2000, c.72 (C.18A:7G-15), the referendum shall, when framed as a single question, request approval for the local share and shall disclose the final eligible costs of the project as approved by the commissioner pursuant to section 5 of P.L.2000, c.72 (C.18A:7G-5) and in the case of a demonstration project pursuant to sections 5 and 6 of P.L.2000, c.72 (C.18A:7G-5 and C.18A:7G-6), and, if applicable, the amount of any costs of the project which are in addition to the final eligible costs. If the

c. In order to aid in supplying these needs and to assist in the immediate reduction of unemployment and to provide sufficient employment for the citizens of the State in the future, it is necessary and in the public interest to aid and encourage the immediate commencement of new construction projects of all types, to induce and facilitate the acquisition and installation at an accelerated rate of such devices, equipment and facilities as may be required to reduce, abate and prevent environmental pollution by industry, utilities and commerce.

d. The availability of financial assistance by the State will reduce present unemployment and improve future employment opportunities by encouraging and inducing the undertaking of such construction projects, the location, retaining or expanding of employment promoting enterprises within the State, and the accelerated acquisition and installation of energy saving improvements and pollution control devices, equipment and facilities.

e. In many municipalities in our State substantial and persistent unemployment exists; and many existing residential, industrial, commercial and manufacturing facilities within such municipalities are either obsolete, inefficient, dilapidated or are located without regard to the master plans of such municipalities; and the obsolescence and abandonment of existing facilities will increase with further technological advances, the provision of modern, efficient facilities in other states and the difficulty which many municipalities have in attracting new facilities; and that many existing and planned employment promoting facilities are far from or not easily accessible to the places of residence of substantial numbers of unemployed and underemployed persons.

f. By virtue of their architectural and cultural heritage, their positions as principal centers of communication and transportation and their concentration of productive and energy efficient facilities, many municipalities are capable of ameliorating the conditions of deterioration which impede sound community growth and development; and that building a proper balance of housing, industrial and commercial facilities and increasing the attractiveness of such municipalities to persons of all income levels is essential to restoring such municipalities as desirable places to live, work, shop and enjoy life's amenities; that the accomplishment of these objectives is beyond remedy solely by the regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the powers provided herein, and that the exercise of the powers herein provided is critical to continuing the process of revitalizing such municipalities and will serve an urgent public use and purpose.

The Legislature further determines that in order to aid in remedying the aforesaid conditions and to further and implement the purposes of this act, that there shall be created a body politic and corporate having the powers,

undertake the planning, design, construction, and operation of educational infrastructure projects; and by authorizing the New Jersey Economic Development Authority to undertake these activities, there will be achieved economies of scale, better coordination of resources, more effective financial management and control and increased monitoring and quality control of school district construction.

44. Section 3 of P.L.1974, c.80 (C.34:1B-3) is amended to read as follows:

C.34:1B-3 Definitions.

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

a. "Authority" means the New Jersey Economic Development Authority, created by section 4 of this act.

b. "Bonds" means bonds or other obligations issued by the authority pursuant to this act, "Economic Recovery Bonds or Notes" issued pursuant to P.L.1992, c.16 (C.34:1B-7.10 et al.), or bonds, notes, other obligations and refunding bonds issued by the authority pursuant to P.L.2000, c.72 (C.18A:7G-1 et al.).

c. "Cost" means the cost of the acquisition, construction, reconstruction, repair, alteration, improvement and extension of any building, structure, facility including water transmission facilities, or other improvement; the cost of machinery and equipment; the cost of acquisition, construction, reconstruction, repair, alteration, improvement and extension of energy saving improvements or pollution control devices, equipment or facilities; the cost of lands, rights-in-lands, easements, privileges, agreements, franchises, utility extensions, disposal facilities, access roads and site development deemed by the authority to be necessary or useful and convenient for any project or school facilities project or in connection therewith; discount on bonds; cost of issuance of bonds; engineering and inspection costs; costs of financial, legal, professional and other estimates and advice; organization, administrative, insurance, operating and other expenses of the authority or any person prior to and during any acquisition or construction, and all such expenses as may be necessary or incident to the financing, acquisition, construction or completion of any project or school facilities project or part thereof, and also such provision for reserves for payment or security of principal of or interest on bonds during or after such acquisition or construction as the authority may determine.

d. "County" means any county of any class.

e. "Development property" means any real or personal property, interest therein, improvements thereon, appurtenances thereto and air or other rights in connection therewith, including land, buildings, plants, structures, systems,

materials or products, or for research or office purposes, including, but not limited to, medical and other professional facilities, or for industrial, recreational, hotel or motel facilities, public utility and warehousing, or for commercial and service purposes, including, but not limited to, retail outlets, retail shopping centers, restaurant and retail food outlets, and any and all other employment promoting enterprises, including, but not limited to, motion picture and television studios and facilities and commercial fishing facilities, commercial facilities for recreational fishermen, fishing vessels, aquaculture facilities and marketing facilities for fish and fish products and (d) acquisition of an equity interest in, including capital stock of, any corporation; or any combination of the above, which the authority determines will: (i) tend to maintain or provide gainful employment opportunities within and for the people of the State, or (ii) aid, assist and encourage the economic development or redevelopment of any political subdivision of the State, or (iii) maintain or increase the tax base of the State or of any political subdivision of the State, or (iv) maintain or diversify and expand employment promoting enterprises within the State; and (3) the cost of acquisition, construction, reconstruction, repair, alteration, improvement and extension of an energy saving improvement or pollution control project which the authority determines will tend to reduce the consumption in a building devoted to industrial or commercial purposes, or in an office building, of nonrenewable sources of energy or to reduce, abate or prevent environmental pollution within the State; and (4) the acquisition, construction, reconstruction, repair, alteration, improvement, extension, development, financing or refinancing of infrastructure and transportation facilities or improvements related to economic development and of cultural, recreational and tourism facilities or improvements related to economic development and of capital facilities for primary and secondary schools and of mixed use projects consisting of housing and commercial development; and (5) the establishment, acquisition, construction, rehabilitation, improvement, and ownership of port facilities as defined in section 3 of P.L.1997, c.150 (C.34:1B-146). Project may also include: (i) reimbursement to any person for costs in connection with any project, or the refinancing of any project or portion thereof, if determined by the authority as necessary and in the public interest to maintain employment and the tax base of any political subdivision and will facilitate improvements thereto or the completion thereof, and (ii) development property and any construction, reconstruction, improvement, alteration, equipment or maintenance or repair, or planning and designing in connection therewith. For the purpose of carrying out mixed use projects consisting of both housing and commercial development, the authority may enter into agreements with the New Jersey Housing and Mortgage Finance Agency for loan guarantees for any

school district established pursuant to article 3 of chapter 54 of Title 18A of the New Jersey Statutes, and a State-operated school district established pursuant to P.L.1987, c.399 (C.18A:7A-34 et seq.).

n. "Local unit" means a county, municipality, board of education or any other political entity authorized to construct, operate and maintain a school facilities project and to borrow money for those purposes pursuant to law.

o. "Refunding bonds" means bonds, notes or other obligations issued to refinance bonds previously issued by the authority pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.) and P.L.2000, c.72 (C.18A:7G-1 et al.).

p. "School facilities project" means the acquisition, demolition, construction, improvement, repair, alteration, modernization, renovation, reconstruction or maintenance of all or any part of a school facility or of any other personal property necessary for, or ancillary to, any school facility, and shall include fixtures, furnishings and equipment, and shall also include, but is not limited to, site acquisition, site development, the services of design professionals, such as engineers and architects, construction management, legal services, financing costs and administrative costs and expenses incurred in connection with the project.

q. "School facility" means and includes any structure, building or facility used wholly or in part for academic purposes by a district, but shall exclude athletic stadiums, grandstands, and any structure, building or facility used solely for school administration.

45. Section 4 of P.L.1974, c.80 (C.34:1B-4) is amended to read as follows:

C.34:1B-4 New Jersey Economic Development Authority.

4. a. There is hereby established in, but not of, the Department of the Treasury a public body corporate and politic, with corporate succession, to be known as the "New Jersey Economic Development Authority." The authority is hereby constituted as an instrumentality of the State exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by this act shall be deemed and held to be an essential governmental function of the State.

b. The authority shall consist of the Commissioner of Banking and Insurance, the Chief Executive Officer and Secretary of the New Jersey Commerce and Economic Growth Commission, the Commissioner of Labor, the Commissioner of Education, and the State Treasurer, who shall be members ex officio, and eight public members appointed by the Governor as follows: two public members (who shall not be legislators) shall be appointed by the Governor upon recommendation of the Senate President; two public members (who shall not be legislators) shall be appointed by the Governor upon recommendation of

serve a term of two years; and one alternate member shall serve a term of one year. No member shall be appointed who is holding elective office.

c. 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 such hearing. Each member before entering upon his duties shall take and subscribe an oath to perform the duties of his office faithfully, impartially and justly to the best of his ability. A record of such oaths shall be filed in the office of the Secretary of State.

d. A chairperson shall be appointed by the Governor from the public members. The members of the authority shall elect from their remaining number a vice chairperson and a treasurer thereof. The authority shall employ an executive director who shall be its secretary and chief executive officer. The powers of the authority shall be vested in the members thereof in office from time to time and seven members of the authority shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the authority at any meeting thereof by the affirmative vote of at least seven members of the authority. No vacancy in the membership of the authority shall impair the right of a quorum of the members to exercise all the powers and perform all the duties of the authority.

e. Each member of the authority shall execute a bond to be conditioned upon the faithful performance of the duties of such member in such form and amount as may be prescribed by the Director of the Division of Budget and Accounting in the Department of the Treasury. Such bonds shall be filed in the office of the Secretary of State. At all times thereafter the members and treasurer of the authority shall maintain such bonds in full force and effect. All costs of such bonds shall be borne by the authority.

f. The members of the authority shall serve without compensation, but the authority shall reimburse its members for actual expenses necessarily incurred in the discharge of their duties. 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 his acceptance of the office of ex officio member of the authority or his services therein.

g. Each ex officio member of the authority may designate an officer or employee of his department to represent him at meetings of the authority, and each such designee may lawfully vote and otherwise act on behalf of the member for whom he constitutes the designee. Any such designation shall be in writing delivered to the authority and shall continue in effect until revoked or amended by writing delivered to the authority.

h. The authority may be dissolved by act of the Legislature on condition that the authority has no debts or obligations outstanding or that provision has been made for the payment or retirement of such debts or

- a. To adopt bylaws for the regulation of its affairs and the conduct of its business;
- b. To adopt and have a seal and to alter the same at pleasure;
- c. To sue and be sued;
- d. To acquire in the name of the authority by purchase or otherwise, on such terms and conditions and such manner as it may deem proper, or by the exercise of the power of eminent domain in the manner provided by the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), any lands or interests therein or other property which it may determine is reasonably necessary for any project or school facilities project; provided, however, that the authority in connection with any project shall not take by exercise of the power of eminent domain any real property except upon consent thereto given by resolution of the governing body of the municipality in which such real property is located; and provided further that the authority shall be limited in its exercise of the power of eminent domain in connection with any project to municipalities receiving State aid under the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.), or to municipalities which had a population, according to the latest federal decennial census, in excess of 10,000;
- e. To enter into contracts with a person upon such terms and conditions as the authority shall determine to be reasonable, including, but not limited to, reimbursement for the planning, designing, financing, construction, reconstruction, improvement, equipping, furnishing, operation and maintenance of the project or the school facilities project and to pay or compromise any claims arising therefrom;
- f. To establish and maintain reserve and insurance funds with respect to the financing of the project or the school facilities project;
- g. To sell, convey or lease to any person all or any portion of a project or school facilities project, for such consideration and upon such terms as the authority may determine to be reasonable;
- h. To mortgage, pledge or assign or otherwise encumber all or any portion of a project, school facilities project or revenues, whenever it shall find such action to be in furtherance of the purposes of this act and P.L.2000, c.72 (C.18A:7G-1 et al.);
- i. To grant options to purchase or renew a lease for any of its projects or school facilities projects on such terms as the authority may determine to be reasonable;
- j. 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 United States of America or any agency or instrumentality thereof, or from the State or any agency, instrumentality or political subdivision thereof, or from any other source and to comply, subject to the provisions of this act and P.L.2000, c.72 (C.18A:7G-1 et al.), with the terms and conditions thereof;

u. To procure insurance against any losses in connection with its property, operations or assets in such amounts and from such insurers as it deems desirable;

v. To do any and all things necessary or convenient to carry out its purposes and exercise the powers given and granted in this act and P.L.2000, c.72 (C.18A:7G-1 et al.);

w. To construct, reconstruct, rehabilitate, improve, alter, equip, maintain or repair or provide for the construction, reconstruction, improvement, alteration, equipping or maintenance or repair of any development property and lot, award and enter into construction contracts, purchase orders and other contracts with respect thereto, upon such terms and conditions as the authority shall determine to be reasonable, including, but not limited to, reimbursement for the planning, designing, financing, construction, reconstruction, improvement, equipping, furnishing, operation and maintenance of any such development property and the settlement of any claims arising therefrom and the establishment and maintenance of reserve funds with respect to the financing of such development property;

x. When authorized by the governing body of a municipality exercising jurisdiction over an urban growth zone, to construct, cause to be constructed or to provide financial assistance to projects in an urban growth zone which shall be exempt from the terms and requirements of the land use ordinances and regulations, including, but not limited to, the master plan and zoning ordinances, of such municipality;

y. To enter into business employment incentive agreements as provided in the "Business Employment Incentive Program Act," P.L.1996, c.26 (C.34:1B-124 et al.);

z. To undertake school facilities projects and to enter into agreements or contracts, execute instruments, and do and perform all acts or things necessary, convenient or desirable for the purposes of the authority to carry out any power expressly provided pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.) and P.L.2000, c.72 (C.18A:7G-1 et al.), including, but not limited to, entering into contracts with the State Treasurer, the Commissioner of Education, districts and any other entity which may be required in order to carry out the provisions of P.L.2000, c.72 (C.18A:7G-1 et al.);

aa. To enter into leases, rentals or other disposition of a real property interest in and of any school facilities project to or from any local unit pursuant to P.L.2000, c.72 (C.18A:7G-1 et al.);

bb. To make and contract to make loans or leases and to make grants to local units to finance the cost of school facilities projects and to acquire and contract to acquire bonds, notes or other obligations issued or to be issued by local units to evidence the loans or leases, all in accordance with the provisions of P.L.2000, c.72 (C.18A:7G-1 et al.);

the authority shall provide for the proper enforcement and administration of such rules and regulations.

b. Within 180 days of the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.), but before adoption of its rules and regulations concerning its affirmative action program, the authority shall submit the proposed rules and regulations to the presiding officers and the standing committees on State government of both houses of the Legislature for their review.

49. Section 15 of P.L.1974, c.80 (C.34:1B-15) is amended to read as follows:

C.34:1B-15 Powers constitute essential governmental function; tax exempt status.

15. The exercise of the powers granted by this act and P.L.2000, c.72 (C.18A:7G-1 et al.) shall constitute the performance of an essential governmental function and the authority shall not be required to pay any taxes or assessments upon or in respect of a project or school facilities project, or any property or moneys of the authority, and the authority, its projects and school facilities projects, property and moneys and any bonds and notes issued under the provisions of this act and P.L.2000, c.72 (C.18A:7G-1 et al.), their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the State except for transfer, inheritance and estate taxes and by any political subdivision of the State; provided, that any person occupying a project whether as lessee, vendee or otherwise shall, as long as title thereto shall remain in the authority, pay to the political subdivision in which such project is located a payment in lieu of taxes which shall equal the taxes on real and personal property, including water and sewer service charges or assessments, which such person would have been required to pay had it been the owner of such property during the period for which such payment is made and neither the authority nor its projects, properties, money or bonds and notes shall be obligated, liable or subject to lien of any kind for the enforcement, collection or payment thereof. If and to the extent the proceedings under which the bonds authorized to be issued under the provisions of this act so provide, the authority may agree to cooperate with such person occupying a project, in connection with any administrative or judicial proceedings for determining the validity or amount of such payments and may agree to appoint or designate and reserve the right in and for such person to take all action which the authority may lawfully take in respect of such payments and all matters relating thereto, provided such person shall bear and pay all costs and expenses of the authority thereby incurred at the request of such person or by reason of any such action taken by such person in behalf of the authority. If such person occupying a project has paid the amounts in lieu of taxes required by this section to be paid such

b. Each municipality in which any school facilities project of the authority is located shall provide for the school facilities project, whether then owned by the authority, any subsidiary, any State agency or any person, firm, partnership or corporation, police, fire, sanitation, health protection and other municipal services of the same character and to the same extent as those provided for other residents of the municipality.

c. In carrying out any school facilities project, the authority may enter into contractual agreements with local government agencies with respect to the furnishing of any community, municipal or public facilities or services necessary or desirable for the school facilities project, and any local government agency may enter into these contractual agreements with the authority and do all things necessary to carry out its obligations.

C.34:1B-5.7 Preparation of separate plans, specifications; bids.

52. a. In undertaking any school facilities projects where the cost of construction, reconstruction, rehabilitation or improvement will exceed \$25,000, the authority may prepare, or cause to be prepared, separate plans and specifications for: (1) the plumbing and gas fitting and all work and materials kindred thereto, (2) the steam and hot water heating and ventilating apparatus, steam power plants and all work and materials kindred thereto, (3) the electrical work, (4) structural steel and miscellaneous iron work and materials, and (5) all general construction, which shall include all other work and materials required to complete the building.

b. The authority shall advertise and receive (1) separate bids for each of the branches of work specified in subsection a. of this section; or (2) bids for all the work and materials required to complete the school facilities project to be included in a single overall contract, in which case there shall be set forth in the bid the name or names of all subcontractors to whom the bidder will subcontract for the furnishing of any of the work and materials specified in branches (1) through (4) in subsection a. of this section; or (3) both.

c. Contracts shall be awarded as follows: (1) if bids are received in accordance with paragraph (1) of subsection b. of this section, the authority shall determine the responsible bidder for each branch whose bid, conforming to the invitation for bids, will be most advantageous to the authority, price and other factors considered; (2) if bids are received in accordance with paragraph (2) of subsection b. of this section, the authority shall determine the responsible bidder for the single overall contract whose bid, conforming to the invitation for bids, will be the most advantageous to the authority, price and other factors considered; or (3) if bids are received in accordance with paragraph (3) of subsection b. of this section, the authority shall award separate contracts for each branch of work specified in subsection a. of this section if the sum total of the amounts bid by the

portion of any public highway or road, it may contract with any government agency, or public or private corporation which may have jurisdiction over the public highway or road to cause the public highway or road to be constructed at such locations as the authority shall deem most favorable. The cost of the reconstruction and any damage incurred in changing the location of the highway shall be ascertained and paid by the authority as part of the cost of the school facilities project. Any public highway affected by the construction of any school facilities project may be vacated or relocated by the authority in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the authority as a part of the cost of the school facilities project. In all undertakings authorized by this subsection, the authority shall consult and obtain the approval of the Commissioner of Transportation.

b. The authority and its authorized agents and employees may enter upon any lands, waters and premises for the purpose of making surveys, soundings, drillings and examinations as it may deem necessary or convenient for the purposes of this act, all in accordance with due process of law, and this entry shall not be deemed a trespass nor shall an entry for this purpose be deemed an entry under any condemnation proceedings which may be then pending. The authority shall make reimbursement for any actual damages resulting to the lands, waters and premises as a result of these activities.

c. The authority shall have the power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances, herein called "public utility facilities," or any public utility as defined in R.S.48:2-13, in, on, along, over or under any school facilities project. Whenever the authority shall determine that it is necessary that any public utility facilities which now are, or hereafter may be, located in, on, along, over or under any school facilities project shall be relocated in the school facilities project, or should be removed from the school facilities project, the public utility owning or operating the facilities shall relocate or remove them in accordance with the order of the authority. The cost and expenses of the relocation or removal, including the cost of installing the facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish the relocation or removal, shall be ascertained and paid by the authority as a part of the cost of the school facilities project. In case of any relocation or removal of facilities, the public utility owning or operating them, its successors or assigns, may maintain and operate the facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate the facilities in their former location or locations. In

56. Section 4 of P.L.1997, c.264 (C.26:2H-18.58g) is amended to read as follows:

C.26:2H-18.58g Disposition of revenue collected from cigarette tax.

4. Notwithstanding the provisions of any other law to the contrary, commencing July 1, 1998: after the deposit required pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1), the first \$150,000,000 of revenue collected annually from the cigarette tax imposed pursuant to P.L.1948, c.65 (C.54:40A-1 et seq.) and the first \$5,000,000 of revenue collected annually from the "Tobacco Products Wholesale Sales and Use Tax," P.L.1990, c.39 (C.54:40B-1 et seq.), shall be deposited in to the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58); and the next \$50,000,000 of revenue collected annually from the cigarette tax imposed pursuant to P.L.1948, c.65 (C.54:40A-1 et seq.) shall be appropriated annually to the New Jersey Economic Development Authority for payment of debt service incurred by the authority for school facilities projects.

C.18A:7G-31 Establishment of capital reserve account.

57. a. Notwithstanding any provision of this act or any other law or regulation to the contrary, within 90 days of the effective date of this act, a board of education or a board of school estimate, as appropriate, may, through the adoption of a board resolution, establish a capital reserve account. The account shall be established and held in accordance with GAAP and shall be subject to annual audit. The funds in the capital reserve account shall be used to finance the district's long-range facilities plan required pursuant to subsection a. of section 4 of this act and the amount in the account shall not exceed the total amount of local funds required to implement the plan as indicated on the annual QAAR report.

b. A board of education or a board of school estimate, as appropriate, may appropriate funds in the district's annual budget for the establishment of the capital reserve account pursuant to subsection a. of this section or to supplement the funds in the account as required to meet the needs of the long-range facilities plan. The district's spending growth limitation as established pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5) shall be adjusted by the amount of funds appropriated in the budget year to the capital reserve account.

c. A board of education may, by resolution of the board: transfer undesignated general fund balance or excess undesignated general fund balance to the capital reserve account at any time during the budget year; transfer funds from the capital reserve account to the appropriate line item account for the funding of capital projects as contained in the district's long-range facilities plan; and transfer funds from the capital reserve account to

C.18A:7G-34 Prequalification process, submission requirements.

60. a. The prequalification process shall include a requirement that the contractor proposing to submit bids on a school facilities project submit a statement under oath on a form designated by the authority. The form shall fully describe and establish the financial ability, responsibility, plant and equipment, organization, ownership, relationships and prior experience of the prospective bidder and any other pertinent and material facts as may be deemed necessary by the authority. The submission shall include:

(1) A certified, audited financial statement or compilation of financial statements or other documentation of financial status acceptable to the authority;

(2) Proof of any contractor or trade license required by law for any trade or specialty area in which the contractor is seeking prequalification and a statement as to whether any contractor or trade license has been revoked;

(3) A statement as to bonding capacity, which shall be from a surety authorized to issue bid, performance and payment bonds in the State of New Jersey in accordance with N.J.S.2A:44-143 through N.J.S.2A:44-147 to the contractor, and shall indicate aggregate bonding limits;

(4) A list of the names and titles of all individuals who own 10% or more of any class of stock in the corporation or are a 10% or more partner in the firm. If any of the aforementioned stockholders or partners is itself a corporation, or a partnership, that entity shall also provide the information specified herein;

(5) Disclosure of any judgments, convictions or criminal indictments for any conduct constituting a crime under local, State or federal law;

(6) Disclosure of any unsatisfied judgments, injunctions or liens obtained by a governmental agency including, but not limited to, judgments based on taxes owed and fines and penalties assessed by any government agency;

(7) Disclosure of any determination for violations of federal, State or local laws, rules or regulations, including health laws, unemployment insurance or workers' compensation coverage or claim requirements, the "Employee Retirement Income Security Act of 1974" (Pub.L.93-406, 29 U.S.C. s. 1001 et seq.), security laws, environmental laws, safety laws, licensing laws, tax laws and antitrust laws;

(8) Disclosure of any federal, State or local debarments, non-responsibility findings or denials of prequalification;

(9) Disclosure of any bankruptcy filings or proceedings;

(10) A statement as to past performance, which shall give an accurate and complete record of work completed in the past five years by the contractor giving the names of the projects, type of work, location, contract price, bid and final contract amount paid and the names of the owner and of the architect or engineer in charge for the owner. This statement shall also disclose any labor problems experienced, any failure to complete a contract on schedule, any penalties, judgments, orders or liens imposed by reason of any contract undertaken within

C.18A:7G-35 Validity of contractor's prequalification classification.

61. a. A contractor's prequalification classification shall be valid for 24 months. A contractor shall be reclassified after the 24-month period in order to remain eligible to bid on school facilities projects.

b. Any material changes relevant to the prequalification process shall be reported by the contractor to the authority in writing within 10 days. Based on the information provided, the authority may change the classification or revoke prequalification for cause.

C.18A:7G-36 Mandatory uniform performance evaluation of contractors.

62. a. A mandatory uniform performance evaluation shall be conducted on all school facilities projects undertaken by the authority. The evaluation shall, at a minimum, include cost, schedule adherence and quality.

b. A contractor shall be notified of a performance evaluation. The contractor shall be afforded an opportunity to respond to an adverse evaluation.

c. The contractor performance evaluations shall be utilized in reviewing bid submissions.

C.18A:7G-37 Submission of sworn contractor certification; requirements.

63. a. A prequalified contractor seeking to bid school facilities projects, and any subcontractors required to be named under P.L.2000, c.72 (C.18A:7G-1 et al.) shall, as a condition of bidding, submit a sworn contractor certification regarding qualifications and credentials.

b. In the contractor certification form, a principal owner or officer of the company shall certify that the firm has the following qualifications and credentials:

(1) A current, valid certificate of registration issued pursuant to "The Public Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.), a copy of which shall be attached to the certification form, if applicable;

(2) A current, valid "Certificate of Authority to perform work in New Jersey" issued by the Department of the Treasury, a copy of which shall be attached to the certification form;

(3) Any current, valid contractor or trade license required under applicable New Jersey law for any trade or specialty area in which the firm seeks to perform work, a copy of which shall be attached to the certification;

(4) During the term of construction of the school facilities project, the contractor will have in place a suitable quality control and quality insurance program and an appropriate safety and health plan.

c. The contractor certification form shall further require that a principal owner or officer of the company certify that, at the time that the firm is bidding a project, the amount of its bid proposal and the value of all of its outstanding incomplete contracts does not exceed the firm's existing aggregate rating limit.

pursuant to section 59 of this act shall not be required to undergo any other prequalification process to bid on a school facilities project.

67. There is appropriated \$3,000,000 from the General Fund to the Department of Education to effectuate the apprentice training program established pursuant to this act.

C.18A:7G-41 Procedure for obtaining prequalified status; short-form application.

68. If a contractor on the effective date of this act has a current, valid classification from the Division of Property Management and Construction, it may obtain prequalified status under this act by submitting a short-form application developed by the authority. A short-form application submitted under this section must include verification of the contractor's current classification and aggregate rating limit by the Division of Property Management and Construction.

Upon such application, the authority shall prequalify the contractor for the same trade or work classification and same aggregate rating limit issued by the Division of Property Management and Construction, provided the authority does not obtain or receive information indicating the contractor has experienced recent performance deficiencies, or otherwise fails to meet the qualification and responsibility standards established by this act. Prequalification pursuant to this section shall be valid for such time as determined by the authority.

C.18A:7G-42 Registration of apprentices.

69. All apprentices shall be registered through the approved federal Bureau of Apprenticeship and Training program.

C.18A:7G-43 Unit of Fiscal Integrity in School Construction, established.

70. There is established in the Office of the Attorney General the Unit of Fiscal Integrity in School Construction. The Attorney General or his representative may investigate, examine, and inspect the activities of the authority and districts related to the financing and construction of school facilities and the implementation of the provisions of P.L.2000, c.72 (C.18A:7G-1 et al.). The Attorney General may require the submission of duly verified reports from the authority and districts, which include such information in such form as the Attorney General may require. The Attorney General or his representative may also consult with the authority on issues and procedures related to the exercise of its duties and responsibilities under P.L.2000, c.72 (C.18A:7G-1 et al.). The Legislature shall annually appropriate such funds as may be necessary to finance the operations of the unit.

C.18A:7G-44 Requirement for "wrap-up insurance coverage."

71. a. In the case of any school facilities project which has a State share of 100%, the authority may require the use of wrap-up insurance coverage for the project and shall establish the terms and requirements for any such coverage.

c. The State should consider and utilize, where appropriate, transportation approaches and concepts to reduce congestion, enhance mobility, discourage sprawl, and assist in the redevelopment of our cities, enhance suburbs and town centers, and otherwise improve the quality of life of our citizens.

d. Stable and adequate dedicated funding is a prerequisite to the sensible planning of transportation projects, most of which are conceived, planned, designed and built over a span of several years.

e. Additional investment is needed to bring the public highway and bridge system into a state of good repair, to reduce the backlog of infrastructure repair jobs, to maximize rail freight capacity, to promote bicycle and pedestrian safety, and to promote cycling and walking trips by providing and financing appropriate infrastructure.

f. Ferries and ferry facilities, including those providing interstate service to points in New Jersey, are an increasingly important component of the State's intermodal transportation system and should be eligible for transportation assistance from the State.

g. The system of financing under the New Jersey Transportation Trust Fund Authority has provided a stable source of funds to keep our transportation system in good repair and to provide funding for important new projects which have enhanced that system.

h. The renewal and improvement of the system of financing under the New Jersey Transportation Trust Fund Authority and a significant increase in the funding of that system are necessary to achieve the aforementioned goals and can be achieved without the necessity of increasing taxes.

C.27:1B-21.16 Program to improve traffic signal operation.

3. The Commissioner of Transportation (hereinafter, "the commissioner") shall establish and implement a program to employ the best available technology to improve traffic signal operation throughout the State so as to avoid unnecessary delays, reduce air pollution, and allow traffic to move sequentially through signals on roads and highways throughout the State without stopping, to the greatest extent practicable without endangering or limiting pedestrian travel.

C.27:1B-21.17 Reduction of single occupancy trips, report to Legislature.

4. No later than March 31, 2001, the commissioner shall submit a report to the Legislature containing recommended incentives to businesses to encourage a reduction in single occupancy trips.

C.27:1B-21.18 Telecommuting, report to Legislature.

5. No later than January 1, 2001, the Chief Executive Officer and Secretary of the New Jersey Commerce and Economic Growth Commission, in consultation with the commissioner and the State Treasurer, shall submit a report to the Legislature containing a program to identify sectors of the

ogies shall be used in conjunction with standard road materials and surface treatments including, but not limited to, superpave, asphalt milling, asphalt overlays and crack sealing. The commissioner shall authorize the use of cost-effective materials, surface treatments and methodologies where deemed appropriate by the department, but they shall be utilized as a regular and integral part of the road preservation and maintenance program, and in a manner sufficient to provide for safe roads as provided for in this act.

C.27:1B-21.23 Evaluation of road pavements.

10. The commissioner shall continue to evaluate roadway pavements on the State highway system and assign numerical ratings to roads for maintenance and repair similar to any nationally recognized method.

C.27:1B-21.24 Pavement maintenance, repair, report to Governor and Legislature.

11. The commissioner shall issue a report to the Governor and the Legislature at the end of each fiscal year containing the numerical ranking of pavements for roads needing maintenance and repair in accordance with the method developed in section 10 of this act. The report shall also identify the repair and maintenance projects that were completed during the fiscal year, including an estimate of the cost impact to the department for each maintenance and repair project that utilized road surface material or treatment.

C.27:1B-21.25 Life cycle cost analysis of pavements, report to Governor and Legislature.

12. The commissioner shall conduct a life cycle cost analysis of pavement surfaces and report the findings of the analysis to the Governor and the Legislature no later than one year after the date of enactment of this act. The analysis shall compare equivalent designs and shall be based upon New Jersey's actual historic project maintenance, repair and resurfacing schedules and costs as recorded by the Department of Transportation, and shall include estimates of user costs throughout the entire life of the pavement. As used in this section, "life cycle cost" means the total cost of the initial project and all anticipated costs for subsequent maintenance, repair or resurfacing over the life of the pavement.

C.27:1B-21.26 Congestion Buster Task Force.

13. a. There is created in the Department of Transportation a task force to be known as the "Congestion Buster Task Force" to study and make recommendations concerning the reduction of traffic congestion in the State.

The members of the task force shall be appointed by the commissioner in such number as the commissioner shall designate from the Department of Transportation, the New Jersey Transit Corporation, business organizations, Transportation Management Associations, the counties, and members of the public.

b. The task force shall organize as soon as may be practicable after the appointment of its members and shall select a chairperson from among the

years, the commissioner shall report to the Governor and the Legislature the reasons for the failure to establish or expand such facilities.

15. Section 3 of P.L.1984, c.73 (C.27:1B-3) is amended to read as follows:

C.27:1B-3 Definitions.

3. The following words or terms as used in this act shall have the following meaning unless a different meaning clearly appears from the context:

a. "Act" means this New Jersey Transportation Trust Fund Authority Act of 1984.

b. "Authority" means the New Jersey Transportation Trust Fund Authority created by section 4 of this act.

c. "Bonds" means bonds issued by the authority pursuant to the act.

d. "Commissioner" means the Commissioner of Transportation.

e. "Department" means the Department of Transportation.

f. "Federal aid highway" means any highway within the State in connection with which the State receives payment or reimbursement from the federal government under the terms of Title 23, United States Code or any amendment, successor, or replacement thereof, for the purposes contained in the act.

g. "Federal government" means the United States of America, and any officer, department, board, commission, bureau, division, corporation, agency or instrumentality thereof.

h. "South Jersey Transportation Authority" means the public corporation created by section 4 of P.L.1991, c.252 (C.27:25A-4) or its successor.

i. "New Jersey Highway Authority" means the public corporation created by section 4 of P.L.1952, c.16 (C.27:12B-4) or its successor.

j. "New Jersey Turnpike Authority" means the public corporation created by section 3 of P.L.1948, c.454 (C.27:23-3) or its successor.

k. "Notes" means the notes issued by the authority pursuant to the act.

l. "Public highways" means public roads, streets, expressways, freeways, parkways, motorways and boulevards, including bridges, tunnels, overpasses, underpasses, interchanges, rest areas, express bus roadways, bus pullouts and turnarounds, park-ride facilities, traffic circles, grade separations, traffic control devices, the elimination or improvement of crossings of railroads and highways, whether at grade or not at grade, bicycle and pedestrian pathways and pedestrian and bicycle bridges traversing public highways and any facilities, equipment, property, rights of way, easements and interests therein needed for the construction, improvement and maintenance of highways.

m. "Public transportation project" means, in connection with public transportation service, passenger stations, shelters and terminals, automobile parking facilities, ferries and ferry facilities, including capital projects for

ark-Newark International Airport-Elizabeth Transit Link, a rail connection between Penn Station Newark and Broad Street Station, Newark, New York Penn Station Concourse, and the equipment needed to operate revenue service associated with improvements made by the project, and (2) the modification and reconstruction of the West Shore Line in Bergen County connected to Allied Junction/Secaucus Transfer Meadowlands Rail Center; the construction of a rail station and associated components at the Meadowlands Sports Complex; the modification and reconstruction of the Susquehanna and Western Railway, as defined and provided in section 3035 (a) of the "Intermodal Surface Transportation Efficiency Act of 1991"; the modification and reconstruction of the Lackawanna Cutoff Commuter Rail Line connecting Morris, Sussex and Warren Counties to the North Jersey Transportation Rail Centers; and commuter rail service in the central New Jersey region terminating at the proposed Lakewood Transportation Center in Ocean County or other location, as determined by the Board of the New Jersey Transit Corporation, pursuant to a resolution of the board providing for the achievement of a consensus among the interested parties as to the direction of the proposed rail line; provided, however, that this 2000 amendatory act shall not be construed as affecting any priorities which may have been assigned to any other project in the Circle of Mobility.

16. Section 5 of P.L.1984, c.73 (C.27:1B-5) is amended to read as follows:

C.27:1B-5 Purpose of authority.

5. It shall be the sole purpose of the authority created under this act to provide the payment for and financing of all, or a portion of, the costs incurred by the department for the planning, acquisition, engineering, construction, reconstruction, repair and rehabilitation of the State's transportation system, including, without limitation, the State's share (including State advances with respect to any federal share) under federal aid highway laws of the costs of planning, acquisition, engineering, construction, reconstruction, repair, resurfacing and rehabilitation of public highways, the State's share (including State advances with respect to any federal share) of the costs of planning, acquisition, engineering, construction, reconstruction, repair, permitted maintenance and rehabilitation of public transportation projects and other transportation projects in the State, and State aid to counties and municipalities for transportation projects, all in furtherance of the public policy declared in section 2 of the act, in the manner provided for in the act.

government agency, authority or entity or as the authority may determine to be necessary, convenient or desirable;

j. Subject to any agreement with the holders of bonds, notes or other obligations, to invest moneys of the authority not required for immediate use, including proceeds from the sale of any bonds, notes or other obligations, in obligations, securities and other investments as the authority shall deem prudent;

k. Subject to any agreements with holders of bonds, notes or other obligations, to purchase bonds, notes or other obligations of the authority out of any funds or moneys of the authority available therefor, and to hold, cancel or resell the bonds, notes or other obligations;

l. For its sole purpose as established in section 5 of this act, to appoint and employ an executive director and such additional officers, who need not be members of the authority and such other personnel and staff as it may require, at an annual expense not to exceed \$100,000.00, all without regard to the provisions of Title 11A of the New Jersey Statutes;

m. To do and perform any acts and things authorized by the act under, through, or by means of its officers, agents or employees or by contract with any person, firm or corporation or any public body;

n. To procure insurance against any losses in connection with its property, operations, assets or obligations in amounts and from insurers as it deems desirable;

o. To make and enter into any and all contracts and agreements which the authority determines are necessary, incidental, convenient or desirable to the performance of its duties and the execution of its powers under the act; and

p. To do any and all things necessary, convenient or desirable to carry out its purposes and exercise the powers given and granted in the act.

18. Section 9 of P.L.1984, c.73 (C.27:1B-9) is amended to read as follows:

C.27:1B-9 Issuance of bonds.

9. a. The authority shall have the power and is hereby authorized after November 15, 1984 and from time to time thereafter to issue its bonds, notes or other obligations in principal amounts as in the opinion of the authority shall be necessary to provide for any of its corporate purposes, including the payment, funding or refunding of the principal of, or interest or redemption premiums on, any bonds, notes or other obligations issued by it, whether the bonds, notes, obligations or interest to be funded or refunded have or have not become due; and to provide for the security thereof and for the establishment or increase of reserves to secure or to pay the bonds, notes or other obligations or interest thereon and all other reserves and all costs or expenses of the authority incident to and necessary or convenient to carry out its corporate purposes and powers; and in addition to its bonds, notes and other obligations,

priority, be executed in the manner, be payable from the sources, in the medium of payment, at the place or places within or without the State, and be subject to the terms of redemption (with or without premium) as the resolution or resolutions may provide. Bonds or notes may be further secured by a trust indenture between the authority and a corporate trustee within or without the State. All other obligations of the authority shall be authorized by resolution containing terms and conditions as the authority shall determine.

e. Bonds, notes or other obligations of the authority may be sold at public or private sale at a price or prices and in a manner as the authority shall determine, either on a negotiated or on a competitive basis. Every bond, or refunding bond, issued on or after the effective date of P.L. 1995, c.108 (C.27:1B-25.1 et al.) shall mature and be paid no later than 21 years from the date of the issuance of that bond or refunding bond.

f. Bonds or notes may be issued and other obligations incurred under the provisions of the act without obtaining the consent of any department, division, commission, board, bureau or agency of the State, other than the approval as required by subsection a. of this section, and without any other proceedings or the happening of any other conditions or other things than those proceedings, conditions or things which are specifically required by the act.

g. Bonds, notes and other obligations of the authority issued or incurred under the provisions of the act shall not be in any way a debt or liability of the State or of any political subdivision thereof other than the authority and shall not create or constitute any indebtedness, liability or obligation of the State or of any political subdivision or be or constitute a pledge of the faith and credit of the State or of any political subdivision but all bonds, notes and obligations, unless funded or refunded by bonds, notes or other obligations of the authority, shall be payable solely from revenues or funds pledged or available for their payment as authorized in the act. Each bond, note or other obligation shall contain on its face a statement to the effect that the authority is obligated to pay the principal thereof or the interest thereon only from revenues or funds of the authority and that neither the State nor any political subdivision thereof is obligated to pay the principal or interest and that neither the faith and credit nor the taxing power of the State or any political subdivision thereof is pledged to the payment of the principal or the interest on the bonds, notes or other obligations. For the purposes of this subsection, political subdivision does not include the authority.

h. All expenses incurred in carrying out the provisions of the act shall be payable solely from the revenues or funds provided or to be provided under or pursuant to the provisions of the act and nothing in the act shall be construed to authorize the authority to incur any indebtedness or liability on behalf of or payable by the State or any political subdivision thereof.

C.27:1B-20 Transportation Trust Fund Account.

20. There is hereby established in the General Fund an account entitled "Transportation Trust Fund Account." During the fiscal year beginning July 1, 1984 and during each succeeding fiscal year in which the authority has bonds, notes or other obligations outstanding, the treasurer shall credit to this account:

a. An amount equivalent to the revenue derived from \$0.09 per gallon from the tax imposed on the sale of motor fuels pursuant to chapter 39 of Title 54 of the Revised Statutes, as provided in Article VIII, Section II, paragraph 4 of the State Constitution, provided, however, such amount during any fiscal year shall not be less than \$405,000,000;

b. (Deleted by amendment, P.L.2000, c.73).

c. An amount equivalent to moneys received by the State in accordance with contracts entered into with toll road authorities or other State agencies, provided that effective with the fiscal year beginning July 1, 1988 the amount so credited shall not be less than \$24,500,000.00 in any fiscal year.

The treasurer shall also credit to this account, in accordance with a contract between the treasurer and the authority, an amount equivalent to the sum of the revenues due from the increase of fees for motor vehicle registrations collected pursuant to the amendment to R.S.39:3-20 made by this act and from the increase in the tax on diesel fuels imposed pursuant to the amendment to R.S.54:39-27 made by this act and by P.L.1987, c.460, provided that the total amount credited during the fiscal year beginning July 1, 1984 shall not be less than \$20,000,000.00 and that the total amount credited during the fiscal year beginning July 1, 1985 and during every fiscal year thereafter shall not be less than \$30,000,000.00.

In addition to the amounts credited to the account by this section, commencing with the fiscal year beginning July 1, 1995 and every fiscal year thereafter, there shall be appropriated from the General Fund such additional amounts as are necessary to carry out the provisions of this act and beginning July 1, 2000 the fees collected pursuant to subsection a. of section 68 of P.L.1990, c.8 (C.17:33B-63) shall be credited to the account for the purposes of this act, provided, however, the amount credited from such fees during any fiscal year shall not be less than \$60,000,000.

d. After approval by the voters of the constitutional amendment proposed in Senate Committee Substitute for Senate Concurrent Resolution No. 1 of 2000 or Assembly Concurrent Resolution No. 116 of 2000, in addition to the amount credited in subsection a. of this section, beginning January 1 following approval by the voters an amount equivalent to the revenue derived from the tax imposed on the sale of petroleum products pursuant to P.L.1990, c.42 (C.54:15B-1 et seq.), provided, however, such amount shall not be less than \$100,000,000 in the period January 1 through June 30 following approval by the voters and shall not be less than

c. No funds appropriated, authorized or expended pursuant to this act shall be used to finance the resurfacing of highways by department personnel, where that resurfacing would require the use of more than 100,000 tons of bituminous concrete for that purpose in any calendar year, except that the commissioner may waive this provision when he determines the existence of emergency conditions requiring the use of department personnel for the resurfacing of highways, after the department has effectively reached the 100,000 ton limit.

d. In order to provide the department with flexibility in administering the specific appropriations by project identified in the annual appropriations act, the commissioner may transfer a part of any item to any other item subject to the approval of the Director of the Division of Budget and Accounting and of the Joint Budget Oversight Committee or its successor. Upon approval of the director and the committee, the transfer shall take effect.

e. Any federal funds which become available to the State for transportation projects which have not been appropriated to the department in the annual appropriations act, shall be deemed appropriated to the department and may, subject to approval by the Joint Budget Oversight Committee and the State Treasurer, be expended for any purpose for which such funds are qualified.

f. There shall be no appropriations from the revenues and other funds of the authority for regular and routine maintenance of public highways and components thereof, or operational activities of the department unrelated to the implementation of, and indirect costs associated with, the capital program. The commissioner shall include in his annual budget request sufficient funding to effectuate the purposes of P.L.2000, c.73 (C.27:1B-21.14 et al.).

g. To the extent that salaries or overhead of the department or the New Jersey Transit Corporation are charged to transportation projects, each agency shall keep adequate and truthful personnel records, and time charts to adequately justify each such charge and shall make those records available to the external auditor to the authority.

h. The commissioner shall annually, on or before January 1 of each fiscal year, report to the Governor and the Legislature how much money was expended in the previous fiscal year for salaries and overhead of the department and the New Jersey Transit Corporation. However, the amount expended from the revenues and other funds of the authority for salaries and overhead of the department and the New Jersey Transit Corporation for the fiscal years beginning July 1, 2001, July 1, 2002 and July 1, 2003 shall not exceed 13 percent of the total funds appropriated from the revenues and other nonfederal funds of the authority for those fiscal years.

21. Section 8 of P.L.1987, c.460 (C.27:1B-21.1) is amended to read as follows:

nature and extent of public highways, public transportation projects and other transportation projects contemplated to be financed under this act, the department shall submit a master plan, as provided in subsection (a) of section 5 of P.L.1966, c.301 (C.27:1A-5). Notwithstanding the provisions of that act, the plan shall be for a period of five years and shall be submitted to the Commission on Capital Budgeting and Planning, the Chairman of the Senate Transportation Committee and the Chairman of the Assembly Transportation and Communications Committee, or their successors, and the Legislative Budget and Finance Officer, and the metropolitan planning organizations, on or before March 1, 2001, and at five-year intervals thereafter. The master plan shall set the direction for the department's overall Capital Investment Strategy and subsequent annual Transportation Capital Programs submitted to the Legislature for approval pursuant to this section.

b. The Department of Transportation, in conjunction with the New Jersey Transit Corporation, shall prepare a "Capital Investment Strategy" for at least a five-year period which shall contain, at a minimum, a statement of the goals of the department and the corporation in major selected policy areas and the means by which the goals are to be attained during that period, using quantitative measures where appropriate. The Capital Investment Strategy may be updated and submitted no later than March 1 of each year. The Capital Investment Strategy shall provide for a multi-modal, intermodal, seamless and technologically advanced transportation system. It shall recommend investment for major program categories, set overall goals for investment in the State's infrastructure, and develop program targets and performance measures. It may rely on infrastructure management systems as developed by the department to assess bridge conditions, pavement conditions, bridge, traffic and pedestrian safety, traffic congestion and public transit facilities. With respect to pavement conditions, the department shall set as a priority the utilization of efficient cost-effective materials and treatments as stated in section 9 of P.L.2000, c.73 (C.27:1B-21.22). In the event that there exist appropriate circumstances for the use of micro-surfacing and cold-in-place recycling, the department shall establish as a special priority the use of these materials and surface treatments. The goals of the Capital Investment Strategy shall include, but not be limited to, reduction of vehicular and pedestrian accidents, reduction in the backlog of projects, including one-half of the structurally deficient bridge repair projects and pavement deficiencies, and an increase in lane miles of bicycle paths, with a goal of constructing an additional 1,000 lane miles of bicycle paths in five years to reduce traffic congestion and for recreational uses. The construction of bicycle and pedestrian lanes, paths and facilities shall be subject to no stricter environmental requirements than are provided pursuant to federal law and regulations for such lanes, paths and facilities, notwithstanding the provisions to the contrary of State law and regulations,

c. On or before March 1 of each year, the commissioner shall submit a report of general project categories and proposed projects thereunder to be financed in the ensuing fiscal year, including therewith a description of the projects, the county or counties within which they are to be located, a distinction between State and local projects, and the amount estimated to be expended on each project. This report shall be known as the "Annual Transportation Capital Program" for the upcoming fiscal year. It shall include proposed projects of both the Department of Transportation and the New Jersey Transit Corporation. The program shall be consistent with, and reflective of, the goals and priorities of the Capital Investment Strategy and the program shall include an explanation which demonstrates how it is consistent with, and reflective of, the goals and priorities.

d. On or before March 1 of each year, the commissioner shall also submit a "Transportation Trust Fund Authority Financial Plan" designed to implement the financing of the proposed projects. The financial plan shall contain an enumeration of the bonds, notes or other obligations of the authority which the authority intends to issue, including the amounts thereof and the conditions therefor. The financial plan shall set forth a complete operating and financial statement covering the authority's proposed operations during the ensuing fiscal year, including amounts of income from all sources, including but not limited to the proceeds of bonds, notes or other obligations to be issued, as well as interest earned. In addition, the plan shall contain proposed amounts to be appropriated and expended, as well as amounts for which the department anticipates to obligate during the ensuing fiscal year for any future expenditures.

e. The Capital Investment Strategy, the Annual Transportation Capital Program, and the Transportation Trust Fund Authority Financial Plan shall be submitted to the Senate and General Assembly. Within 30 days of the receipt thereof, the Senate or the General Assembly may object in writing to the commissioner in regard to any project or projects in the Annual Transportation Capital Program it disapproves or which it is of the opinion should be modified or added to or any additional or alternative projects considered or in regard to any element of the financial plan. The commissioner shall consider the objections and recommendations and resubmit the report within 10 days, containing therein any modifications based upon the commissioner's consideration of the objections or recommendations.

C.27:1B-21.28 Use of debt service savings.

23. Any savings in the amount of debt service realized as a result of the sale of refunding bonds by the authority shall only be used to fund transportation projects.

C.27:1B-21.29 Additional funds.

24. In addition to those funds to be credited to the "Transportation Trust Fund Account" pursuant to section 20 of P.L.1984, c.73 (C.27:1B-20), the

With respect to those public members first appointed by the Governor: the Senate shall advise and consent to the appointment of the member not appointed upon recommendation of the President and the Speaker within 30 days of the receipt thereof from the Governor, such appointment having been sent by the Governor to the Senate within 20 days following the effective date of this act; the President of the Senate and the Speaker of the General Assembly shall send their recommendations for public members to the Governor within 20 days following the effective date of this act. The Governor has an additional 10 days to accept or reject in writing these recommendations. With respect to the two additional public members to be appointed by the Governor pursuant to P.L.2000, c.73 (C.27:1B-21.14 et al.), the Senate shall advise and consent to the appointment of the members, such appointments having been sent by the Governor to the Senate within 20 days following the date of enactment of P.L.2000, c.73 (C.27:1B-21.14 et al.).

Each public member shall hold office for the term of the member's appointment and until the member's successor shall have been appointed and qualified. A member shall be eligible for reappointment. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

c. Each public member, except those appointed upon recommendation of the President of the Senate and the Speaker of the General Assembly, may be removed from office by the Governor, for cause, after public hearing, and may be suspended by the Governor pending the completion of such hearing. All members before entering upon their duties shall take and subscribe an oath to perform the duties of their office faithfully, impartially and justly to the best of their ability. A record of such oaths shall be filed in the Office of the Secretary of State.

d. The authority shall not be deemed to be constituted and shall not take action or adopt motions or resolutions until at least four authorized members shall have been appointed and qualified in the manner provided in this section. The commissioner shall serve as chairperson of the authority. Prior to the authority being constituted, the chairperson is authorized to transfer up to \$75 million to the department from the appropriations made to the authority for the fiscal year commencing July 1, 1984. The members shall annually elect one of their members as vice chairperson. The members shall elect a secretary and a treasurer, who need not be members, and the same person may be elected to serve both as secretary and treasurer. The powers of the authority shall be vested in the members thereof in office from time to time and four members of the authority shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the authority at any meeting thereof by the affirmative vote of at least four members of the authority. No vacancy in the membership of the authority

authority, all property, rights, funds and assets thereof shall pass to and become vested in the State.

C.27:1B-21.31 Transportation Trust Fund Advisory Board.

27. a. There is hereby established a Transportation Trust Fund Advisory Board to be comprised of seven members. The Governor shall appoint three public members and the President of the Senate and the Speaker of the General Assembly shall each appoint one public member. The commissioner or the commissioner's designee and the State Treasurer or the State Treasurer's designee shall serve as ex officio members of the board. All of the public members shall have some experience in the field of transportation or finance. Each public member shall serve for a term of three years and shall serve until the member's successor is appointed and has qualified. Of the public members first appointed pursuant to this act, one member appointed by the Governor shall serve one year, two members so appointed shall serve two years, and the remainder of the public members shall serve three years. The Governor shall designate one of the public members to serve as chairperson of the board. The board shall meet a minimum of four times each year. The department shall provide staff to support the board.

b. The purpose of the Advisory Board shall be to review the department's long range capital planning, master plan and Capital Investment Strategy, including the overall program and to make recommendations to the Governor and the Legislature concerning the department's capital investment strategies and the continuation of the funding of the State's transportation system under the New Jersey Transportation Trust Fund Authority.

28. This act shall take effect immediately except that sections 18 and 19 shall take effect on July 1, 2000.

Approved July 20, 2000.

CHAPTER 74

AN ACT concerning the award of State contracts to multiple bidders and amending P.L.1986, c.26.

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

1. Section 1 of P.L.1986, c.26 (C.52:34-12.1) is amended to read as follows:

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

C.39:4-97.2 Driving, operating a motor vehicle in an unsafe manner, offense created; fines.

1. a. Notwithstanding any other provision of law to the contrary, it shall be unlawful for any person to drive or operate a motor vehicle in an unsafe manner likely to endanger a person or property.

b. A person convicted of a first offense under subsection a. shall be subject to a fine of not less than \$50.00 or more than \$150.00 and shall not be assessed any motor vehicle penalty points pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

c. A person convicted of a second offense under subsection a. shall be subject to a fine of not less than \$100.00 or more than \$250.00 and shall not be assessed any motor vehicle penalty points pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

d. A person convicted of a third or subsequent offense under subsection a. shall be subject to a fine of not less than \$200.00 or more than \$500.00 and shall be assessed motor vehicle penalty points pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

e. An offense committed under this section that occurs more than five years after the prior offense shall not be considered a subsequent offense for the purpose of assessing motor vehicle penalty points under subsection d. of this section.

C.2B:25-11 Acceptance of plea to lesser offense.

2. In accordance with the Rules of Court adopted by the Supreme Court of New Jersey, a municipal prosecutor may recommend to the court to accept a plea to a lesser or other offense.

C.2B:25-12 Motion to amend original charge.

3. In accordance with the Rules of Court adopted by the Supreme Court of New Jersey, a municipal prosecutor may move before the municipal court to amend the original charge.

4. This act shall take effect immediately.

Approved July 24, 2000.

CHAPTER 76

AN ACT establishing the New Jersey Cultural Trust and supplementing Title 52 of the Revised Statutes.

“Commission” means the New Jersey Historical Commission established pursuant to N.J.S.18A:73-21 et seq.

“Council” means the New Jersey State Council on the Arts established pursuant to P.L.1966, c. 214 (C.52:16A-25 et seq.).

“Cultural Trust” means the New Jersey Cultural Trust established by section 4 of this act.

“Endowment” means a permanent fund, the principal of which is to remain intact in perpetuity and which is invested and held by or for the exclusive use of a qualified organization, and the income of which may be expended by the qualified organization for purposes consistent with its mission.

“Financial stabilization” means those enhancements to a qualified organization that build assets, reduce liabilities, aid cash flow, establish working capital and capital reserves, expand income, improve public access, build institutional capability and efficiency, or otherwise effect long-term improvement of a qualified organization’s financial ability to sustain itself and carry out its mission.

“Fiscal plan” means a document or documents detailing the policies, functions, workings, and strategies of the Cultural Trust for its operation in carrying out the purposes of this act, including all those applicable to the solicitation and receipt of public funds and private donations, the investment of the Trust Fund, and the distribution of funds.

“Historic Trust” means the New Jersey Historic Trust established pursuant to P.L.1967, c.124 (C.13:1B-15.111 et seq.).

“Performing, visual and creative arts” means performing and creative arts as defined in section 2 of P.L.1966, c.214 (C.52:16A-26).

“Preservation” means the stabilization, planning, repair, rehabilitation, renovation, restoration, improvement, or protection of any historic property, structure, facility, or site of a qualified organization, and includes any work related to providing access thereto for persons with disabilities.

“Project list” means a compilation of projects, their purposes, and amounts recommended for receipt of Cultural Trust moneys by the Council, Historic Trust, or Commission.

“Qualified organization” means a tax-exempt, nonprofit organization whose primary mission is to promote the performing, visual and creative arts in New Jersey or to promote or preserve history and humanities in New Jersey. The term shall not include private, State, county, or municipal colleges, and universities. The term shall not include State, county, or local governmental units, authorities or corporations created by such units, and shall not include a “qualifying governmental body” as defined in section 2 of P.L.1985, c.410 (C.52:16A-26.2).

“Trust Fund” means the permanent investment fund established by the Board of Trustees of the Cultural Trust as provided in section 8 of this act.

appointed for a three-year term, two members shall be appointed for a four-year term, and two members shall be appointed for a five-year term.

e. No public member of the board appointed under subsections c. and d. of this section shall serve concurrently on the New Jersey Historical Commission, New Jersey State Council on the Arts, or the board of the New Jersey Historic Trust.

f. The Governor, for cause, upon notice and opportunity to be heard, may remove a public member of the board. A vacancy occurring among any of the public members, other than by expiration of term, shall be filled for the balance of the unexpired term only and in the same manner as the original appointment. A member may serve until a successor is appointed and has qualified. No person appointed pursuant to subsection d. of this section shall serve for more than two successive terms, provided, however, that any person appointed to fill a vacancy shall be eligible for two successive terms excluding the unexpired term.

g. The public members of the board shall serve without compensation, but shall be entitled to reimbursement for all actual and necessary expenses incurred in the performance of their duties.

h. Annually, at the first meeting of the board held in each State fiscal year, the members of the board shall elect one of the public members to serve as chair of the board. Under regulations adopted by the board, the board may establish an executive committee composed of no fewer than three board members, which committee may exercise powers vested in and perform duties imposed upon the board to the extent designated and permitted by the board. The board may establish such advisory boards and committees as it may deem advisable.

i. Members and employees of the board shall be subject to the provisions of the "New Jersey Conflicts of Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.).

j. A majority of the authorized membership of the board shall constitute a quorum for all purposes provided, however, that at least one member of the quorum is a member pursuant to subsection b. of this section or a designee of that member. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform the duties of the board.

k. A true copy of the minutes of every meeting of the board or the executive committee shall be delivered promptly, after the certification of the chair thereof, to the Governor. No action taken at a meeting by the board or the executive committee shall have effect until approved by the Governor or until 10 days after the copy of the minutes shall have been delivered. If, within the 10-day period, the Governor returns the copy of the minutes with a veto of any action taken by the board or the executive

e. To evaluate and certify any and all donations made to the Cultural Trust or a qualified organization for purposes of the transfer of moneys from the Account to the Trust Fund pursuant to section 9 of this act;

f. To accept or reject any recommendation on a project list submitted solely by the Council, the Historic Trust, or the Commission that will support the financing of capital facilities projects or endowments, or contribute to the institutional and financial stability of qualified organizations. The board as a whole or any of its members may not recommend any project for funding that has not either received a restricted donation as set forth in section 9 of this act or been recommended for funding by the Council, the Historic Trust, or the Commission on a project list submitted pursuant to section 10, 11 or 12 of this act;

g. To consult with the Director of the Division of Investments in the Department of the Treasury and the State Treasurer regarding the investment strategies for the moneys in the Trust Fund established by the board pursuant to section 8 of this act;

h. To make and enter into any and all contracts and agreements for goods and services and to enter into any and all contracts and agreements or to execute any instrument with individuals, organizations, institutions, or public agencies for services or endeavors furthering the Cultural Trust;

i. To determine the portion of the interest generated by moneys in the Trust Fund that will be made available for distribution to qualified organizations, and to distribute these moneys as necessary and appropriate pursuant to sections 10, 11 and 12 of this act;

j. To prepare and implement a fiscal plan for the Cultural Trust;

k. To prepare and submit an annual funding request for an appropriation from the General Fund for the operational and administrative costs of the board and the Cultural Trust to the Governor through the Department of State and the Division of Budget and Accounting in the Department of the Treasury, and to expend or authorize the expenditure of moneys derived from such sources and funds as are appropriated by the Legislature to implement the provisions of this act;

l. To hire and employ such employees, in consultation with the Secretary of State, as may be necessary or desirable in its judgment to carry out the purposes of this act, to fix their compensation, and to promote and discharge said employees, without regard to the provisions of Title 11A of the Revised Statutes;

m. To sue and be sued in its own name, but the board members shall be held harmless for acts performed in good faith;

n. To adopt a seal and alter the same at its pleasure;

o. To maintain an office or offices at such a place or places within the State as the Secretary of State may designate;

c.236 (C.17:9-41), and shall be invested or reinvested in a manner approved by the Director of the Division of Investment and the State Treasurer in consultation with the board. Interest or other income earned on moneys deposited in the Trust Fund, and any moneys which may otherwise become available for the purposes of the Cultural Trust, shall be for the use of the Cultural Trust, as set forth in this act.

c. (1) For State fiscal year 2001 through and including State fiscal year 2010, the State Treasurer shall transfer money from the Account to the Trust Fund based upon donations to the Cultural Trust and to qualified organizations, as determined in section 9 of this act. The State Treasurer shall transfer to the Trust Fund an amount equal to the amount of the donations, subject to the availability of moneys in the Account.

(2) None of the interest derived from the moneys held in the Trust Fund shall be disbursed to qualified organizations by the board until the Trust Fund has received donations and transfers totaling not less than \$20,000,000, or one year from the effective date of this act, whichever occurs later. However, nothing in this paragraph shall prohibit the board from disbursing moneys from the Trust Fund pursuant to section 9 of this act prior to the Trust Fund reaching \$20,000,000.

(3) The disbursement from the Trust Fund to a qualified organization receiving a large gift donation as provided in paragraph (2) of subsection b. of section 9 of this act shall be made by resolution adopted by a majority of the authorized membership of the board specifying the particular endowment or endowments to be funded by those moneys. However, the aggregate of such disbursements shall not exceed 20 percent of the amount in the Trust Fund in any one fiscal year.

(4) The portion of interest moneys generated from the Trust Fund, and determined available for disbursement by the board, shall be allocated as follows: 50 percent to the Council's recommendations; 25 percent to the Historic Trust's recommendations; and 25 percent to the Commission's recommendations. Of the portion of interest moneys generated from the Trust Fund and determined available for disbursement by the board, at least 25 percent shall be allocated to projects of qualified organizations that directly benefit the residents of Southern New Jersey.

(5) An affirmative vote by 10 or more members of the board may alter the allocation to the Council, Historic Trust, and Commission, but not the allocation to projects of qualified organizations that directly benefit the residents of Southern New Jersey, of the portion of interest moneys generated, as identified in paragraph (4) of this subsection, for a period of one State fiscal year. Upon the completion of that fiscal year, the allocation shall revert back to the percentages enumerated in paragraph (4) of this subsection.

determines and certifies to the State Treasurer that the donation is consistent with the purposes of this act. A restricted donation given directly to a qualified organization on or after January 1, 2000 but before the effective date of this act may be considered a restricted donation for the purposes of this act and shall result in a transfer from the Account to the Trust Fund at such time as may be appropriate provided the requirements of this act are met.

(2) When a restricted donation is equal to or greater than \$100,000, the donation shall be considered a large gift donation and the board shall disburse to the qualified organization receiving the donation from the matched funds transferred from the Account to the Trust Fund an amount equal to 20 percent of the donation pursuant to the procedure set forth in paragraph (3) of subsection c. of section 8 of this act.

C.52:16A-81 Council's recommendations for funding.

10. At least once each State fiscal year after the board has determined that sufficient interest has accrued to provide grants to qualified organizations, the Council shall submit to the board a list of capital facilities, endowment, and financial stabilization projects which the Council recommends to receive funding from the Trust Fund, based upon a priority system, ranking criteria, and funding policies established by the Council pursuant to this act and P.L.1966, c.214 (C.52:16A-25 et seq.) and any rules or regulations adopted pursuant thereto. The board shall review the list and may make such deletions, but not additions, of projects therefrom as it deems appropriate and in accordance with the procedures established by the board for such deletions pursuant to this act, whereupon the board shall approve the list. This approved project list shall receive moneys from the Cultural Trust for the purposes of effectuating this act.

C.52:16A-82 Historic Trust's recommendations for funding.

11. At least once each State fiscal year after the board has determined that sufficient interest has accrued to provide grants to qualified organizations, the Historic Trust shall submit to the board a list of capital facilities projects that the Historic Trust recommends to receive funding from the Trust Fund, based upon a priority system, ranking criteria, and funding policies established by the Historic Trust pursuant to this act and P.L.1967, c.124 (C.13:1B-15.111 et seq.), and any rules or regulations adopted pursuant thereto. The board shall review the list and may make such deletions, but not additions, of projects therefrom as it deems appropriate and in accordance with the procedures established by the board for such deletions pursuant to this act, whereupon the board shall approve the list. This approved project list shall receive moneys from the Cultural Trust for the purposes of effectuating this act.

CHAPTER 77

AN ACT requiring criminal history record background checks for child care center staff, and supplementing Titles 30 and 53 of the Revised Statutes.

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

C.30:5B-6.10 Definitions relative to criminal history record background checks for child care center staff.

1. As used in sections 1 through 7 and 9 through 12 of P.L.2000, c.77 (C.30:5B-6.10 et seq.):

"Child care center" or "center" means any facility which is maintained for the care, development or supervision of six or more children under 13 years of age who attend the facility for less than 24 hours a day, and which is subject to State licensure or life-safety approval pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.).

"Department" means the Department of Human Services.

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

"Staff member" means a person 18 years of age or older who owns, sponsors, or directs a child care center, or who is employed by or works in a child care center on a regularly scheduled basis during the center's operating hours, including full-time, part-time, voluntary, contract, consulting, and substitute staff, whether compensated or not.

C.30:5B-6.11 Criminal history record background check required for licensure.

2. As a condition of securing or maintaining a license or life-safety approval, a child care center owner or sponsor shall ensure that a criminal history record background check is conducted on all staff members of the center.

C.30:5B-6.12 Noncompliance; penalties.

3. a. If the owner or sponsor of the child care center refuses to consent to, or cooperate in, the securing of a criminal history record background check, the division shall suspend, deny, revoke or refuse to renew the center's license or life-safety approval, as appropriate.

b. If a staff member of a child care center, other than the owner or sponsor, refuses to consent to, or cooperate in, the securing of a criminal history record background check, the person shall be immediately terminated from employment at the center.

C.30:5B-6.13 Request for criminal history record background check, time limits, restrictions upon employees.

4. a. In the case of a child care center established after the effective date of P.L.2000, c.77 (C.30:5B-6.10 et al.), the owner or sponsor of the center, prior to

(3) endangering the welfare of an incompetent person pursuant to N.J.S.2C:24-7;

(4) sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2 through N.J.S.2C:14-4;

(5) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant to N.J.S.2C:11-4;

(6) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

(7) kidnapping and related offenses including criminal restraint; false imprisonment; interference with custody; criminal coercion; or enticing a child into a motor vehicle, structure or isolated area pursuant to N.J.S.2C:13-1 through 2C:13-6;

(8) arson pursuant to N.J.S.2C:17-1, or causing or risking widespread injury or damage which would constitute a crime of the second degree pursuant to N.J.S.2C:17-2;

(9) terroristic threats pursuant to N.J.S.2C:12-3; and

(10) an attempt or conspiracy to commit any of the crimes or offenses listed in paragraphs (1) through (9) of this subsection.

b. In any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in subsection a. of this section.

c. Notwithstanding the provisions of this section to the contrary, an individual shall not be disqualified from employment or ownership or sponsorship under P.L.2000, c.77 (C.30:5B-6.10 et al.) on the basis of any conviction disclosed by a criminal history record background check performed pursuant to P.L.2000, c.77 (C.30:5B-6.10 et al.) without an opportunity to challenge the accuracy of the disqualifying criminal history record pursuant to the provisions of section 8 of P.L.2000, c.77 (C.53:1-20.9b).

C.30:5B-6.15 Termination of current staff member; exceptions.

6. a. If a staff member of a child care center is convicted of a crime specified in section 5 of P.L.2000, c.77 (C.30:5B-6.14) after the effective date of P.L.2000, c.77 (C.30:5B-6.10 et al.), the staff member shall be terminated from employment at, or ownership or sponsorship of, a child care center.

b. For crimes and offenses other than those cited in section 5 of P.L.2000, c.77 (C.30:5B-6.14), an applicant or staff member may be eligible for employment at, or ownership or sponsorship of, a child care center if the division determines that the person has affirmatively demonstrated to the division clear and convincing evidence of the person's rehabilitation pursuant to subsection c. of this section.

c. In determining whether a person has affirmatively demonstrated rehabilitation, the following factors shall be considered:

b. The Division of State Police shall promptly notify the Division of Youth and Family Services in the event an applicant or staff member who was the subject of a criminal history record background check conducted pursuant to subsection a. of this section, is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of such notification, the Division of Youth and Family Services shall make a determination regarding the employment of the applicant or staff member.

C.30:5B-6.17 Immunity from liability for child care center.

9. a. A child care center that has received an employment application from an individual or currently employs a staff member shall be immune from liability for acting upon or disclosing information about the disqualification or termination to another center seeking to employ that person if the center has:

(1) received notice from the division that the applicant or staff member, as applicable, has been determined by the division to be disqualified from employment in a child care center pursuant to section 5 or 6 of P.L.2000, c.77 (C.30:5B-6.14 or C.30:5B-6.15); or

(2) terminated the employment of a staff member because the person was disqualified from employment at the center on the basis of a conviction of a crime pursuant to section 5 or 6 of P.L.2000, c.77 (C.30:5B-6.14 or C.30:5B-6.15) after commencing employment at the center.

b. A child care center which acts upon or discloses information pursuant to subsection a. of this section shall be presumed to be acting in good faith unless it is shown by clear and convincing evidence that the center acted with actual malice toward the person who is the subject of the information.

C.30:5B-6.18 Inapplicability for C.18A:6-7.1 et seq.

10. Notwithstanding the provisions of any other law to the contrary, the provisions of P.L.1986, c.116 (C.18A:6-7.1 et seq.) shall not apply to employees of a child care center licensed or life-safety approved by the Department of Human Services pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.) if the center contracts with a school district, including, but not limited to, an Abbott district as defined in P.L.1996, c.138 (C.18A:7F-3), to implement an early childhood education program.

C.30:5B-6.19 Report to Governor, Legislature.

11. The commissioner shall report to the Governor and Legislature no later than three years after the effective date of P.L.2000, c.77 (C.30:5B-6.10 et al.) on the effectiveness of the criminal history record background checks in screening applicants and staff members of child care centers. The commissioner shall include in the report recommendations for modifying the provisions of P.L.2000, c.77 (C.30:5B-6.10 et al.) that the commissioner deems to be necessary and appropriate.

committee of development easements on farmland. The following projects are eligible for funding with monies made available pursuant to this section:

Project (Farm)	County	Municipality	Acres (+/-)	Approved Amount Not to Exceed
Parisi	Hunterdon	Bethlehem	57	\$ 200,000
Fulper (Heifer)	Hunterdon	Twp		
		West Amwell	76	600,000
Fulper (Stoy)	Hunterdon	Twp		
		West Amwell	90	700,000
Wood	Salem	Twp		
		Lower	43	125,000
		Alloway		
		Creek Twp		
Paruszewski	Salem	Mannington	55	125,000
		Twp		
Wojculewski	Salem	Pittsgrove	95	250,000
		Twp		
Santini	Warren	Harmony	54	225,000
		Twp		

3. There is appropriated from the "Garden State Farmland Preservation Trust Fund" to the State Agriculture Development Committee the sum of \$2,000,000 for the purpose of providing for the cost of acquisition by the committee of fee simple titles to farmland, which shall be offered for resale or lease with agricultural deed restrictions.

4. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.1999, c.152 (C.13:8C-1 et seq.), P.L.1983, c.32 (C.4:1C-11 et seq.), and P.L.1999, c.180 (C.4:1C-43.1 et seq.), as appropriate.

5. This act shall take effect immediately.

Approved August 9, 2000.

CHAPTER 79

AN ACT appropriating \$7,350,000 from the "Garden State Farmland Preservation Trust Fund" for farmland preservation purposes.

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

CHAPTER 80

AN ACT providing an earned income tax credit, amending and supplementing Title 54A of the New Jersey Statutes and amending P.L.1981, c.239.

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

C.54A:4-6 Findings, declarations relative to an earned income tax credit.

1. The Legislature finds and declares that:
 - a. Since its enactment in 1975, the federal earned income tax credit has received bipartisan support and has proven to be one of the nation's most effective anti-poverty programs for working families by encouraging work, supplementing earnings and lifting nearly five million people out of poverty each year, approximately half of them children;
 - b. The federal earned income tax credit has contributed to a significant increase in labor force participation among New Jersey families;
 - c. A New Jersey Earned Income Tax Credit will build upon the federal program by cutting taxes for families struggling to provide for their children, reducing child poverty, supporting welfare-to-work efforts and making New Jersey a better place to live, work and raise a family;
 - d. Over the last six years, New Jersey's unemployment rate has fallen to its lowest rate in nearly a decade, and a significant number of the State's families who were dependent on welfare have made the transition from public assistance to work, often beginning in low-wage or entry-level positions; and
 - e. A New Jersey Earned Income Tax Credit can further promote work and job retention by supplementing the incomes of nearly 280,000 low-income working families as they move up the career ladder and remain independent from public assistance.

C.54A:4-7 New Jersey Earned Income Tax Credit Program.

2. There is established the New Jersey Earned Income Tax Credit program in the Division of Taxation in the Department of the Treasury.
 - a. (1) A resident individual with gross income of \$20,000 or less for the taxable year who files as a head of household or surviving spouse for federal income tax purposes for the taxable year, or married resident individuals with combined gross income of \$20,000 or less for the taxable year who file a joint return for federal income tax purposes for the taxable year, shall be allowed a credit for the taxable year equal to a percentage, as provided in paragraph (2) of this subsection, of the federal earned income tax credit allowed to and claimed by the individual or by the married individuals filing a joint return under section 32 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.32, for the same taxable year for which

income tax, subject to all provisions of N.J.S.54A:1-1 et seq., except as may be otherwise specifically provided in P.L.2000, c.80 (C.54A:4-6 et al.).

d. The Director of the Division of Taxation in the Department of the Treasury shall have discretion to establish a program for the distribution of earned income tax credits pursuant to the provisions of this section.

e. Any earned income tax credit pursuant to this section shall not be taken into account as income or receipts for purposes of determining the eligibility of an individual for benefits or assistance or the amount or extent of benefits or assistance under any State program and, to the extent permitted by federal law, under any State program financed in whole or in part with federal funds.

C.54A:4-8 Annual appropriation for administration.

3. There shall be annually appropriated to the Department of the Treasury such amount as the Director of the Division of Budget and Accounting in the Department of the Treasury shall determine is necessary for the administrative cost of implementing the provisions of this act.

C.54A:4-9 Availability of statistical information.

4. The Department of the Treasury shall make available to the Department of Human Services necessary statistical information obtained with respect to the New Jersey Earned Income Tax Credit program, in a usable format and in a timely manner, to prepare federal and other reports.

C.54A:4-10 Regulations.

5. a. The Director of the Division of Taxation in the Department of the Treasury shall adopt regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and prescribe forms to administer the provisions of this act.

b. Notwithstanding the provisions of P.L.1968, c.410 to the contrary, the director may adopt, immediately upon filing with the Office of Administrative Law, such regulations as the director deems necessary to implement the provisions of this act, which regulations shall be effective for a period not to exceed 180 days from the date of the filing. The regulation may thereafter be amended, adopted or readopted by the director as the director deems necessary in accordance with the requirements of P.L.1968, c.410.

6. N.J.S.54A:8-7 is amended to read as follows:

Report of change in federal taxable income or credit.

54A:8-7. Report of change in federal taxable income or credit. If the amount of a taxpayer's federal taxable income or earned income tax credit reported on the taxpayer's federal income tax return for any taxable year is changed or corrected by the United States Internal Revenue Service or other competent authority, or as the result of a renegotiation of a contract or

CHAPTER 81

AN ACT concerning child support judgments, supplementing Title 2A of the New Jersey Statutes, amending P.L.1981, c.471 and repealing P.L.1995, c.334.

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

C.2A:17-56.23b Judgment for child support lien against net proceeds of settlement; priority.

1. a. A judgment for child support entered pursuant to P.L.1988, c.111 (C.2A:17-56.23a) and docketed with the Clerk of the Superior Court shall be a lien against the net proceeds of any settlement negotiated prior or subsequent to the filing of a lawsuit, civil judgment, civil arbitration award, inheritance or workers' compensation award. The lien shall have priority over all other levies and garnishments against the net proceeds of any settlement negotiated prior or subsequent to the filing of a lawsuit, civil judgment, civil arbitration award, inheritance or workers' compensation award unless otherwise provided by the Superior Court, Chancery Division, Family Part. The lien shall not have priority over levies to recover unpaid income taxes owed to the State. The lien shall stay the distribution of the net proceeds to the prevailing party or beneficiary until the child support judgment is satisfied.

As used in this act "net proceeds" means any amount of money, in excess of \$2,000, payable to the prevailing party or beneficiary after attorney fees, witness fees, court costs, fees for health care providers, payments to the Medicaid program under section 6 of P.L.1979, c.365 (C.30:4D-7.1), reimbursement to the Division of Employment Security in the Department of Labor, the employer or employer's insurance carrier for temporary disability benefits that may have been paid pending the outcome of a workers' compensation claim as provided by section 1 of P.L.1950, c.174 (C.34:15-57.1), reimbursement to an employer or the employer's workers' compensation insurance carrier as provided in R.S.34:15-40, and other costs related to the lawsuit, inheritance or settlement are deducted from the award, proceeds or estate; "prevailing party" or "beneficiary" shall not include a partnership, corporation, limited liability partnership, financial institution, government entity or minor child; and "agent" means an authorized representative of the prevailing party or beneficiary, a union representative, an executor or administrator of a decedent's estate, an arbitrator or any other person or entity if such person or entity is responsible for the distribution of net proceeds to a prevailing party or beneficiary.

b. Before distributing any net proceeds of a settlement, judgment, inheritance or award to the prevailing party or beneficiary:

(1) the prevailing party or beneficiary shall provide the attorney, insurance company or agent responsible for the final distribution of such funds with a

In the case of net proceeds that are to be paid through a structured settlement or other payment plan, the attorney, insurance company or agent shall be required to conduct the child support judgment search only at the time of settlement or prior to the distribution of the first payment under the plan. If a child support judgment is identified, the attorney, insurance company or agent shall provide the Probation Division with a copy of the structured settlement or payment plan within 30 days of identifying the child support judgment.

If there are no attorneys representing either party in a civil lawsuit, the party bringing the lawsuit shall initiate the judgment search and shall be required to file the certification with the court at least 10 working days prior to the trial or with the stipulation that the certification shall be filed at the time of the settlement or dismissal of the lawsuit.

For monies deposited with the court, no distribution of funds shall be made until the attorney, prevailing party or beneficiary provides the Clerk of the Superior Court with a copy of the certification showing that the prevailing party or beneficiary is not a child support judgment debtor.

The fee for a judgment search which is required by this section shall not exceed \$10 for each name of a child support judgment debtor that is searched. The fee for a judgment search is chargeable against the net proceeds as a cost of the settlement, judgment, inheritance or award.

c. If the certification shows that the prevailing party or beneficiary is not a child support judgment debtor, the net proceeds may be paid to the prevailing party or beneficiary immediately. If the certification shows that the prevailing party or beneficiary is a child support judgment debtor, the attorney, insurance company or agent that initiated the search shall contact the Probation Division of the Superior Court to arrange for the satisfaction of the child support judgment. The attorney, insurance company or agent shall notify the prevailing party or beneficiary of the intent to satisfy the child support judgment prior to the disbursement of any funds to the prevailing party or beneficiary. Upon receipt of a warrant of satisfaction for the child support judgment, the attorney, insurance company or agent shall pay the balance of the settlement, judgment, award or inheritance to the prevailing party or beneficiary. If the net proceeds are less than the amount of the child support judgment, the entire amount of the net proceeds shall be paid to the Probation Division as partial satisfaction of the judgment.

If there are no attorneys representing either party in a civil lawsuit and the certification filed with the court shows that the prevailing party or beneficiary is a child support judgment debtor, the court shall order that the opposing party pay the amount of the child support judgment to the Probation Division before any funds are paid to the prevailing party or beneficiary. The court shall also insure that any judgment related to the

date the notice was postmarked, except that the payor is not required to alter regular pay cycles to comply with the withholding. For each payment, other than payment received from the unemployment compensation fund, the payor may receive \$1.00, which shall be deducted from the obligor's income in addition to the amount of the support order to compensate the payor for the administrative expense of processing the withholding.

Notice to the payor shall include, but not be limited to, instructions for the provisions for health care coverage, the amount to be withheld from the obligor's income and a statement that the total amount withheld for support and other purposes may not be in excess of the maximum amount permitted under section 303 (b) of the federal Consumer Credit Protection Act (15 U.S.C.s.1673 (b)); that the payor shall send the amount to the Probation Division at the same time the obligor is paid, unless the Probation Division directs that payment be made to another individual or entity; that the payor may deduct and retain a fee of \$1.00 in addition to the amount of the support order except when the payment is received from the unemployment compensation fund; that withholding is binding on the payor until further notice by the Probation Division; that, in accordance with section 6 of P.L.1981, c.417 (C.2A:17-56.12), the payor is subject to a fine and civil damages as determined by the court for discharging an obligor from employment, refusing to employ, or taking disciplinary action against an obligor subject to an income withholding because of the withholding or any obligation which it imposes upon the payor; that the payor is subject to a fine as determined by the court for failure to withhold support from the obligor's income or pay the withheld amount to the Probation Division; that if the payor fails to take appropriate action with regard to the provisions for health care coverage or withhold wages in accordance with the provisions of the notice, the payor is liable for any medical expenses incurred by the children subject to the provisions for health care coverage and any amount up to the accumulated amount the payor should have withheld from the obligor's income; that the withholding shall have priority over any other legal process under State law against the same income; that the payor may combine withheld amounts from the obligor's income in a single payment to the Probation Division and separately identify the portion of the single payment which is attributable to each obligor unless submitted pursuant to section 7 of P.L.1981, c.417 (C.2A:17-56.13) or through electronic funds transfer; that if there is more than one support order for withholding against a single obligor, the payor shall withhold the payments on a pro rata basis to fully comply with the support orders, to the extent that the total amount withheld does not exceed the limits imposed under section 303 (b) of the federal Consumer Credit Protection Act (15 U.S.C.s.1673 (b)); that the payor shall implement withholding no later than the first pay period that ends immediately after the

CHAPTER 82

AN ACT concerning the Governor's Council on the Prevention of Mental Retardation and amending P.L.1987, c.5.

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

1. Section 3 of P.L.1987, c.5 (C.30:1AA-12) is amended to read as follows:

C.30:1AA-12 Director, appointment, powers.

3. The administrator and chief executive officer of the office shall be the director, who shall be a person qualified by training and experience to perform the duties of the office. Subsequent to consultation with the Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities, the Commissioner of Human Services shall appoint the director, who shall serve at the pleasure of the commissioner during the commissioner's term of office and until the appointment and qualification of the director's successor. The director shall devote his entire time to the duties of his position and shall receive a salary commensurate with the responsibilities of the office. The director shall serve in the State unclassified service of the Civil Service.

The director may appoint, retain or employ officers, experts or consultants on a contract basis or otherwise, which he deems necessary, and employ investigators or other professionally qualified personnel who shall be in the noncompetitive division of the career service of the Civil Service.

2. Section 5 of P.L.1987, c.5 (C.30:1AA-14) is amended to read as follows:

C.30:1AA-14 Office, responsibilities.

5. The responsibilities of the office shall include, but are not limited to:

- a. Developing a long-range comprehensive plan for the prevention of mental retardation and developmental disabilities in accordance with the priorities established by the Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities;
- b. Encouraging cooperative programs of research among State governmental departments and agencies, universities and private agencies;
- c. Developing public information campaigns about the causes of developmental disabilities and the means for preventing developmental disabilities;
- d. Coordinating public education programs about the causes and prevention of developmental disabilities and determining professional in-service training needs in these areas;

disabilities. Members of the executive committee may, from time to time, designate other individuals as their representatives.

The executive committee shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties. The Governor's council shall elect an executive committee chairperson from among the five voting cabinet members of the executive committee. The executive committee may select from among its members a vice-chairperson and other officers or subcommittees which are deemed necessary or appropriate.

4. Section 7 of P.L.1987, c. 5 (C.30:1AA-16) is amended to read as follows:

C.30:1AA-16 Annual report to Governor, Legislature.

7. The Commissioner of Human Services and the executive committee of the Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities established pursuant to section 6 of this act shall report annually to the Governor and the Legislature concerning the status of prevention programs in the State.

5. Section 9 of P.L.1987, c.5 (C.30:1AA-18) is amended to read as follows:

C.30:1AA-18 Coordination of funding.

9. The Commissioner of Human Services shall execute written agreements with the Departments of Health and Senior Services, Education, Community Affairs and Environmental Protection which are designed to coordinate the effective use of funds appropriated to the office.

These agreements shall fulfill the intent of the comprehensive prevention plan prepared pursuant to this act and shall provide coordination of all the departments' budget requests. They shall also minimally provide the protocol for: dispersing appropriate prevention funds, programmatic and fiscal monitoring of prevention programs, ensuring against the duplication of services, and identification of gaps in prevention efforts.

6. This act shall take effect immediately.

Approved August 14, 2000.

CHAPTER 83

AN ACT concerning drunk driving, amending R.S.39:4-50, P.L.1995, c.286, P.L.1999, c.417 and R.S.33:1-1, and supplementing chapter 4 of Title 39 of the Revised Statutes.

(3) For a third or subsequent violation, a person shall be subject to a fine of \$1,000.00, and shall be sentenced to imprisonment for a term of not less than 180 days, except that the court may lower such term for each day, not exceeding 90 days, served performing community service in such form and on such terms as the court shall deem appropriate under the circumstances and shall thereafter forfeit his right to operate a motor vehicle over the highways of this State for 10 years. For a third or subsequent violation, a person also shall be required to install an ignition interlock device under the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.) or shall have his registration certificate and registration plates revoked for 10 years under the provisions of section 2 of P.L.1995, c.286 (C.39:3-40.1).

Whenever an operator of a motor vehicle has been involved in an accident resulting in death, bodily injury or property damage, a police officer shall consider that fact along with all other facts and circumstances in determining whether there are reasonable grounds to believe that person was operating a motor vehicle in violation of this section.

A conviction of a violation of a law of a substantially similar nature in another jurisdiction, regardless of whether that jurisdiction is a signatory to the Interstate Driver License Compact pursuant to P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior conviction under this subsection unless the defendant can demonstrate by clear and convincing evidence that the conviction in the other jurisdiction was based exclusively upon a violation of a proscribed blood alcohol concentration of less than .10%.

If the driving privilege of any person is under revocation or suspension for a violation of any provision of this Title or Title 2C of the New Jersey Statutes at the time of any conviction for a violation of this section, the revocation or suspension period imposed shall commence as of the date of termination of the existing revocation or suspension period. In the case of any person who at the time of the imposition of sentence is less than 17 years of age, the forfeiture, suspension or revocation of the driving privilege imposed by the court under this section shall commence immediately, run through the offender's seventeenth birthday and continue from that date for the period set by the court pursuant to paragraphs (1) through (3) of this subsection. A court that imposes a term of imprisonment under this section may sentence the person so convicted to the county jail, to the workhouse of the county wherein the offense was committed, to an inpatient rehabilitation program or to an Intoxicated Driver Resource Center or other facility approved by the chief of the Intoxicated Driving Program Unit in the Department of Health and Senior Services; provided that for a third or subsequent offense a person shall not serve a term of imprisonment at an Intoxicated Driver Resource Center as provided in subsection (f).

violation of this section, the court shall notify the person convicted, orally and in writing, of the penalties for a second, third or subsequent violation of this section. A person shall be required to acknowledge receipt of that written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of this section.

(d) The Director of the Division of Motor Vehicles shall promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) in order to establish a program of alcohol education and highway safety, as prescribed by this act.

(e) Any person accused of a violation of this section who is liable to punishment imposed by this section as a second or subsequent offender shall be entitled to the same rights of discovery as allowed defendants pursuant to the Rules Governing the Courts of the State of New Jersey.

(f) The counties, in cooperation with the Division of Alcoholism and Drug Abuse and the Division of Motor Vehicles, but subject to the approval of the Division of Alcoholism and Drug Abuse, shall designate and establish on a county or regional basis Intoxicated Driver Resource Centers. These centers shall have the capability of serving as community treatment referral centers and as court monitors of a person's compliance with the ordered treatment, service alternative or community service. All centers established pursuant to this subsection shall be administered by a counselor certified by the Alcohol and Drug Counselor Certification Board of New Jersey or other professional with a minimum of five years' experience in the treatment of alcoholism. All centers shall be required to develop individualized treatment plans for all persons attending the centers; provided that the duration of any ordered treatment or referral shall not exceed one year. It shall be the center's responsibility to establish networks with the community alcohol and drug education, treatment and rehabilitation resources and to receive monthly reports from the referral agencies regarding a person's participation and compliance with the program. Nothing in this subsection shall bar these centers from developing their own education and treatment programs; provided that they are approved by the Division of Alcoholism and Drug Abuse.

Upon a person's failure to report to the initial screening or any subsequent ordered referral, the Intoxicated Driver Resource Center shall promptly notify the sentencing court of the person's failure to comply.

Required detention periods at the Intoxicated Driver Resource Centers shall be determined according to the individual treatment classification assigned by the Intoxicated Driving Program Unit. Upon attendance at an Intoxicated Driver Resource Center, a person shall be required to pay a per diem fee of \$75.00 for the first offender program or a per diem fee of

It shall not be relevant to the imposition of sentence pursuant to paragraph (1) or (2) of this subsection that the defendant was unaware that the prohibited conduct took place while on or within 1,000 feet of any school property or while driving through a school crossing. Nor shall it be relevant to the imposition of sentence that no juveniles were present on the school property or crossing zone at the time of the offense or that the school was not in session.

2. Section 2 of P.L.1995, c.286 (C.39:3-40.1) is amended to read as follows:

C.39:3-40.1 Revocation of registration certificate, plates.

2. a. Any motor vehicle registration certificate and registration plates shall be revoked if a person is convicted of violating the provisions of:

(1) subsection a. of R.S.39:3-40 for operating a motor vehicle during a period when that violator's driver's license has been suspended for a violation of R.S.39:4-50;

(2) subsection b. or c. of R.S.39:3-40 for operating a motor vehicle during a period when that violator's driver's license has been suspended within a five-year period; or

(3) R.S.39:4-50 for a second or subsequent offense, if such revocation is ordered by the court as authorized under that section.

This revocation of registration certificate and registration plates shall apply to all passenger automobiles and motorcycles owned or leased by the violator and registered under the provisions of R.S.39:3-4 and all noncommercial trucks owned or leased by the violator and registered under the provisions of section 2 of P.L.1968, c.439 (C.39:3-8.1), including those passenger automobiles, motorcycles and noncommercial trucks registered or leased jointly in the name of the violator and the other owner of record.

b. At the time of conviction, the court shall notify each violator that the person's passenger automobile, motorcycle, and noncommercial truck registrations are revoked. Notwithstanding the provisions of R.S.39:5-35, the violator shall surrender the registration certificate and registration plates of all passenger automobiles, motorcycles, and noncommercial truck registrations subject to revocation under the provisions of this section within 48 hours of the court's notice. The surrender shall be at a place and in a manner prescribed by the Director of the Division of Motor Vehicles pursuant to rule and regulation. The court also shall notify the violator that a failure to surrender that vehicle registration certificate and registration plates shall result in the impoundment of the vehicle in accordance with the provisions of section 4 of P.L.1995, c.286 (C.39:3-40.3) and the seizure of said registration certificate and registration plates. The revocation authorized under the provisions of this subsection shall remain in

the provisions of this section, that the motor vehicle shall be ineligible for the temporary registration authorized under this act, and that the motor vehicle may be impounded in accordance with the provisions of section 4 of P.L. 1995, c.286 (C.39:3-40.3) and the temporary registration certificate and temporary registration plates seized.

b. The director shall issue a temporary registration certificate and temporary registration plates for a motor vehicle registered under the provisions of this section. As prescribed by the director, the temporary registration plates shall bear a special series of numbers or letters so as to be readily identifiable by law enforcement officers.

c. The director may issue a new registration to a lessor of a vehicle for which the registration has been revoked pursuant to section 2 of P.L. 1995, c.286 (C.39:3-40.1) provided that the vehicle is not leased to the same lessee.

d. The temporary registration authorized under this section shall expire and become void on the last day of the sixth month following the calendar month in which it was issued. All such temporary registrations may be renewed, upon application, by the director.

The fee schedule for the temporary registration authorized under this section shall be prescribed by the director. The schedule may provide for differing fees based upon the manufacturer's shipping weight and the model year of the motor vehicle; provided, however, that no such temporary registration fee shall exceed \$75. The registrant also shall pay a non-recurring \$25 fee for the temporary registration plates issued by the director.

4. Section 8 of P.L. 1999, c.417 is amended to read as follows:

8. The provisions of this act shall take effect on January 1, 2001, but shall apply to convictions for violations of R.S.39:4-50 committed on or after September 30, 2000.

5. 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 ($1/2$ 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

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 transportation 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

b. A person shall not be deemed to be in possession of an opened or unsealed alcoholic beverage container pursuant to this section if such container is located in the trunk of a motor vehicle, behind the last upright seat in a trunkless vehicle, or in the living quarters of a motor home or house trailer. For the purposes of this section, the term "open or unsealed" shall mean a container with its original seal broken or a container such as a glass or cup.

c. For a first offense, a person convicted of violating this section shall be fined \$200 and shall be informed by the court of the penalties for a second or subsequent violation of this section. For a second or subsequent offense, a person convicted of violating this section shall be fined \$250 or shall be ordered by the court to perform community service for a period of 10 days in such form and on such terms as the court shall deem appropriate under the circumstances.

7. This act shall take effect immediately, except that sections 1, 2 and 3 of this act shall take effect on September 30, 2000 and shall apply to a conviction of a violation of R.S.39:4-50 committed on or after this date. The Director of the Division of Motor Vehicles may take such anticipatory administrative and regulatory action in advance as shall be necessary to implement the provisions of this act.

Approved August 14, 2000.

CHAPTER 84

AN ACT requiring certain insurers and others to provide certain notice concerning flood insurance.

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

C.17:36-5.31 Information provided to policyholders by every fire, casualty insurer.

1. Every fire and casualty insurer, including the New Jersey Insurance Underwriting Association created pursuant to P.L.1968, c.129 (C.17:37A-1 et seq.), shall provide its policyholders of homeowners insurance, at the time of the issuance of the policy and with each renewal notice for the policy, with written notice, prescribed by the Commissioner of Banking and Insurance, that includes the following information:

a. A homeowners insurance policy does not cover property damaged by a flood;

b. That flood insurance may be available through the National Flood Insurance Program in participating communities; and

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b. A complaint may be made to a judge for a violation of R.S.39:3-12, R.S.39:3-34, R.S.39:3-37, R.S.39:4-129 or R.S.39:10-24 at any time within one year after the commission of the offense and for a violation of R.S.39:3-40, or section 1 of P.L.1942, c.192 (C.39:4-128.1), at any time within 90 days after the commission of the offense.

c. All proceedings shall be brought before a judge having jurisdiction in the municipality in which it is alleged that the violation occurred, but when a violation occurs on a street through which the boundary line of two or more municipalities runs or crosses, then the proceeding may be brought before the judge having jurisdiction in any one of the municipalities divided by said boundary line, and in the event there shall be no judge or should no judge having such jurisdiction be available for the acceptance of bail and disposition of the case, or should the judges having such jurisdiction be disqualified because of personal interest in the proceedings, or for any other legal cause, said proceeding shall be brought before a judge having jurisdiction in the nearest municipality to the one in which it is alleged such a violation occurred.

2. Section 1 of P.L.1942, c.192 (C.39:4-128.1) is amended to read as follows:

C.39:4-128.1 School buses stopped for children; duty of motorists; duty of bus driver; violations; revocation of license.

1. On highways having roadways not divided by safety islands or physical traffic separation installations, the driver of a vehicle approaching or overtaking a bus, which is being used solely for the transportation of children to or from school or a summer day camp or any school connected activity and which has stopped for the purpose of receiving or discharging any child, shall stop such vehicle not less than 25 feet from such school bus and keep such vehicle stationary until such child has entered said bus or has alighted and reached the side of such highway and until a flashing red light is no longer exhibited by the bus; provided, such bus is designated as a school bus by one sign on the front and one sign on the rear, with each letter on such signs at least four inches in height.

On highways having dual or multiple roadways separated by safety islands or physical traffic separation installations, the driver of a vehicle overtaking a school bus, which has stopped for the purpose of receiving or discharging any child, shall stop such vehicle not less than 25 feet from such school bus and keep such vehicle stationary until such child has entered said bus or has alighted and reached the side of the highway and until a flashing red light is no longer exhibited by the bus.

On highways having dual or multiple roadways separated by safety islands or physical traffic separation installations, the driver of a vehicle on another roadway approaching a school bus, which has stopped for the

CHAPTER 86

AN ACT concerning absentee ballots for certain disabled persons and amending P.L.1953, c.211.

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

1. Section 4 of P.L.1953, c.211 (C.19:57-4) is amended to read as follows:

C.19:57-4 Applications for absentee ballots.

4. At any time not less than seven days prior to an election in which he desires to vote by mail, a civilian absentee voter may apply to the person designated in section 6 of this act, for a civilian absentee ballot. Such application or request shall be made in writing, shall be signed by the applicant and shall state his or her place of voting residence and the address to which said ballot shall be sent, and the reason for which the ballot is requested.

Any military service voter desiring to vote in any election or any relative or friend of a military service voter who believes that such voter will desire to vote in any election, may apply to the person designated in section 6 of this act for a military service ballot to be sent to such voter. A military service voter may use a federal postcard application form to apply for a military service ballot. On any application made by a military service voter the voter may request a military service ballot for all subsequent elections held during the calendar year in which the request is made; if such a request is made, a military service ballot shall be sent in a timely manner to the voter for all such elections.

Any civilian absentee voter who fails to apply within the seven-day time prescribed above may apply in person to the county clerk for an absentee ballot on any day up to 3 p.m. of the day before the election.

In the event of sickness or confinement, the qualified voter may apply in writing for and obtain an absentee ballot by authorized messenger, who shall be so designated over the signature of the voter and whose printed name and address shall appear on the application in the space provided. The authorized messenger shall be a family member or a registered voter of the county in which the application is made and shall place his signature on the application in the space so provided in the presence of the county clerk or his designee. The county clerk or his designee shall authenticate the signature of the authorized messenger, in the event such a messenger is other than a family member, by comparing it with the signature of the said person appearing on a State of New Jersey driver's license, or other identification issued or recognized as official by the federal

believe, will desire to vote in the (school, municipal, primary, general or other) election to be held on (date of election) kindly write 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 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.

Military service voters may also apply for a military service ballot by sending a federal postcard application form to the undersigned.

On the application for a military service ballot, military service voters may request that a military service ballot be sent for all subsequent elections held during this calendar year.

(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 other than federal postcard application forms 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 (date of election) but because of permanent and total disability, 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 (school, municipal, primary, general, or other) election to be held on (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

CHAPTER 87

AN ACT concerning penalties for the sale or distribution of tobacco products to persons under 18 years of age and revising parts of the statutory law.

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

C.2A:170-51.4 Sale, distribution of tobacco to persons under age 18, prohibited; civil penalties.

1. a. No person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, shall sell, offer for sale, distribute for commercial purpose at no cost or minimal cost or with coupons or rebate offers, give or furnish, to a person under 18 years of age, any cigarettes made of tobacco or of any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco.

b. The establishment of all of the following shall constitute a defense to any prosecution brought pursuant to subsection a. of this section:

(1) that the purchaser of the tobacco product or the recipient of the promotional sample falsely represented, by producing either a driver's license or non-driver identification card issued by the Division of Motor Vehicles in the Department of Transportation, a similar card issued pursuant to the laws of another state or the federal government of Canada, or a photographic identification card issued by a county clerk, that the purchaser or recipient was of legal age to make the purchase or receive the sample;

(2) that the appearance of the purchaser of the tobacco product or the recipient of the promotional sample was such that an ordinary prudent person would believe the purchaser or recipient to be of legal age to make the purchase or receive the sample; and

(3) that the sale or distribution of the tobacco product was made in good faith, relying upon the production of the identification set forth in paragraph (1) of this subsection, the appearance of the purchaser or recipient, and in the reasonable belief that the purchaser or recipient was of legal age to make the purchase or receive the sample.

c. A person who violates the provisions of subsection a. of this section shall be liable to a civil penalty of not less than \$250 for the first violation, not less than \$500 for the second violation, and \$1,000 for the third and each subsequent violation. The civil penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the municipal court having jurisdiction. An official authorized by statute or ordinance to enforce the State or local health codes or a law enforcement officer having enforcement authority in

b. The Department of the Treasury shall provide the commissioner with information about retail tobacco dealer licensees necessary to carry out the purpose of this section.

4. Section 3 of P.L.1999, c.90 (C.2C:33-13.1) is amended to read as follows:

C.2C:33-13.1 Sale of cigarettes to minors, petty disorderly persons offense.

3. a. A person who sells or gives to a person under 18 years of age any cigarettes made of tobacco or of any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco, shall be punished by a fine as provided for a petty disorderly persons offense. A person who has been previously punished under this section and who commits another offense under it may be punishable by a fine of twice that provided for a petty disorderly persons offense.

b. The establishment of all of the following shall constitute a defense to any prosecution brought pursuant to subsection a. of this section:

(1) that the purchaser or recipient of the tobacco product falsely represented, by producing either a driver's license or non-driver identification card issued by the Division of Motor Vehicles in the Department of Transportation, a similar card issued pursuant to the laws of another state or the federal government of Canada, or a photographic identification card issued by a county clerk, that the purchaser or recipient was of legal age to purchase or receive the tobacco product;

(2) that the appearance of the purchaser or recipient of the tobacco product was such that an ordinary prudent person would believe the purchaser or recipient to be of legal age to purchase or receive the tobacco product; and

(3) that the sale or distribution of the tobacco product was made in good faith, relying upon the production of the identification set forth in paragraph (1) of this subsection, the appearance of the purchaser or recipient, and in the reasonable belief that the purchaser or recipient was of legal age to purchase or receive the tobacco product.

c. A penalty imposed pursuant to this section shall be in addition to any penalty that may be imposed pursuant to section 1 of P.L.2000, c.87 (C.2A:170-51.4).

Repealer.

5. Section 5 of P.L.1995, c.304 (C.2A:170-51.3) is repealed.

6. This act shall take effect immediately.

Approved August 14, 2000.

(2) If the victim was a law enforcement officer and was murdered while performing his official duties or was murdered because of his status as a law enforcement officer, the person convicted of that murder shall be sentenced, except as otherwise provided in subsection c. of this section, by the court to a term of life imprisonment, during which the person shall not be eligible for parole.

(3) A person convicted of murder and who is not sentenced to death under this section shall be sentenced to a term of life imprisonment without eligibility for parole if the murder was committed under all of the following circumstances:

- (a) The victim is less than 14 years old; and
- (b) The act is committed in the course of the commission, whether alone or with one or more persons, of a violation of N.J.S.2C:14-2 or N.J.S.2C:14-3.

(4) If the defendant was subject to sentencing pursuant to subsection c. and the jury or court found the existence of one or more aggravating factors, but that such factors did not outweigh the mitigating factors found to exist by the jury or court or the jury was unable to reach a unanimous verdict as to the weight of the factors, the defendant shall be sentenced by the court to a term of life imprisonment during which the defendant shall not be eligible for parole.

With respect to a sentence imposed pursuant to this subsection, the defendant shall not be entitled to a deduction of commutation and work credits from that sentence.

c. Any person convicted under subsection a.(1) or (2) who committed the homicidal act by his own conduct; or who as an accomplice procured the commission of the offense by payment or promise of payment of anything of pecuniary value; or who, as a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 and in furtherance of a conspiracy enumerated in N.J.S.2C:35-3, commanded or by threat or promise solicited the commission of the offense, shall be sentenced as provided hereinafter:

(1) The court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or pursuant to the provisions of subsection b. of this section.

Where the defendant has been tried by a jury, the proceeding shall be conducted by the judge who presided at the trial and before the jury which determined the defendant's guilt, except that, for good cause, the court may discharge that jury and conduct the proceeding before a jury empaneled for the purpose of the proceeding. Where the defendant has entered a plea of guilty or has been tried without a jury, the proceeding shall be conducted by the judge who accepted the defendant's plea or who determined the defendant's guilt and before a jury empaneled for the purpose of the

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 the crime of contempt in violation of N.J.S.2C:29-9b.;

(h) The defendant murdered a public servant, as defined in N.J.S.2C:27-1, while the victim was engaged in the performance of his official duties, or because of the victim's status as a public servant;

(i) The defendant: (i) as a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 and in furtherance of a conspiracy enumerated in N.J.S.2C:35-3, committed, commanded or by threat or promise solicited the commission of the offense or (ii) committed the offense at the direction of a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 in furtherance of a conspiracy enumerated in N.J.S.2C:35-3;

refuses to appeal, the appeal shall be taken by the Office of the Public Defender or other counsel appointed by the Supreme Court for that purpose.

f. Prior to the jury's sentencing deliberations, the trial court shall inform the jury of the sentences which may be imposed pursuant to subsection b. of this section on the defendant if the defendant is not sentenced to death. The jury shall also be informed that a failure to reach a unanimous verdict shall result in sentencing by the court pursuant to subsection b.

g. A juvenile who has been tried as an adult and convicted of murder shall not be sentenced pursuant to the provisions of subsection c. but shall be sentenced pursuant to the provisions of subsection b. of this section.

h. In a sentencing proceeding conducted pursuant to this section, no evidence shall be admissible concerning the method or manner of execution which would be imposed on a defendant sentenced to death.

i. For purposes of this section the term "homicidal act" shall mean conduct that causes death or serious bodily injury resulting in death.

j. In a sentencing proceeding conducted pursuant to this section, the display of a photograph of the victim taken before the homicide shall be permitted.

2. This act shall take effect immediately.

Approved August 22, 2000.

CHAPTER 89

AN ACT appropriating \$6,587,500 from the "Garden State Green Acres Preservation Trust Fund," and reappropriating certain other moneys, to provide grants to assist qualifying tax exempt nonprofit organizations to acquire lands for recreation and conservation purposes.

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

1. a. (1) There is appropriated from the "Garden State Green Acres Preservation Trust Fund," established pursuant to section 19 of P.L.1999, c.152 (C.13:8C-19), to the Department of Environmental Protection the sum of \$6,587,500 to provide grants to assist qualifying tax exempt nonprofit organizations to acquire lands for recreation and conservation purposes. The following projects are eligible for funding with the moneys appropriated pursuant to this paragraph:

	South Branch Preserve	Morris	Mount Olive Twp	
	Wheeler Tract	Morris	Montville Twp	
(h) New Jersey Conservation Foundation				500,000
	Arcadia Lake Acq	Passaic	West Milford Twp	
	Burden Hill Forest Protection Initiative	Cumberland	Stow Creek Twp	
		Salem	Alloway Twp Lower Alloways Creek Twp Quinton Twp	
	Forked River Mountain Add 2	Ocean	Lacey Twp	
	Wickecheoke Creek Acq 3	Hunterdon	Delaware Twp	
(i) Ocean County Izaak Walton League	Save Barnegat Bay Acquisition	Ocean	Berkeley Twp Brick Twp Ocean Twp	500,000
(j) Phillipsburg Riverview Org.	Greenway Acq	Hunterdon	Holland Twp	500,000
		Warren	Alpha Boro Franklin Twp Greenwich Twp Harmony Twp Lopatcong Twp Phillipsburg Town Pohatcong Twp Washington Twp White Twp	
(k) Ridge and Valley Conservancy				500,000
	Kittatinny Ridge Forest	Warren	Blairstown Twp Frelinghuysen Twp Hardwick Twp Hope Twp Knowlton Twp Mansfield Twp White Twp	

	River Inland		Mount Laurel Twp Springfield Twp	
	Long Valley Open Space Acq	Morris	Washington Twp	
(o) YMCA Camp Ralph Mason	Camp Additions	Warren	Hardwick Twp	300,000
TOTAL				\$6,587,500

(2) Any transfer of any funds, or change in project sponsor, site, or type, listed in this subsection shall require the approval of the Joint Budget Oversight Committee or its successor.

b. To the extent that moneys remain available after the projects listed in subsection a. of this section are offered funding pursuant thereto, any project of a qualifying tax exempt nonprofit organization that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor.

c. There is reappropriated to the Department of Environmental Protection the unexpended balances, due to project withdrawals, cancellations, or cost savings, of the amounts appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund to assist qualifying tax exempt nonprofit organizations to acquire or develop lands for recreation and conservation purposes, for the purpose of providing additional funding, as determined by the Department of Environmental Protection, to any project of a qualifying tax exempt nonprofit organization that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

d. For the purposes of this section, "Green Acres bond act" means P.L.1995, c.204, P.L.1992, c.88, and P.L.1989, c.183.

2. This act shall take effect July 1, 2000 or on the date of enactment, whichever is later.

Approved August 28, 2000.

CHAPTER 91

AN ACT concerning appropriations pursuant to the Garden State Preservation Trust and amending P.L.1999, c.152.

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

1. Section 23 of P.L.1999, c.152 (C.13:8C-23) is amended to read as follows:

C.13:8C-23 Submission of lists of projects.

23. a. (1) At least twice each State fiscal year, the Department of Environmental Protection shall submit to the trust a list of projects that the department recommends to receive funding from: the Garden State Green Acres Preservation Trust Fund, based upon a priority system, ranking criteria, and funding policies established by the department pursuant to this act; or any Green Acres bond act with respect to moneys allocated therein for appropriation for the purpose of acquiring or developing lands for recreation and conservation purposes, based upon a priority system, ranking criteria, and funding policies established by the department pursuant to law and any rules or regulations adopted pursuant thereto.

To the extent the department receives a sufficient number of applications from local government units for the funding of projects to acquire or develop, for recreation and conservation purposes, lands located in municipalities eligible to receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), and those projects qualify for funding based upon the priority system, ranking criteria, and funding policies established by the department, in any State fiscal year the percentage of funding from the Garden State Green Acres Preservation Trust Fund for such projects recommended by the department shall be substantially equivalent to or greater than the percentage derived by dividing the total amount allocated pursuant to P.L.1983, c.354, P.L.1987, c.265, P.L.1989, c.183, P.L.1992, c.88, and P.L.1995, c.204, for local government unit projects for recreation and conservation purposes in municipalities eligible to receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) by the total amount allocated pursuant to P.L.1983, c.354, P.L.1987, c.265, P.L.1989, c.183, P.L.1992, c.88, and P.L.1995, c.204, for all local government unit projects for recreation and conservation purposes. In any State fiscal year, not less than 20% of the total amount of funding from the Garden State Green Acres Preservation Trust Fund for all State projects to acquire and develop lands for recreation and conservation purposes throughout the State recommended

approval of the Joint Budget Oversight Committee or its successor but shall not require the approval of the Garden State Preservation Trust.

b. (1) At least twice each State fiscal year, the State Agriculture Development Committee shall submit to the trust a list of projects that the committee recommends to receive funding from the Garden State Farmland Preservation Trust Fund, based upon a priority system, ranking criteria, and funding policies established by the committee pursuant to this act and the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.), and any rules or regulations adopted pursuant thereto. The trust shall review the list and may make such deletions, but not additions, of projects therefrom as it deems appropriate and in accordance with the procedures established for such deletions pursuant to subsection d. of this section, whereupon the trust shall approve the list. At least twice each State fiscal year: (a) the trust shall prepare, and submit to the Governor and to the President of the Senate and the Speaker of the General Assembly for introduction in the Legislature, proposed legislation appropriating moneys from the Garden State Farmland Preservation Trust Fund to fund projects on any such list; and (b) the Legislature may approve one or more appropriation bills containing a project list or lists submitted by the trust pursuant to this paragraph.

(2) Any act appropriating moneys from the Garden State Farmland Preservation Trust Fund shall identify the particular project or projects to be funded with those moneys, and any expenditure for a project for which the location is not identified by county and municipality in the appropriation shall require the approval of the Joint Budget Oversight Committee or its successor.

Notwithstanding the provisions of this paragraph to the contrary, any appropriation of moneys from the fund to pay the cost of acquisition of a fee simple title to farmland shall not be required to identify the particular project or identify its location by county or municipality, and the expenditure of those moneys shall not require the approval of the Joint Budget Oversight Committee or its successor.

(3) Any transfer of moneys appropriated from the Garden State Farmland Preservation Trust Fund, or change in project sponsor, site, or type that has received an appropriation from the fund, shall require the approval of the Joint Budget Oversight Committee or its successor but shall not require the approval of the Garden State Preservation Trust.

c. (1) At least once each State fiscal year, or at such other interval as the New Jersey Historic Trust in consultation with the Garden State Preservation Trust deems appropriate, the New Jersey Historic Trust shall submit to the Garden State Preservation Trust a list of projects that the New Jersey Historic Trust recommends to receive funding from the Garden State Historic Preservation Trust Fund, based upon a priority system, ranking

submitted to the Governor, President of the Senate, and Speaker of the General Assembly pursuant to subsection a., b., or c. of this section, together with a written report setting forth the rationale of the Garden State Preservation Trust in recommending deletion of the project from the proposed legislation and the rationale of the department, committee, or New Jersey Historic Trust, as the case may be, in recommending retention of the project in the proposed legislation.

e. The Garden State Preservation Trust may at any time suggest projects to be considered or rejected for consideration by the department, the committee, or the New Jersey Historic Trust in the preparation of recommended project funding lists pursuant to this section.

f. Projects involving the joint effort of more than one level of government or qualifying tax exempt nonprofit organization, or the joint effort of the department, the committee, and the New Jersey Historic Trust, or any combination thereof, shall be encouraged.

g. For the purposes of efficiency and convenience, nothing in this section shall prohibit the Garden State Preservation Trust from combining the project lists, in whole or in part, of the department, committee, and New Jersey Historic Trust into one proposed appropriation bill or bills to be submitted to the Governor and Legislature for consideration and enactment into law as otherwise prescribed pursuant to this section.

h. The total amount appropriated in any State fiscal year from the Garden State Green Acres Preservation Trust Fund and the Garden State Farmland Preservation Trust Fund for proposed projects pursuant to subsections a. and b. of this section shall not exceed \$200,000,000, excluding grants, contributions, donations, and reimbursements from federal aid programs, including but not limited to funding received by the State from the federal Land and Water Conservation Fund, 16 U.S.C. s.4601-4 et al., and from other public or private sources as may be used lawfully for such projects.

2. This act shall take effect immediately.

Approved August 29, 2000.

CHAPTER 92

AN ACT appropriating moneys to the Department of Environmental Protection for the purpose of making zero interest loans to project sponsors to finance a portion of the costs of construction of environmental infrastructure projects.

drinking water projects listed in sections 2 and 3 of this act, and for the purpose of implementing and administering the provisions of this act, to the extent permitted by the "Water Quality Act of 1987" (33 U.S.C. §1251 et seq.), the "Wastewater Treatment Bond Act of 1985" (P.L.1985, c.329), the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992" (P.L.1992, c.88), the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181), the Federal Safe Drinking Water Act, and any amendatory and supplementary acts thereto, and State law.

b. The department is authorized to make zero interest loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in subsection a. of section 2 and subsection a. of section 3 of this act for clean water projects, and subsection b. of section 2 and subsection b. of section 3 of this act for drinking water projects, up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the Commissioner of Environmental Protection pursuant to section 6 of this act, or if a project fails to meet the requirements of section 4 of this act.

c. The department is authorized to make zero interest loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in sections 2 and 3 of this act under the same terms, conditions and requirements as set forth in this section from any unexpended balances of the amounts appropriated pursuant to section 1 of P.L.1987, c.200, section 2 of P.L.1988, c.133, section 1 of P.L.1989, c.189, section 1 of P.L.1990, c.99, section 1 of P.L.1991, c.325, section 1 of P.L.1992, c.38, section 1 of P.L.1993, c.193, section 1 of P.L.1994, c.106, section 1 of P.L.1995, c.219, section 1 of P.L.1996, c.85, section 1 of P.L.1997, c.221, section 2 of P.L.1998, c.84 or section 2 of P.L.1999, c.174, including amounts resulting from the final building cost reductions authorized pursuant to section 6 of P.L.1987, c.200, section 7 of P.L.1988, c.133, section 6 of P.L.1989, c.189, section 6 of P.L.1990, c.99, section 6 of P.L.1991, c.325, section 6 of P.L.1992, c.38, section 6 of P.L.1993, c.193, section 6 of P.L.1994, c.106, section 6 of P.L.1995, c.219, section 6 of P.L.1996, c.85, section 6 of P.L.1997, c.221, section 7 of P.L.1998, c.84 and section 6 of P.L.1999, c.174, and from any repayments of loans from the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," or amounts deposited therein during State fiscal year 2000 pursuant to the provisions of section 16 of P.L.1985, c.329, including any Clean Water State Revolving Fund Accounts contained within the "Wastewater Treatment Fund," and from any repayment of loans from the Drinking Water State Revolving Fund.

d. The department is authorized to make a hardship grant to or on behalf of Project No. 340292-01 (Swedesboro Borough) listed in subsection a. of section 3 of this act from funds made available pursuant to paragraph

on behalf of the project sponsor listed, up to the individual amount indicated and in the priority stated, to the extent sufficient funds are available, except as the project fails to meet the requirements of section 4 of this act.

(3) The loan authorized in this subsection shall have priority over the environmental infrastructure projects listed in subsection b. of section 3 of this act.

3. a. (1) The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2001 Clean Water Project Priority List":

<u>Project Number</u>	<u>Project Sponsor</u>	<u>Estimated Allowable Project Cost</u>
928-02	Jersey City MUA	\$8,750,000
942-02	Elizabeth City	\$7,250,000
684-04	Northeast Monmouth County RSA	\$26,750,000
839-02	Franklin Township SA	\$4,450,000
403-04	Chatham Township	\$ 700,000
292-01	Swedesboro Borough	\$ 150,000
815-06	Newark City	\$1,100,000
336-06	Long Branch SA	\$6,400,000
640-05	Camden County MUA	\$3,500,000
291-01	Collingswood Borough	\$ 700,000
940-01	South River Borough	\$ 550,000
967-04	Matawan Borough	\$1,250,000
962-01	Stockton Borough	\$ 600,000
278-02	Union Beach Borough	\$ 400,000
547-06	Rahway Valley SA	\$ 800,000
443-04	Edgewater MUA	\$1,100,000
847-02	Cliffside Park Borough	\$ 850,000
926-01	Paterson City	\$6,050,000
399-24	Bayonne MUA	\$4,700,000
640-07	Camden County MUA	\$3,800,000
362-03	Harrison Township	\$1,950,000
372-23	Ocean County UA (CWPCF)	\$7,150,000
823-01	Watchung Borough	\$1,100,000
2003-01	Evesham Township	\$1,600,000
895-06	Winslow Township (Albion Area)	\$2,000,000
2006-01	Westwood Borough	\$2,750,000
948-03	Old Tappan Borough	\$2,150,000
2001-01	Atlantic County UA	\$2,250,000
394-01	Ridgefield Borough	\$ 550,000
949-04	Plainfield Area RSA	\$2,650,000
448-04	Brick Township MUA	\$ 800,000
960-01	North Plainfield Borough	\$1,400,000
946-03	Stafford Township MUA	\$2,250,000
944-02	Chesterfield Township	\$2,250,000
649-03	Pemberton Township	\$ 300,000

4. Any loan or hardship grant made by the Department of Environmental Protection pursuant to this act shall be subject to the following requirements:

a. The commissioner has certified that the project is in compliance with the provisions of P.L.1977, c.224, P.L.1985, c.329, P.L.1992, c.88, P.L.1997, c.223 or P.L.1997, c.225, and any rules and regulations adopted pursuant thereto;

b. The loan amount shall not exceed 50% of the allowable project cost of the environmental infrastructure facility;

c. The loan shall be repaid within a period not to exceed 23 years of the making of the loan;

d. The loan shall be conditioned upon approval of a loan from the New Jersey Environmental Infrastructure Trust pursuant to P.L.2000, c.93;

e. The loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include, notwithstanding any other provision of law to the contrary, subordination of a loan authorized in this act to loans made by the trust pursuant to P.L.2000, c.93 or to administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

5. The priority lists and authorization for the making of loans pursuant to sections 2 and 3 of this act shall expire on July 1, 2001, and any project sponsor which has not executed and delivered a loan agreement with the department for a loan authorized in this act shall no longer be entitled to that loan.

6. The Commissioner of Environmental Protection is authorized to reduce or increase the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 3 of this act based upon final building costs defined in and determined in accordance with rules and regulations adopted by the commissioner pursuant to section 4 of P.L.1985, c.329, section 11 of P.L.1977, c.224 (C.58:12A-11) or section 5 of P.L.1981, c.261, provided that the total loan amount does not exceed the original loan amount.

7. The expenditure of the funds appropriated by this act is subject to the provisions and conditions of P.L.1977, c.224, P.L.1985, c.329, P.L.1992, c.88, P.L.1997, c.223 or P.L.1997, c.225, and the rules and regulations adopted by the commissioner pursuant thereto, and the provisions of the Federal Clean Water Act or the Federal Safe Drinking Water Act, as appropriate.

8. The Department of Environmental Protection shall provide general technical assistance to any project sponsor requesting assistance regarding environmental infrastructure project development or applications for funds for a project.

10. The Commissioner of Environmental Protection is authorized to enter into capitalization grant agreements as may be required pursuant to the Federal Clean Water Act or the Federal Safe Drinking Water Act.

11. There is appropriated to the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) from repayments of loans deposited in any account, including the Clean Water State Revolving Fund Accounts contained within the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Storm-water Management and Combined Sewer Overflow Abatement Fund," or the Drinking Water State Revolving Fund, as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, such sums as the chairman of the trust shall certify to the Commissioner of Environmental Protection to be necessary and appropriate for deposit into one or more reserve funds established by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11).

12. This act shall take effect immediately.

Approved August 29, 2000.

CHAPTER 93

AN ACT authorizing the expenditure of funds by the New Jersey Environmental Infrastructure Trust for the purpose of making loans to eligible project sponsors to finance a portion of the cost of construction of environmental infrastructure projects, and supplementing P.L.1985, c.334 (C.58:11B-1 et seq.).

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

1. a. The New Jersey Environmental Infrastructure Trust, established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997, c.224, is authorized to expend the aggregate sum of up to \$100,000,000, and any unexpended balance of the aggregate expenditures authorized pursuant to section 1 of P.L.1997, c.222, section 1 of P.L.1998, c.85 and section 1 of P.L.1999, c.173 for the purpose of making loans, to the extent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance a portion of the cost of construction of environmental infrastructure projects listed in sections 2 and 4 of this act.

<u>Project No.</u>	<u>Project Sponsor</u>	<u>Estimated Allowable Project Cost</u>
923-01-1	Hackensack City	\$1,600,000
	TOTAL	\$1,600,000

(2) The loan authorized in this subsection shall be made for the difference between the allowable loan amount required by this project based upon final building costs pursuant to subsection a. of section 7 of this act and the loan amount certified by the chairman of the trust in State fiscal year 1998, and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27). The loan authorized in this subsection shall be made to or on behalf of the project sponsor listed, up to the individual amount indicated and in the priority stated, to the extent sufficient funds are available, except as the project fails to meet the requirements of section 6 of this act.

(3) The loan authorized in this subsection shall have priority over the environmental infrastructure projects listed in subsection a. of section 4 of this act.

b. (1) The trust is authorized to expend funds for the purpose of making a supplemental loan to or on behalf of the project sponsor listed below for the following environmental infrastructure project:

<u>Project No.</u>	<u>Project Sponsor</u>	<u>Estimated Allowable Project Cost</u>
0408001-007-1	Camden City	\$300,000
	TOTAL	\$300,000

(2) The loan authorized in this subsection shall be made for the difference between the allowable loan amount required by this project based upon final building costs pursuant to subsection a. of section 7 of this act and the loan amount certified by the chairman of the trust in State fiscal year 2000, and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27). The loan authorized in this subsection shall be made to or on behalf of the project sponsor listed, up to the individual amount indicated and in the priority stated, to the extent sufficient funds are available, except as the project fails to meet the requirements of section 6 of this act.

(3) The loan authorized in this subsection shall have priority over the environmental infrastructure projects listed in subsection b. of section 4 of this act.

2003-01	Evesham Township	\$1,600,000
895-06	Winslow Township (Albion Area)	\$2,000,000
2006-01	Westwood Borough	\$2,750,000
948-03	Old Tappan Borough	\$2,150,000
2001-01	Atlantic County UA	\$2,250,000
394-01	Ridgefield Borough	\$ 550,000
949-04	Plainfield Area RSA	\$2,650,000
448-04	Brick Township MUA	\$ 800,000
960-01	North Plainfield Borough	\$1,400,000
946-03	Stafford Township MUA	\$2,250,000
944-02	Chesterfield Township	\$2,250,000
649-03	Pemberton Township	\$ 300,000
118-02	Keansburg Borough	\$1,450,000
266-01	South Hackensack Township	\$ 900,000
	TOTAL	\$113,350,000

In addition to the loans made by the trust set forth in section 2 and subsection a. of section 4 of this act, and the zero interest loans made by the Department of Environmental Protection in section 2 and subsection a. of section 3 of P.L.2000, c.92, Project No. 340292-01 (Swedesboro Borough) shall receive a hardship grant in the amount of \$415,900.

b. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2001 Drinking Water Project Priority List":

<u>Project Number</u>	<u>Project Sponsor</u>	<u>Estimated Allowable Project Cost</u>
1613001-008	North Jersey District Water Supply Commission	\$ 700,000
2119001-001	Consumers New Jersey Water - Phillipsburg	\$ 700,000
2119001-003	Consumers New Jersey Water - Phillipsburg	\$ 550,000
1103001-001	Consumers New Jersey Water - Hamilton	\$ 250,000
0415002-002	Consumers New Jersey Water - Blackwood	\$ 250,000
0704002-001-005	Essex County UA	\$2,000,000
0436007-001/2	Winslow Township	\$3,050,000
1223001-001	South River Borough	\$1,300,000
1223001-002	South River Borough	\$2,000,000
1808001-002	Franklin Township	\$1,100,000
0604001-002/4	Middlesex Water Company (Fortescue Realty Company)	\$ 950,000
0408001-002	Camden City	\$3,500,000
0408001-008	Camden City	\$1,700,000
0408001-005	Camden City	\$1,750,000
0408001-009	Camden City	\$ 2,900,000
0408001-011	Camden City	\$2,450,000

(P.L.1992, c.88), or the Drinking Water State Revolving Fund established pursuant to section 1 of P.L.1998, c.84;

c. The loan shall be repaid within a period not to exceed 20 years of the making of the loan;

d. The loan shall not exceed the allowable project cost of the environmental infrastructure facility, exclusive of capitalized interest and issuance expenses as provided in subsection b. of section 7 of this act, reserve capacity expenses and the debt service reserve fund expenses as provided in subsection c. of section 7 of this act, interest earned on project costs as provided in subsection d. of section 7 of this act, refunding increases as provided in section 8 of this act and increased costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27);

e. The loan shall bear interest, exclusive of any late charges or administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) by the project sponsors receiving trust loans, at or below the interest rate paid by the trust on the bonds issued to make or refund the loans authorized by this act, adjusted for underwriting discount and original issue discount or premium, in accordance with the terms and conditions set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21) or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1); and

f. The loan shall be subject to all other terms and conditions as the trust shall determine to be consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and any rules and regulations adopted pursuant thereto, and with the financial plan required by section 21 of P.L.1985, c.334 (C.58:11B-21) or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1).

The priority lists and authorization for the making of loans pursuant to this act shall expire on July 1, 2001, and any project sponsor which has not executed and delivered a loan agreement with the trust for a loan authorized in this act shall no longer be entitled to that loan.

7. a. The New Jersey Environmental Infrastructure Trust is authorized to reduce the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 4 of this act based upon final building costs defined in and determined in accordance with rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27) or rules and regulations adopted by the Commissioner of Environmental Protection pursuant to section 4 of P.L.1985, c.329, section 11 of P.L.1977, c.224 (C.58:12A-11) or section 5 of P.L.1981, c.261. The trust is authorized to use any such reduction in the loan amount made available to a project sponsor to cover that project sponsor's increased costs due to differing site conditions or other allowable expenses as defined and

CHAPTER 94

AN ACT approving projects of certain local government units in northern New Jersey as eligible for funding from the State to acquire lands for recreation and conservation purposes.

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

1. a. The following projects to acquire lands for recreation and conservation purposes are eligible for funding with moneys made available from the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.), and which moneys are appropriated or reappropriated pursuant to sections 1 and 2 of P.L.2000, c.102:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Bergen County	Bergen	County Open Space Plan Acq	\$1,000,000
Closter Boro	Bergen	Open Space Plan Acq	1,000,000
Bethlehem Twp	Hunterdon	Open Space Plan Implementation	1,000,000
Franklin Twp	Hunterdon	Franklin Open Space Plan	1,000,000
Hunterdon County	Hunterdon	County Open Space Plan Acq	1,000,000
Tewksbury Twp	Hunterdon	Recreation and Open Space Plan	1,000,000
West Amwell Twp	Hunterdon	Sourland/ Open Space Acq	1,000,000
Mendham Twp	Morris	Mendham Twp Open Space Acq	1,000,000
Washington Twp	Morris	Washington Open Space Acq	1,000,000
Wharton Boro	Morris	Wharton Open Space Acq	1,000,000
Franklin Twp	Somerset	Franklin Open Space Plan	1,000,000

1. a. The following locations are added to the locations for the project listed in paragraph (6) of subsection a. of section 1 of P.L.2000, c.101:

Delaware River Bluffs

Sussex Montague Twp

b. The following locations are added to the locations for the project listed in paragraph (8) of subsection a. of section 1 of P.L.2000, c.101:

Sussex Hardyston Twp
Sparta Twp

c. The following locations are added to the locations for the project listed in paragraph (9) of subsection a. of section 1 of P.L.2000, c.101:

Waterloo Village

Sussex Byram Twp
Stanhope Boro

d. The following locations are added to the locations for the project listed in paragraph (11) of subsection a. of section 1 of P.L.2000, c.101:

Sussex Byram Twp
Green Twp
Hopatcong Boro
Stanhope Boro

e. The following locations are added to the locations for the project listed in paragraph (12) of subsection a. of section 1 of P.L.2000, c.101:

Ogdensburg Fen

Sussex Ogdensburg Boro

Wetlands Habitat/ Bog Turtle

Sussex Frankford Twp
Wantage Twp

f. The following locations are added to the locations for the project listed in paragraph (13) of subsection a. of section 1 of P.L.2000, c.101:

Youth Camps

Sussex Byram Twp
Hampton Twp
Sandyston Twp
Sparta Twp

Project	County	Municipality	Amount
STOKES/ HIGH POINT ADDITIONS			1,000,000
	Sussex	Frankford Twp Montague Twp Sandyston Twp Wantage Twp	

b. Any transfer of any funds, or change in project site, listed in subsection a. of this section shall require the approval of the Joint Budget Oversight Committee or its successor.

c. To the extent that moneys remain available after the projects listed in subsection a. of this section are offered funding pursuant thereto, any State project that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor.

d. For the purposes of this section, "Green Acres bond act" means P.L.1995, c.204, P.L.1992, c.88, and P.L.1989, c.183.

3. a. The following projects or locations of projects are added to the projects or locations of projects listed in subparagraph (k) of paragraph (1) of subsection a. of section 1 of P.L.2000, c.89:

Beaver Run Acq	Sussex	Hardyston Twp Lafayette Twp
Limestone Forest Acq	Sussex	Andover Boro Andover Twp Frankford Twp Fredon Twp Green Twp Hampton Twp Lafayette Twp Sandyston Twp Stillwater Twp Wantage Twp

b. The following projects or locations of projects are added to the projects or locations of projects listed in subparagraph (l) of paragraph (1) of subsection a. of section 1 of P.L.2000, c.89:

Limestone Forest Acq	Sussex	Andover Boro Andover Twp
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d. However, the current law in New Jersey does not specifically authorize the establishment of these trusts and subsection f. of section 6 of P.L. 1968, c.413 (C.30:4D-6) may be construed as impeding their establishment; and

e. Therefore, legislation is appropriate to facilitate the establishment of trusts to supplement and augment assistance provided by government entities to persons with severe chronic disabilities and persons who are disabled under the federal Social Security Act.

2. Section 6 of P.L. 1968, c.413 (C.30:4D-6) is amended to read as follows:

C.30:4D-6 Basic medical care and services.

6. a. Subject to the requirements of Title XIX of the federal Social Security Act, the limitations imposed by this act and by the rules and regulations promulgated pursuant thereto, the department shall provide medical assistance to qualified applicants, including authorized services within each of the following classifications:

- (1) Inpatient hospital services;
- (2) Outpatient hospital services;
- (3) Other laboratory and X-ray services;
- (4) (a) Skilled nursing or intermediate care facility services;

(b) Such early and periodic screening and diagnosis of individuals who are eligible under the program and are under age 21, to ascertain their physical or mental defects and such health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby, as may be provided in regulations of the Secretary of the federal Department of Health and Human Services and approved by the commissioner;

(5) Physician's services furnished in the office, the patient's home, a hospital, a skilled nursing or intermediate care facility or elsewhere.

b. Subject to the limitations imposed by federal law, by this act, and by the rules and regulations promulgated pursuant thereto, the medical assistance program may be expanded to include authorized services within each of the following classifications:

- (1) Medical care not included in subsection a.(5) above, or any other type of remedial care recognized under State law, furnished by licensed practitioners within the scope of their practice, as defined by State law;
- (2) Home health care services;
- (3) Clinic services;
- (4) Dental services;
- (5) Physical therapy and related services;

provided subject to approval of the Secretary of the federal Department of Health and Human Services for federal reimbursement;

(21) Mammograms, subject to approval of the Secretary of the federal Department of Health and Human Services for federal reimbursement, including one baseline mammogram for women who are at least 35 but less than 40 years of age; one mammogram examination every two years or more frequently, if recommended by a physician, for women who are at least 40 but less than 50 years of age; and one mammogram examination every year for women age 50 and over.

c. Payments for the foregoing services, goods and supplies furnished pursuant to this act shall be made to the extent authorized by this act, the rules and regulations promulgated pursuant thereto and, where applicable, subject to the agreement of insurance provided for under this act. Said payments shall constitute payment in full to the provider on behalf of the recipient. Every provider making a claim for payment pursuant to this act shall certify in writing on the claim submitted that no additional amount will be charged to the recipient, his family, his representative or others on his behalf for the services, goods and supplies furnished pursuant to this act.

No provider whose claim for payment pursuant to this act has been denied because the services, goods or supplies were determined to be medically unnecessary shall seek reimbursement from the recipient, his family, his representative or others on his behalf for such services, goods and supplies provided pursuant to this act; provided, however, a provider may seek reimbursement from a recipient for services, goods or supplies not authorized by this act, if the recipient elected to receive the services, goods or supplies with the knowledge that they were not authorized.

d. Any individual eligible for medical assistance (including drugs) may obtain such assistance from any person qualified to perform the service or services required (including an organization which provides such services, or arranges for their availability on a prepayment basis), who undertakes to provide him such services.

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.

e. Anything in this act to the contrary notwithstanding, no payments for medical assistance shall be made under this act with respect to care or services for any individual who:

(1) Is an inmate of a public institution (except as a patient in a medical institution); provided, however, that an individual who is otherwise eligible may continue to receive services for the month in which he becomes an inmate, should the commissioner determine to expand the scope of Medicaid eligibility to include such an individual, subject to the limitations imposed by federal law and regulations, or

excluding prescribed drugs, (7), (8), (10), (12), (15) and (17) of this section, and nursing facility services cited in subsection b.(13) of this section.

(5) (a) Inpatient hospital services, subsection a.(1) of this section, shall only be provided to eligible medically needy individuals, other than pregnant women, if the federal Department of Health and Human Services discontinues the State's waiver to establish inpatient hospital reimbursement rates for the Medicare and Medicaid programs under the authority of section 601(c)(3) of the Social Security Act Amendments of 1983, Pub.L.98-21 (42 U.S.C.1395ww(c)(5)). Inpatient hospital services may be extended to other eligible medically needy individuals if the federal Department of Health and Human Services directs that these services be included.

(b) Outpatient hospital services, subsection a.(2) of this section, shall only be provided to eligible medically needy individuals if the federal Department of Health and Human Services discontinues the State's waiver to establish outpatient hospital reimbursement rates for the Medicare and Medicaid programs under the authority of section 601(c)(3) of the Social Security Act Amendments of 1983, Pub.L.98-21 (42 U.S.C.1395ww(c)(5)). Outpatient hospital services may be extended to all or to certain medically needy individuals if the federal Department of Health and Human Services directs that these services be included. However, the use of outpatient hospital services shall be limited to clinic services and to emergency room services for injuries and significant acute medical conditions.

(c) The division shall monitor the use of inpatient and outpatient hospital services by medically needy persons.

h. In the case of a qualified disabled and working individual pursuant to section 6408 of Pub.L.101-239 (42 U.S.C.1396d), the only medical assistance provided under this act shall be the payment of premiums for Medicare part A under 42 U.S.C.1395i-2 and 1395r.

i. In the case of a specified low-income medicare beneficiary pursuant to 42 U.S.C. 1396a(a)10(E)iii, the only medical assistance provided under this act shall be the payment of premiums for Medicare part B under 42 U.S.C.1395r as provided for in 42 U.S.C.1396d(p)(3)(A)(ii).

C.3B:11-37 Establishing an OBRA '93 trust.

3. a. As used in this section "OBRA '93 trust" means a trust established pursuant to 42 U.S.C. s.1396p(d)(4)(A) or an account within a pooled trust pursuant to 42 U.S.C. s.1396p(d)(4)(C).

b. Upon the request of an interested party, a court may establish an OBRA '93 trust for a person who is disabled as defined in section 1614(a)(3) of the federal Social Security Act (42 U.S.C. s.1382c (a)(3)), whether or not the person is an incapacitated person as defined in

- c. "Community agency head" means the person responsible for the overall operation of the agency under contract with the department.
- d. "Department" means the Department of Human Services.
- e. "Community agency" means a public or private agency under contract with the department to provide services to department clients who have developmental disabilities.
- f. "Community agency board" means the board of directors of a community agency.

2. Section 2 of P.L.1999, c.358 (C.30:6D-64) is amended to read as follows:

C.30:6D-64 Contract with community agency.

2. a. The department shall not contract with any community agency for the provision of services unless it has first been determined, consistent with the requirement and standards of this act, that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify the community agency head or the community agency employees from such employment. The determination shall be made by the community agency board with regard to the agency head and the determination shall be made by the agency head with regard to all agency employees.

A criminal history record background check shall be conducted at least once every two years for a community agency head and community agency employees; except that the department, in lieu of conducting criminal history record background checks every two years, may determine whether an individual has been convicted of a crime or disorderly persons offense which would disqualify that person from employment by an alternative means, including, but not limited to, a match of a person's Social Security number or other identifying information with records of criminal proceedings in this and other states. If the department elects to implement an alternative means of determining whether an individual has been convicted of a crime or disorderly persons offense which would disqualify that individual from employment, the department shall report to the Governor and the Legislature prior to its implementation on the projected costs and procedures to be followed with respect to its implementation and setting forth the rationale therefor.

b. An individual shall be disqualified from employment under this act if that individual's criminal history record check reveals a record of conviction of any of the following crimes and offenses:

- (1) In New Jersey, any crime or disorderly persons offense:

- (1) the nature and responsibility of the position which the convicted individual would hold, has held or currently holds, as the case may be;
- (2) the nature and seriousness of the offense;
- (3) the circumstances under which the offense occurred;
- (4) the date of the offense;
- (5) the age of the individual when the offense was committed;
- (6) whether the offense was an isolated or repeated incident;
- (7) any social conditions which may have contributed to the offense; and
- (8) any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

3. Section 3 of P.L.1999, c.358 (C.30:6D-65) is amended to read as follows:

C.30:6D-65 Authorization to exchange data.

3. The commissioner is authorized to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the determinations required by this act. The Division of State Police shall also promptly notify the department in the event an individual who was the subject of a criminal history record background check conducted pursuant to sections 2 through 7 of P.L.1999, c.358 (C.30:6D-64 through 69), is convicted of a crime or offense in this State after the date that the criminal history record background check was performed. Upon receipt of such notification, the community agency head, or community agency board if the individual is the community agency head, shall make a determination regarding the employment of the individual. No criminal history record check shall be performed pursuant to this act unless the applicant or employee shall have furnished his written consent to the check. All applicants or current employees shall have their fingerprints taken on standard fingerprint cards by a State or municipal law enforcement agency, a personnel unit of the department or a community agency designated by the department.

4. Section 4 of P.L. 1999, c.358 (C.30:6D-66) is amended to read as follows:

C.30:6D-66 Written notice to applicant, employee of record information.

4. Upon receipt of the criminal history record information from the Federal Bureau of Investigation and the Division of State Police, written notice shall be provided to the applicant or employee as follows:

CHAPTER 98

AN ACT concerning the New Jersey Health Care Facilities Financing Authority and amending and supplementing P.L.1972, c.29.

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

1. Section 1 of P.L.1972, c.29 (C.26:2I-1) is amended to read as follows:

C.26:2I-1 Declaration of serious public emergency relative to health care facilities.

1. It is hereby declared that a serious public emergency exists affecting the health, safety and welfare of the people of the State resulting from the fact that many health care facilities throughout the State are no longer adequate to meet the needs of modern health care. Inadequate and outmoded facilities deny to the people of the State the benefits of health care of the highest quality, efficiently and promptly provided at a reasonable cost. As a result, health care providers are restructuring their organizations, facilities and operations in order to develop integrated health care delivery systems capable of providing a full range of health care services in the most cost-effective manner.

It is the purpose of this act to ensure that all health care institutions have access to financial resources to improve the health and welfare of the citizens of the State. It is hereby declared to be the policy of the State to encourage the provision of modern, well-equipped health care facilities, and such provision is hereby declared to be a public use and purpose.

It is also the purpose of this act to provide assistance in the restructuring of the health care system of the State and to aid in the termination of the provision of hospital acute care services at such locations as may no longer be useful or necessary for this purpose.

2. Section 3 of P.L.1972, c.29 (C.26:2I-3) is amended to read as follows:

C.26:2I-3 Terms defined.

3. As used in this act, the following words and terms shall have the following meanings, unless the context indicates or requires another or different meaning or intent:

"Authority" means the New Jersey Health Care Facilities Financing Authority created by this act or any board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers conferred upon the authority by this act shall be given by law.

"Project cost" or "health care organization project cost" means the sum total of all or any part of costs incurred or estimated to be incurred by the authority or by a health care organization which are reasonable and necessary for carrying out all works and undertakings and providing all necessary equipment for the development of a project, exclusive of the amount of any private or federal, State or local financial assistance for and received by a health care organization for the payment of such project cost. Such costs shall include, but are not necessarily limited to: interest prior to, during and for a reasonable period after such development; start-up costs and costs of operation and maintenance during the construction period and for a reasonable additional period thereafter; organization, administration, operation and other expenses of the health care organization prior to and during construction; the cost of necessary studies, surveys, plans and specifications, architectural, engineering, legal or other special services; the cost of acquisition of land, buildings and improvements thereon (including payments for the relocation of persons displaced by such acquisition), site preparation and development, construction, reconstruction, equipment, including fixtures, equipment, and cost of demolition and removal, and articles of personal property required; the reasonable cost of financing incurred by a health care organization or the authority in the course of the development of the project; reserves for debt service; the fees imposed upon a health care organization by the commissioner and by the authority; other fees charged, and necessary expenses incurred in connection with the initial occupancy of the project; and the cost of such other items as may be reasonable and necessary for the development of a project; as well as provision or reserves for working capital, operating or maintenance or replacement expenses, or for payment or security of principal of, or interest on, bonds.

3. Section 5 of P.L.1972, c.29 (C.26:2I-5) is amended to read as follows:

C.26:2I-5 Powers of authority.

5. Powers of authority. The authority shall have power:
- a. To adopt bylaws for the regulation of its affairs and the conduct of its business and to alter and revise such bylaws from time to time at its discretion.
 - b. To adopt and have an official seal and alter the same at pleasure.
 - c. To maintain an office at such place or places within the State as it may designate.
 - d. To sue and be sued in its own name.
 - e. To borrow money and to issue bonds of the authority and to provide for the rights of the holders thereof as provided in this act.

the rise or fall of the Consumer Price Index for all urban consumers in the New York City and the Philadelphia areas as reported by the United States Department of Labor. The Governor shall, no later than June 1 of each odd-numbered year, notify the authority of the adjustment. The adjustment shall become effective July 1 of each odd-numbered year.

k. To determine the location and character of any project to be undertaken, subject to the provisions of this act, and subject to State health and environmental laws, to construct, reconstruct, maintain, repair, lease as lessee or lessor, and regulate the same and operate the same in the event of default by a health care organization of its obligations and agreements with the authority; to enter into contracts for any or all such purposes; and to enter into contracts for the management and operation of a project in the event of default as herein provided. The authority shall use its best efforts to conclude its position as an operator as herein provided as soon as is practicable.

l. To establish rules and regulations for the use of a project or any portion thereof and to designate a health care organization as its agent to establish rules and regulations for the use of a project undertaken by such a health care organization.

m. Generally to fix and revise from time to time and to charge and collect rates, rents, fees and other charges for the use of and for the services furnished or to be furnished by a project or any portion thereof and to contract with holders of its bonds and with any other person, party, association, corporation or other body, public or private, in respect thereof.

n. To enter into agreements, credit agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the authority or to carry out any power expressly given in this act.

o. To invest any moneys held in reserve or sinking funds, or any moneys not required for immediate use or disbursement, at the discretion of the authority, in such obligations as are authorized by resolution of the authority.

p. To obtain, or aid in obtaining, from any department or agency of the United States any insurance or guarantee as to, or of, or for the payment or repayment of interest or principal, or both, or any part thereof, on any loan or any instrument evidencing or securing the same, made or entered into pursuant to the provisions of this act; and notwithstanding any other provisions of this act, to enter into agreement, contract or any other instrument whatsoever with respect to any such insurance or guarantee, and accept payment in such manner and form as provided therein in the event of default by the borrower.

q. To obtain from any department or agency of the United States or a private insurance company any insurance or guarantee as to, or of, or for the payment or repayment of interest or principal, or both, or any part thereof, on any bonds issued by the authority pursuant to the provisions of this act; and

d. Any resolution or resolutions authorizing any bonds or any issue of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds to be authorized, as to:

(i) pledging all or any part of the revenues of a project or any revenue producing contract or contracts made by the authority with any individual, partnership, corporation or association or other body, public or private, to secure the payment of the bonds or of any particular issue of bonds, subject to such agreements with bondholders as may then exist;

(ii) the rentals, fees and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues;

(iii) the setting aside of reserves or sinking funds, and the regulation and disposition thereof;

(iv) limitations on the right of the authority or its agent to restrict and regulate the use of a project;

(v) limitations on the purpose to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the bonds or any issue of the bonds;

(vi) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds;

(vii) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

(viii) limitations on the amount of moneys derived from a project to be expended for operating, administrative or other expenses of the authority; and

(ix) defining the acts or omissions to act which shall constitute a default in the duties of the authority to holders of its obligations and providing the rights and remedies of such holders in the event of a default.

e. Neither the members of the authority nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

f. The authority shall have power out of any funds available therefor to purchase its bonds. The authority may hold, pledge, cancel or resell such bonds, subject to and in accordance with agreements with bondholders.

g. (1) There is established a hospital asset transformation program in the authority for the purpose of providing financial assistance by the authority to nonprofit hospitals in this State, from funds received pursuant to and in accordance with the provisions of this subsection, in connection with the termination of the provision of hospital acute care services at a specific location that may no longer be necessary or useful for this purpose.

(2) Subject to the approval of the State Treasurer, the authority shall have the power to issue bonds and refunding bonds, incur indebtedness and borrow

amount equivalent to the amount due to be paid in that fiscal year for the debt service on the bonds or refunding bonds issued by the authority pursuant to subsection g. of section 7 of P.L.1972, c.29 (C.26:2I-7) and any additional costs as authorized pursuant thereto, including any agreement securing or providing for the payment of the bonds or refunding bonds.

b. The State Treasurer and the authority are authorized to enter into one or more contracts to implement the payment arrangement provided for in subsection a. of this section. The contract shall provide for payment by the State Treasurer of the amounts required to be paid pursuant to subsection a. of this section and shall set forth the procedure for the transfer of monies for the purpose of making that payment. The contract shall contain such terms as are determined by the State Treasurer and the authority and shall include, but not be limited to, terms and conditions necessary and desirable to secure any bonds or refunding bonds issued by the authority pursuant to subsection g. of section 7 of P.L.1972, c.29 (C.26:2I-7); except that, notwithstanding any provision of any law, rule or regulation to the contrary, the State Treasurer shall pay the authority only such amounts as shall be determined by the contract and the incurrence of any obligation of the State under the contract, including any payment to be made from the General Fund pursuant thereto, shall be subject to and dependent upon appropriations made by the Legislature for the purposes of this section.

7. This act shall take effect immediately.

Approved August 29, 2000.

CHAPTER 99

AN ACT approving projects of certain local government units in southern New Jersey as eligible for funding from the State to acquire lands for recreation and conservation purposes.

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

1. a. The following projects to acquire lands for recreation and conservation purposes are eligible for funding with moneys made available from the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.), and which moneys are appropriated or reappropriated pursuant to sections 1 and 2 of P.L.2000, c.102:

for recreation and conservation purposes, or that receives funding approved pursuant to section 3 of P.L.2000, c.102, section 1 of P.L.2000, c.94, or section 1 of P.L.2000, c.100, shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres Bond Act may include administrative costs.

For the purposes of this subsection, "Green Acres Bond Act" means P.L.1995, c.204, P.L.1992, c.88, P.L.1989, c.183, P.L.1987, c.265, and P.L.1983, c.354.

2. This act shall take effect July 1, 2000 or on the date of enactment, whichever is later.

Approved August 30, 2000.

CHAPTER 100

AN ACT approving projects of certain local government units as eligible for funding from the State to acquire or develop lands for recreation and conservation purposes.

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

1. a. The following projects to acquire lands for recreation and conservation purposes are eligible for funding with moneys made available from the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.), and which moneys are appropriated or reappropriated pursuant to sections 1 and 2 of P.L.2000, c.102:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Weehawken Twp	Hudson	Waterfront Park Acq	\$1,000,000
Old Bridge Twp	Middlesex	Cedar Ridge Acq	1,000,000
TOTAL			\$2,000,000

b. The following projects to develop lands for recreation and conservation purposes are eligible for funding with moneys made available from the

of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, or that receives funding approved pursuant to section 3 of P.L.2000, c.102, section 1 of P.L.2000, c.94, or section 1 of P.L.2000, c.99, shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

For the purposes of this subsection, "Green Acres bond act" means P.L.1995, c.204, P.L.1992, c.88, P.L.1989, c.183, P.L.1987, c.265, and P.L.1983, c.354.

2. This act shall take effect July 1, 2000 or on the date of enactment, whichever is later.

Approved August 31, 2000.

CHAPTER 101

AN ACT appropriating \$29,000,000 from the "Garden State Green Acres Preservation Trust Fund," and appropriating and reappropriating certain other moneys, for the acquisition of lands by the State for recreation and conservation purposes.

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

1. a. There is appropriated from the "Garden State Green Acres Preservation Trust Fund," established pursuant to section 19 of P.L.1999, c.152 (C.13:8C-19), to the Department of Environmental Protection the sum of \$29,000,000 for the acquisition of lands by the State for recreation and conservation purposes. This sum shall be allocated as follows:

Project	County	Municipality	Amount
(1) BARNEGAT BAY GREENWAY	Monmouth	Freehold Twp	\$2,500,000
		Howell Twp	
	Ocean	Barnegat Light Boro	
		Barnegat Twp	
		Berkeley Twp	
		Brick Twp	

Mercer	Ewing Twp Hamilton Twp Hopewell Twp Lawrence Twp Princeton Twp Trenton City	
Middlesex	New Brunswick City Plainsboro Twp	
Somerset	Franklin Twp	
(5) DELAWARE BAY GREENWAY		2,000,000
<i>Alloways Creek Greenway</i>		
Salem	Alloway Twp Elsinboro Twp Lower Alloways Creek Twp Pilesgrove Twp Quinton Twp Upper Pittsgrove Twp	
<i>Cape May Tributaries</i>		
Cape May	Lower Twp Middle Twp Upper Twp	
<i>Cohansey River Greenway</i>		
Cumberland	Bridgeton City Fairfield Twp Greenwich Twp Hopewell Twp Lawrence Twp Upper Deerfield Twp	
Salem	Alloway Twp	
<i>Dividing/Nantuxent/Cedar/Back Creeks Greenway</i>		
Cumberland	Commercial Twp Downe Twp Fairfield Twp Lawrence Twp	
<i>Maurice River Greenway</i>		
Atlantic	Buena Boro Buena Vista Twp	
Cape May	Dennis Twp	
Cumberland	Commercial Twp Deerfield Twp Maurice River Twp Millville City Vineland City	
Gloucester	Clayton Boro Elk Twp Franklin Twp	

<i>Oldsman Creek Greenway</i>	Kingwood Twp	
Gloucester	Logan Twp	
	South Harrison Twp	
	Woolwich Twp	
Salem	Oldmans Twp	
	Pilesgrove Twp	
	Upper Pittsgrove Twp	
<i>Raccoon Creek Greenway</i>	Elk Twp	
Gloucester	Harrison Twp	
	Logan Twp	
	Woolwich Twp	
<i>Rancocas Creek Greenway</i>	Delran Twp	
Burlington	Eastampton Twp	
	Hainesport Twp	
	Lumberton Twp	
	Medford Twp	
	Moorestown Twp	
	Mount Holly Twp	
	Mount Laurel Twp	
	Pemberton Twp	
	Southampton Twp	
	Springfield Twp	
	Westampton Twp	
	Willingboro Twp	
<i>Trenton/ Hamilton Marsh</i>	Bordentown Twp	
Burlington	Chesterfield Twp	
	Hamilton Twp	
Mercer	Trenton City	
<i>Woodbury Creek Watershed</i>	National Park Boro	
Gloucester	West Deptford Twp	
(7) HARBOR ESTUARY		1,000,000
Bergen	Carlstadt Boro	
	East Rutherford Boro	
	Emerson Boro	
	Haworth Boro	
	Lyndhurst Twp	
	North Arlington Boro	
	Old Tappan Boro	
	Oradell Boro	
	Ridgefield Boro	
	Ridgefield Park Village	
	River Vale Twp	
	Westwood Boro	
Hudson	Jersey City	

<i>Twin Lights</i>	Monmouth	Highlands Boro	
<i>Washington Crossing State Park</i>	Mercer	Ewing Twp Hopewell Twp	
(10) JENNY JUMP STATE PARK	Warren	Allamuchy Twp Frelinghuysen Twp Hope Twp Independence Twp Knowlton Twp Liberty Twp White Twp	1,250,000
(11) MUSCONETCONG/POHATCONG RIVER GREENWAY	Hunterdon	Alexandria Twp Bethlehem Twp Bloomsbury Boro Franklin Twp Hampton Boro Holland Twp Lebanon Boro Mount Olive Twp Roxbury Twp Washington Twp Allamuchy Twp Franklin Twp Greenwich Twp Hackettstown Town Lopatcong Twp Mansfield Twp Pohatcong Twp Washington Boro Washington Twp	1,000,000
	Morris		
	Warren		
(12) NATURAL AREAS			250,000
<i>Bill Henry Pond</i>	Atlantic	Egg Harbor Twp	
<i>Budd Lake Bog</i>	Morris	Mount Olive Twp	
<i>Campus Swamp</i>	Camden	Gloucester Twp	
<i>Cheesequake State Park</i>	Middlesex	Old Bridge Twp	
<i>Crossley Preserve</i>	Ocean	Berkeley Twp	

<i>Troy Meadows</i>	Morris	Parsippany - Troy Hills Twp	
<i>Utertown Bog</i>	Passaic	West Milford Twp	
<i>Washington Crossing State Park</i>	Mercer	Hopewell Twp	
<i>Woodbine Bogs</i>	Cape May	Upper Twp	
(13) NON-PROFIT CAMPS			1,500,000
<i>Youth Camps</i>	Burlington	Evesham Twp Medford Twp Tabernacle Twp East Amwell Twp Rockaway Boro Ringwood Boro Franklin Twp Hardwick Twp	
	Hunterdon Morris Passaic Somerset Warren		
(14) PAULINSKILL RIVER GREENWAY	Warren	Blairstown Twp Frelinghuysen Twp Hardwick Twp Knowlton Twp	1,500,000
(15) PEQUEST RIVER GREENWAY	Warren	Allamuchy Twp Belvidere Town Hackettstown Town Independence Twp Liberty Twp Mansfield Twp White Twp	500,000
(16) PINELANDS	Atlantic	Brigantine City Buena Boro Buena Vista Twp Corbin City Egg Harbor City Egg Harbor Twp Estell Manor City Folsom Boro Galloway Twp Hamilton Twp Hammonton Town Mullica Twp Port Republic City Weymouth Twp	4,000,000

	Morris	Union Twp Chester Twp Harding Twp Long Hill Twp Mendham Boro Mendham Twp Washington Twp	
	Somerset	Bernards Twp Branchburg Twp Bridgewater Twp Franklin Twp Hillsborough Twp Manville Boro Montgomery Twp Peapack-Gladstone Boro Somerville Boro Warren Twp	
(18) SWIMMING RIVER			1,000,000
	Monmouth	Colts Neck Twp Holmdel Twp Marlboro Twp	
(19) TRAILS			1,500,000
	<i>Appalachian Trail Easements</i> Passaic	West Milford Twp	
	<i>Capitol to the Coast</i> Mercer	Hamilton Twp Trenton City Washington Twp West Windsor Twp	
	Monmouth	Freehold Twp Howell Twp Manasquan Boro Millstone Twp Roosevelt Boro Spring Lake Boro Spring Lake Heights Boro Upper Freehold Twp	
	Ocean	Wall Twp Jackson Twp	
	<i>Rails to Trails</i> Burlington	Burlington City Burlington Twp Chesterfield Twp Mansfield Twp North Hanover Twp Pemberton Boro Pemberton Twp Southampton Twp Springfield Twp	

Protection, to any State project that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

e. For the purposes of this section, "Green Acres bond act" means P.L.1995, c.204, P.L.1992, c.88, and P.L.1989, c.183.

2. This act shall take effect July 1, 2000 or on the date of enactment, whichever is later.

Approved August 31, 2000.

CHAPTER 102

AN ACT appropriating \$38,154,000 from the "Garden State Green Acres Preservation Trust Fund," and appropriating and reappropriating certain other moneys, to assist local government units to acquire or develop lands for recreation and conservation purposes; and approving projects of certain local government units as eligible for funding from the State to acquire lands for recreation and conservation purposes.

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

1. There is appropriated to the Department of Environmental Protection from the "Garden State Green Acres Preservation Trust Fund," established pursuant to section 19 of P.L.1999, c.152 (C.13:8C-19), the sum of \$38,154,000 to provide loans or grants, or both, to assist local government units to acquire or develop lands for recreation and conservation purposes, for projects approved as eligible for such funding pursuant to section 3 of this act, section 1 of P.L.2000, c.94, section 1 of P.L.2000, c.99, and section 1 of P.L.2000, c.100.

2. a. There is reappropriated to the Department of Environmental Protection the unexpended balances, due to project withdrawals, cancellations, or cost savings, of the amounts appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund to assist local government units to acquire or develop lands for recreation and conservation purposes, for the purpose of providing additional funding, as determined by the Department

b. Any transfer of funds, or change in project sponsor, site, or type, listed in subsection a. of this section shall require the approval of the Joint Budget Oversight Committee or its successor.

c. To the extent that moneys remain available after the projects listed in subsection a. of this section are offered funding pursuant thereto, any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, or that receives funding approved pursuant to section 1 of P.L.2000, c.94, section 1 of P.L.2000, c.99, or section 1 of P.L.2000, c.100, shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

For the purposes of this subsection, "Green Acres bond act" means P.L.1995, c.204, P.L.1992, c.88, P.L.1989, c.183, P.L.1987, c.265, and P.L.1983, c.354.

4. This act shall take effect July 1, 2000 or on the date of enactment, whichever is later.

Approved September 1, 2000.

CHAPTER 103

AN ACT concerning the transportation of nonpublic school pupils in certain school districts and amending P.L.1999, c.350.

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

1. Section 1 of P.L.1999, c.350 (C.18A:39-1.6) is amended to read as follows:

C.18A:39-1.6 Transportation of nonpublic school students, remote, certain.

1. a. Notwithstanding any provision of N.J.S.18A:39-1 to the contrary, if a school district provides transportation to and from school to a school pupil who resides remote from school and attends a nonpublic school located within the State not more than 20 miles from the residence of the pupil, the school district shall provide transportation, when seats are

Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, the sum of \$20,000,000 for loans and grants for economic development sites in the Delaware River and Bay Region. The sum shall be allocated as follows:

- a. A loan of \$515,000 for the Coriel Institute for Medical Research located in Camden County;
- b. A grant of \$5,000,000 to the County of Burlington to capitalize a revolving loan fund, to be established and administered by the county, that shall only be used to provide loans for economic development site projects that are eligible for funding pursuant to section 8 of P.L.1997, c.97 (C.34:1B-142) and located along the Route 130 corridor. The county may not charge any costs that it may incur to establish or administer the revolving loan fund to the revolving loan fund. The forms and terms of loans authorized by this subsection shall be established by the county in conjunction with the Chief Executive Officer and Secretary of the New Jersey Commerce and Economic Growth Commission and approved by the State Treasurer;
- c. A loan of \$1,250,000 and a grant of \$250,000 for the Barnegat Bay Decoy and Baymen's Museum located in Ocean County;
- d. A loan of \$2,500,000 and a grant of \$1,000,000 to Rutgers, the State University, and the Cooper's Ferry Development Association, Incorporated, for capital improvements to the Nipper Building that would enable the Nutraceuticals Institute to be located in Camden County;
- e. A loan of \$485,000 and a grant of \$500,000 for Wheaton Village, Incorporated located in Cumberland County;
- f. A grant of \$5,000,000 to the County of Salem for projects eligible for funding pursuant to section 8 of P.L.1997, c.97 (C.34:1B-142);
- g. A loan of \$1,000,000 for Del Line L.L.C. located in Camden County; and
- h. A loan of \$2,500,000 for Camden Iron and Metal, Incorporated located in Camden County.

2. This act shall take effect immediately.

Approved September 8, 2000.

CHAPTER 105

AN ACT concerning certain temporary disability insurance benefits and amending P.L.1948, c.110.

CHAPTER 106

AN ACT concerning certain costs incurred in the training and hiring of certain law enforcement employees, amending P.L.1987, c.47 and P.L.1989, c.40, and supplementing chapter 25 of Title 27 of the Revised Statutes and chapter 27 of Title 52 of the Revised Statutes.

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

1. Section 1 of P.L.1987, c.47 (C.40A:14-178) is amended to read as follows:

C.40A:14-178 Liability for training costs; terms defined.

1. a. Whenever a person who resigned as a member of a county or municipal law enforcement agency is appointed to another county or municipal law enforcement agency, the police department of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.), a State law enforcement agency or the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c.291 (C.27:25-15.1) within 120 days of resignation, and that person held a probationary appointment at the time of resignation or held a permanent appointment for 30 days or less prior to resignation, the county or municipal law enforcement agency, educational institution or State law enforcement agency appointing the person, or the New Jersey Transit Corporation, is liable to the former county or municipal employer, as appropriate, for the total certified costs incurred by the former employer in the examination, hiring, and training of the person.

b. Whenever a person who resigned as a member of a county or municipal law enforcement agency is appointed to another county or municipal law enforcement agency, the police department of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.), State law enforcement agency or the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c.291 (C.27:25-15.1) within 120 days of resignation, and that person, at the time of resignation held a permanent appointment for more than 30 days but less than two years, the county or municipal law enforcement agency, educational institution, or State law enforcement agency appointing the person, or the New Jersey Transit Corporation, is liable to the former county or municipal employer, as appropriate, for one-half of the total certified costs incurred by the former employer in the examination, hiring and training of that person.

c. Upon the appointment of a former member of a county or municipal law enforcement agency, the appointing county or municipal law enforce-

agency or State law enforcement agency appointing the person, or the New Jersey Transit Corporation, shall be liable to the former educational institution for one-half of the total certified costs incurred by that former institution in the examination, hiring, and training of the person.

c. Upon the appointment of a former police officer of an educational institution, the appointing educational institution, county or municipal law enforcement agency, State law enforcement agency or the New Jersey Transit Corporation shall notify the former educational institution immediately upon the appointment of a police officer formerly with that institution and shall reimburse the institution within 120 days of the receipt of the certified costs.

d. As used in this section:

"County or municipal law enforcement agency" means and includes, but is not limited to, a county or municipal police department or force, a county corrections department and a county sheriff's office;

"Examination costs" means and includes, but is not limited to, the costs of all qualifying examinations and public advertisements for these examinations.

"State law enforcement agency" means and includes, but is not limited to, the police department of a State agency and the State Department of Corrections, but does not include the State Police.

"Training costs" means the police training course fees and the base salary received while attending the police training course as required by section 3 of P.L.1970, c.211 (C.18A:6-4.4).

C.27:25-15.1b Liability to New Jersey Transit for training; terms defined.

3. a. If a person who was appointed as a police officer of the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c.291 (C.27:25-15.1) resigns and is subsequently appointed to a county or municipal law enforcement agency, a police department of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.) or a State law enforcement agency within 120 days of resignation, and if that person held a probationary appointment at the time of resignation or held a permanent appointment for 30 days or less prior to resignation, the appointing county or municipal law enforcement agency, educational institution or State law enforcement agency shall be liable to the New Jersey Transit Corporation for the total certified costs incurred by the corporation in the examination, hiring, and training of the person.

b. If a person who was appointed as a police officer of the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c.291 (C.27:25-15.1) resigns and is subsequently appointed to a county or municipal law enforcement agency, the police department of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.) or a State law enforcement agency within 120 days of resignation, and if that person held

enforcement agency or the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c.291 (C.27:25-15.1) within 120 days of resignation, and if that person held a permanent appointment for more than 30 days but less than two years at the time of resignation, the appointing county or municipal law enforcement agency, educational institution or State law enforcement agency, or the New Jersey Transit Corporation, shall be liable to the State law enforcement agency for one-half of the total certified costs incurred by the agency in the examination, hiring, and training of the person.

c. The appointing county or municipal law enforcement agency, educational institution, State law enforcement agency or the New Jersey Transit Corporation shall notify the former employer immediately upon the appointment of an employee formerly employed by the State law enforcement agency and shall reimburse the agency within 120 days of the receipt of the certified costs.

d. As used in this section:

"County or municipal law enforcement agency" means and includes, but is not limited to, a county or municipal police department or force, a county corrections department and a county sheriff's office.

"Examination costs" means and includes, but is not limited to, the costs of all qualifying examinations and public advertisements for these examinations.

"State law enforcement agency" means and includes, but is not limited to, the police department of a State agency and the State Department of Corrections, but does not include the State Police

"Training costs" means the police training course fees and the base salary received while attending the police training course as required by section 2 of P.L.1989, c.291 (C.27:25-15.1).

5. This act shall take effect immediately.

Approved September 8, 2000.

CHAPTER 107

AN ACT concerning the installation of automatic lawn sprinkler systems and supplementing P.L.1975, c.217 (C.52:27D-119 et seq.) .

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

C.52:27D-123.13 Device to override automatic sprinkler after adequate rainfall required.

1. An automatic lawn sprinkler system installed after the effective date of P.L.2000, c.107 (C.52:27D-123.13) shall be equipped with an automatic

agency in the criminal justice system for purging records or files of municipal ordinance violations as required by this act.

C.2B:12-33 Application of act.

2. a. This act shall apply to all rulings of unconstitutionality and all settlements dated on or after January 1, 1999.

b. In any case where a ruling of unconstitutionality or a settlement occurred on or after January 1, 1999 and prior to the enactment of this act, purging of identifying information pursuant to section 1 of this act shall be ordered by the court upon the ex parte application of any party.

3. This act shall take effect immediately.

Approved September 8, 2000.

CHAPTER 109

AN ACT concerning durable powers of attorney, supplementing Title 46 of the Revised Statutes and repealing P.L.1971, c.373.

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

C.46:2B-8.1 Short title.

1. This act shall be known and may be cited as the "Revised Durable Power of Attorney Act."

C.46:2B-8.2 Powers of attorney; durable powers of attorney; disability defined.

2. Powers of Attorney; Durable Powers of Attorney; Disability Defined.

a. A power of attorney is a written instrument by which an individual known as the principal authorizes another individual or individuals or a qualified bank within the meaning of P.L.1948, c.67, s.28 (C.17:9A-28) known as the attorney-in-fact to perform specified acts on behalf of the principal as the principal's agent.

b. A durable power of attorney is a power of attorney which contains the words "this power of attorney shall not be affected by subsequent disability or incapacity of the principal, or lapse of time," or "this power of attorney shall become effective upon the disability or incapacity of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's subsequent disability or incapacity, and unless it states a time of termination, notwithstanding the lapse of time since the execution of the instrument.

principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

c. If the attorney-in-fact executes an affidavit stating that the act was done without actual knowledge of the revocation or termination of the power of attorney by death, disability, or incapacity, such act shall be presumed valid, subject to challenge only by a clear showing of fraud or gross neglect.

C.46:2B-8.6 Good faith reliance.

6. Good Faith Reliance.

a. Any third party may rely upon the authority granted in a durable power of attorney until the third party has received actual notice of the revocation of the power of attorney, the termination or suspension of the authority of the attorney-in-fact, or the death of the principal.

b. A third party who has not received such actual notice under paragraph a. of this section may, but need not, require that the attorney-in-fact execute an affidavit stating that the attorney-in-fact did not have at the time of exercise of the power actual knowledge of the termination of the power by revocation, the termination or suspension of the authority of the attorney-in-fact, or the principal's death, disability, or incapacity. Such affidavit is conclusive proof of the nonrevocation or nontermination of the power at that time. If the exercise of the power of attorney requires execution and delivery of any instrument that is recordable, the affidavit when authenticated for record is likewise recordable. This section does not affect any provision in a power of attorney for its termination by expiration of time or occurrence of an event other than express revocation or a change in the principal's capacity.

C.46:2B-8.7 Multiple attorneys-in-fact.

7. Multiple Attorneys-In-Fact.

a. Unless the power of attorney expressly provides otherwise, all authority granted to multiple attorneys-in-fact may be exercised by the one or more who remain after the death, resignation or disability of one or more of the attorneys-in-fact.

b. The power of attorney may provide that the attorneys-in-fact may act severally or separately. If so provided, any one of the appointed attorneys-in-fact may exercise all powers granted.

c. The power of attorney may provide that the attorneys-in-fact shall act jointly. If so provided then, subject to subsection a., the concurrence of all appointed attorneys-in-fact is required to exercise any power.

d. If the power of attorney does not expressly provide whether the attorneys-in-fact are to act severally or separately, or are to act jointly, such attorneys-in-fact must act jointly.

C.46:2B-8.13 Fiduciary status and duty to account.**13. Fiduciary Status and Duty to Account.**

a. An attorney-in-fact has a fiduciary duty to the principal, and to the guardian of the property of the principal if the principal has been adjudicated an incapacitated person, to act within the powers delegated by the power of attorney and solely for the benefit of the principal.

b. The attorney-in-fact shall maintain accurate books and records of all financial transactions. The principal, a guardian or conservator appointed for the principal, and the personal representative of the principal's estate may require the attorney-in-fact to render an accounting. The Superior Court may, upon application of any heir or other next friend of the principal, require the attorney-in-fact to render an accounting if satisfied that the principal is incapacitated and there is doubt or concern whether the attorney-in-fact is acting within the powers delegated by the power-of-attorney, or is acting solely for the benefit of the principal.

C.46:2B-8.14 Application of act.

14. The provisions of this act shall hereafter apply to any power of attorney made pursuant to the provisions of P.L.1991, c.95 (C.46:2B-10 et seq.) relating to banking transactions under a power of attorney. This act shall complement and not supersede the provisions of P.L.1991, c.95 (C.46:2B-10 et seq.).

Repealer.

15. Sections 1 and 2 of P.L.1971, c.373 (C.46:2B-8 and 46:2B-9) are repealed.

16. This act shall take effect on the 60th day after the date of enactment.

Approved September 8, 2000.

CHAPTER 110

AN ACT concerning impersonating a law enforcement officer and amending N.J.S.2C:28-8.

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

1. N.J.S.2C:28-8 is amended to read as follows:

CHAPTER 112

AN ACT concerning the developmentally disabled and supplementing P.L.1965, c.59 (C.30:4-25.1 et seq.).

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

C.30:4-25.10 Short title.

1. This act shall be known and may be cited as the "Developmentally Disabled Uniform Application Act."

C.30:4-25.11 Application for determination of eligibility for services to developmentally disabled.

2. a. Notwithstanding any law to the contrary, an individual who may be eligible for early intervention services pursuant to P.L.1993, c.309 (C.26:1A-36.6 et seq.), functional services through the Division of Developmental Disabilities in the Department of Human Services pursuant to Title 30 of the Revised Statutes, or if the individual is developmentally disabled and may be eligible for special educational services pursuant to chapter 46 of Title 18A of the New Jersey Statutes, shall make an initial, uniform application for the determination of eligibility for services with the department responsible for providing the services being requested at the time the application is made. In the case of a request for early intervention services, an initial application shall be made when a referral for an evaluation of the child is made. In the case of a request for special educational services, an initial application shall be made at the time a child study team conducts the initial evaluation.

b. The initial application shall contain: the name, address, telephone number and Social Security number of the applicant; relevant family information; the types of services requested or provided to the applicant; and a consent provision authorizing release of the initial, uniform application to a department, as applicable to the request for subsequent services. The disclosure of the applicant's Social Security number shall be voluntary and shall be requested pursuant to the federal Privacy Act of 1974, Pub.L. 93-579.

c. The initial application shall be accepted and used by all the departments enumerated in this section, as authorized by the applicant's consent, for each subsequent request for the provision of services. With each subsequent request for service, the respective department may ask the individual to provide updated information or additional information on specific developmental delays or medically diagnosed mental or physical conditions that is necessary to determine the individual's eligibility for the specific services requested.

tenant's rental payment which would have been payable to the landlord, but for the contribution.

3. Section 2 of P.L.1974, c.49 (C.2A:18-61.1) is amended to read as follows:

C.2A:18-61.1 Grounds for removal of tenants.

2. No lessee or tenant or the assigns, under-tenants or legal representatives of such lessee or tenant may be removed by the Superior Court from any house, building, mobile home or land in a mobile home park or tenement leased for residential purposes, other than (1) owner-occupied premises with not more than two rental units or a hotel, motel or other guest house or part thereof rented to a transient guest or seasonal tenant; (2) a dwelling unit which is held in trust on behalf of a member of the immediate family of the person or persons establishing the trust, provided that the member of the immediate family on whose behalf the trust is established permanently occupies the unit; and (3) a dwelling unit which is permanently occupied by a member of the immediate family of the owner of that unit, provided, however, that exception (2) or (3) shall apply only in cases in which the member of the immediate family has a developmental disability, except upon establishment of one of the following grounds as good cause:

a. The person fails to pay rent due and owing under the lease whether the same be oral or written; provided that, for the purposes of this section, any portion of rent unpaid by a tenant to a landlord but utilized by the tenant to continue utility service to the rental premises after receiving notice from an electric, gas, water or sewer public utility that such service was in danger of discontinuance based on nonpayment by the landlord, shall not be deemed to be unpaid rent.

b. The person has continued to be, after written notice to cease, so disorderly as to destroy the peace and quiet of the occupants or other tenants living in said house or neighborhood.

c. The person has willfully or by reason of gross negligence caused or allowed destruction, damage or injury to the premises.

d. The person has continued, after written notice to cease, to substantially violate or breach any of the landlord's rules and regulations governing said premises, provided such rules and regulations are reasonable and have been accepted in writing by the tenant or made a part of the lease at the beginning of the lease term.

e. (1) The person has continued, after written notice to cease, to substantially violate or breach any of the covenants or agreements contained in the lease for the premises where a right of reentry is reserved to the landlord in the lease for a violation of such covenant or agreement, provided

including specifically any change in the term thereof, which the tenant, after written notice, refuses to accept; provided that in cases where a tenant has received a notice of termination pursuant to subsection g. of section 3 of P.L.1974, c.49 (C.2A:18-61.2), or has a protected tenancy status pursuant to section 9 of the "Senior Citizens and Disabled Protected Tenancy Act," P.L.1981, c.226 (C.2A:18-61.30), or pursuant to the "Tenant Protection Act of 1992," P.L.1991, c.509 (C.2A:18-61.40 et al.), the landlord or owner shall have the burden of proving that any change in the terms and conditions of the lease, rental or regulations both is reasonable and does not substantially reduce the rights and privileges to which the tenant was entitled prior to the conversion.

j. The person, after written notice to cease, has habitually and without legal justification failed to pay rent which is due and owing.

k. The landlord or owner of the building or mobile home park is converting from the rental market to a condominium, cooperative or fee simple ownership of two or more dwelling units or park sites, except as hereinafter provided in subsection l. of this section. Where the tenant is being removed pursuant to this subsection, no warrant for possession shall be issued until this act has been complied with. No action for possession shall be brought pursuant to this subsection against a senior citizen tenant or disabled tenant with protected tenancy status pursuant to the "Senior Citizens and Disabled Protected Tenancy Act," P.L.1981, c.226 (C.2A:18-61.22 et al.), or against a qualified tenant under the "Tenant Protection Act of 1992," P.L.1991, c.509 (C.2A:18-61.40 et al.), as long as the agency has not terminated the protected tenancy status or the protected tenancy period has not expired.

l. (1) The owner of a building or mobile home park, which is constructed as or being converted to a condominium, cooperative or fee simple ownership, seeks to evict a tenant or sublessee whose initial tenancy began after the master deed, agreement establishing the cooperative or subdivision plat was recorded, because the owner has contracted to sell the unit to a buyer who seeks to personally occupy it and the contract for sale calls for the unit to be vacant at the time of closing. However, no action shall be brought against a tenant under paragraph (1) of this subsection unless the tenant was given a statement in accordance with section 6 of P.L.1975, c.311 (C.2A:18-61.9);

(2) The owner of three or less condominium or cooperative units seeks to evict a tenant whose initial tenancy began by rental from an owner of three or less units after the master deed or agreement establishing the cooperative was recorded, because the owner seeks to personally occupy the unit, or has contracted to sell the unit to a buyer who seeks to personally

may be brought pursuant to this subsection more than two years after the adjudication or conviction or more than two years after the person's release from incarceration whichever is the later.

p. The person has been found, by a preponderance of the evidence, liable in a civil action for removal commenced under this act for an offense under N.J.S.2C:20-1 et al. involving theft of property located on the leased premises from the landlord, the leased premises or other tenants residing in the leased premises, or N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault or terroristic threats against the landlord, a member of the landlord's family or an employee of the landlord, or under the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al., involving the use, possession, manufacture, dispensing or distribution of a controlled dangerous substance, controlled dangerous substance analog or drug paraphernalia within the meaning of that act within or upon the leased premises or the building or complex of buildings and land appurtenant thereto, or the mobile home park, in which those premises are located, and has not in connection with his sentence for that offense either (1) successfully completed or (2) been admitted to and continued upon probation while completing a drug rehabilitation program pursuant to N.J.S.2C:35-14; or, being the tenant or lessee of such leased premises, knowingly harbors or harbored therein a person who committed such an offense, or otherwise permits or permitted such a person to occupy those premises for residential purposes, whether continuously or intermittently, except that this subsection shall not apply to a person who harbors or permits a juvenile to occupy the premises if the juvenile has been adjudicated delinquent upon the basis of an act which if committed by an adult would constitute the offense of use or possession under the said "Comprehensive Drug Reform Act of 1987."

q. The person has been convicted of or pleaded guilty to, or if a juvenile, has been adjudicated delinquent on the basis of an act which if committed by an adult would constitute an offense under N.J.S.2C:20-1 et al. involving theft of property from the landlord, the leased premises or other tenants residing in the same building or complex; or, being the tenant or lessee of such leased premises, knowingly harbors therein a person who has been so convicted or has so pleaded, or otherwise permits such a person to occupy those premises for residential purposes, whether continuously or intermittently.

For purposes of this section, (1) "developmental disability" means any disability which is defined as such pursuant to section 3 of P.L.1977, c.82 (C.30:6D-3); (2) "member of the immediate family" means a person's spouse, parent, child or sibling, or a spouse, parent, child or sibling of any of them; and (3) "permanently" occupies or occupied means that the occupant

pupils pursuant to this section; however these pupils shall be included in the calculation of the district's regular vehicle capacity utilization for purposes of the application of the incentive factor pursuant to that section.

Prior to providing transportation pursuant to this section to a nonpublic school pupil who lives within the district, a board of education shall determine if the pupil is eligible for transportation or an in-lieu-of payment pursuant to section 1 of P.L.1999, c.350 (C.18A:39-1.6). If the board of education determines that the pupil is eligible for transportation or an in-lieu-of payment pursuant to section 1 of P.L.1999, c.350 (C.18A:39-1.6), then that provision of law shall govern the transportation services provided to the pupil by the board of education.

2. This act shall take effect immediately.

Approved September 8, 2000.

CHAPTER 115

AN ACT concerning the New Jersey School of the Arts, amending P.L.1969, c.95 and repealing section 5 of P.L.1969, c.95.

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

1. Section 1 of P.L.1969, c.95 (C.18A:61A-1) is amended to read as follows:

C.18A:61A-1 Declaration of policy.

1. It is hereby declared to be the policy of the State to foster, encourage and promote, and to provide assistance for, the cultural development of the citizens of New Jersey, and to this end the State Legislature hereby establishes a school for the workplace readiness skills of students in the performing, literary and visual arts which shall be defined as an educational institution of the State under the supervision and direction of the State Board of Education, to serve the students of New Jersey and to supplement and provide instruction to fulfill the Core Curriculum Content Standards for the Visual and Performing Arts adopted by the State Board of Education, to be known as the New Jersey School of the Arts, hereinafter referred to as "the school."

known as "The Trustees of the New Jersey School of the Arts" and shall be a body corporate, with all the powers usually conferred upon such bodies and necessary to enable it to make contracts, and to exercise such other rights and privileges as may be necessary for carrying out the provisions and purposes of this act. The school shall employ northern, central and southern coordinators and hire appropriate professional staff to implement programs in music, dance, visual arts and creative writing in each of the 21 counties of the State.

5. Section 6 of P.L.1969, c.95 (C.18A:61A-6) is amended to read as follows:

C.18A:61A-6 Board supervision; powers, duties.

6. The board of trustees of the school shall, within the general policies and guidelines set by the State Board of Education, have general supervision over, and shall be vested with the conduct of, the school. It shall, within the general policies and guidelines set by the State Board of Education, have the power and duty to:

- a. Determine the educational curriculum and program of the school in accordance with the arts standards, frameworks and assessments;
- b. Determine policies for the organization, administration and development of the school;
- c. Study the educational and financial needs of the school; annually acquaint the Governor and Legislature with the condition of the school; and prepare, and after concurrence by and jointly with the State Board of Education, present the annual budget to the Governor and Legislature, in accordance with law;
- d. Subject to the provisions of P.L.1944, c.112 (C.52:27B-1 et seq.), direct and control the expenditures of the school in accordance with the provisions of the budget and the appropriations acts of the Legislature, except that with respect to transfers of funds pursuant to P.L.1944, c.112 (C.52:27B-1 et seq.), the school shall be deemed a spending agency, and as to funds received or solicited from other sources, in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions, the counsel, advice and assistance of the Division of Investment in the Department of the Treasury shall be available to the board of trustees in the establishment and maintenance of endowment and trust funds;
- e. With the approval of the State Board of Education appoint and fix the compensation of a director of the school who shall be its executive officer and shall serve at the pleasure of the board of trustees;
- f. Appoint members of the academic, administrative and teaching staffs as shall be required and fix their compensation and terms of employment in accordance with salary policies adopted by the State Board of Education,

CHAPTER 116

AN ACT concerning eligibility to purchase Medicaid coverage and amending P.L.1968, c.413.

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

1. Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to read as follows:

C.30:4D-3 Definitions.

3. Definitions. As used in this act, and unless the context otherwise requires:

a. "Applicant" means any person who has made application for purposes of becoming a "qualified applicant."

b. "Commissioner" means the Commissioner of Human Services.

c. "Department" means the Department of Human Services, which is herein designated as the single State agency to administer the provisions of this act.

d. "Director" means the Director of the Division of Medical Assistance and Health Services.

e. "Division" means the Division of Medical Assistance and Health Services.

f. "Medicaid" means the New Jersey Medical Assistance and Health Services Program.

g. "Medical assistance" means payments on behalf of recipients to providers for medical care and services authorized under this act.

h. "Provider" means any person, public or private institution, agency or business concern approved by the division lawfully providing medical care, services, goods and supplies authorized under this act, holding, where applicable, a current valid license to provide such services or to dispense such goods or supplies.

i. "Qualified applicant" means a person who is a resident of this State, and either a citizen of the United States or an eligible alien, and is determined to need medical care and services as provided under this act, and who:

(1) Is a dependent child or parent or caretaker relative of a dependent child who would be, except for resources, eligible for the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act as of July 16, 1996;

(ii) For households of three or more persons, the income standard shall be set at 133 1/3% of the State's payment level to similar size households under the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act in effect as of July 16, 1996.

(c) The following resource standard shall be used to determine medically needy eligibility:

(i) For one person households, the resource standard shall be 200% of the resource standard for recipients of Supplemental Security Income pursuant to 42 U.S.C.s.1382(1)(B);

(ii) For two person households, the resource standard shall be 200% of the resource standard for recipients of Supplemental Security Income pursuant to 42 U.S.C.s.1382(2)(B);

(iii) For households of three or more persons, the resource standard in subparagraph (c)(ii) above shall be increased by \$100.00 for each additional person; and

(iv) The resource standards established in (i), (ii), and (iii) are subject to federal approval and the resource standard may be lower if required by the federal Department of Health and Human Services.

(d) Individuals whose income exceeds those established in subparagraph (b) of paragraph (8) of this subsection may become medically needy by incurring medical expenses as defined in 42 C.F.R.435.831(c) which will reduce their income to the applicable medically needy income established in subparagraph (b) of paragraph (8) of this subsection.

(e) A six-month period shall be used to determine whether an individual is medically needy.

(f) Eligibility determinations for the medically needy program shall be administered as follows:

(i) County welfare agencies and other entities designated by the commissioner are responsible for determining and certifying the eligibility of pregnant women and dependent children. The division shall reimburse county welfare agencies for 100% of the reasonable costs of administration which are not reimbursed by the federal government for the first 12 months of this program's operation. Thereafter, 75% of the administrative costs incurred by county welfare agencies which are not reimbursed by the federal government shall be reimbursed by the division;

(ii) The division is responsible for certifying the eligibility of individuals who are 65 years of age and older and individuals who are blind or disabled. The division may enter into contracts with county welfare agencies to determine certain aspects of eligibility. In such instances the division shall provide county welfare agencies with all information the division may have available on the individual.

not exceed 200% of the resource standard used to determine eligibility under the Supplemental Security Income program, P.L.1973, c.256 (C.44:7-85 et seq.) and whose income beginning January 1, 1993 does not exceed 110% of the poverty level, and beginning January 1, 1995 does not exceed 120% of the poverty level.

(b) An individual who has, within 36 months, or within 60 months in the case of funds transferred into a trust, of applying to be a qualified applicant for Medicaid services in a nursing facility or a medical institution, or for home or community-based services under section 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)), disposed of resources or income for less than fair market value shall be ineligible for assistance for nursing facility services, an equivalent level of services in a medical institution, or home or community-based services under section 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)). The period of the ineligibility shall be the number of months resulting from dividing the uncompensated value of the transferred resources or income by the average monthly private payment rate for nursing facility services in the State as determined annually by the commissioner. In the case of multiple resource or income transfers, the resulting penalty periods shall be imposed sequentially. Application of this requirement shall be governed by 42 U.S.C. s.1396p(c). In accordance with federal law, this provision is effective for all transfers of resources or income made on or after August 11, 1993. Notwithstanding the provisions of this subsection to the contrary, the State eligibility requirements concerning resource or income transfers shall not be more restrictive than those enacted pursuant to 42 U.S.C. s.1396p(c).

(c) An individual seeking nursing facility services or home or community-based services and who has a community spouse shall be required to expend those resources which are not protected for the needs of the community spouse in accordance with section 1924(c) of the federal Social Security Act (42 U.S.C. s.1396r-5(c)) on the costs of long-term care, burial arrangements, and any other expense deemed appropriate and authorized by the commissioner. An individual shall be ineligible for Medicaid services in a nursing facility or for home or community-based services under section 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)) if the individual expends funds in violation of this subparagraph. The period of ineligibility shall be the number of months resulting from dividing the uncompensated value of transferred resources and income by the average monthly private payment rate for nursing facility services in the State as determined by the commissioner. The period of ineligibility shall begin with the month that the individual would otherwise be eligible for Medicaid coverage for nursing facility services or home or community-based services.

be liable in contract, tort, or otherwise by law or equity to pay all or part of the medical cost of injury, disease or disability of an applicant for or recipient of medical assistance payable under this act.

n. "Governmental peer grouping system" means a separate class of skilled nursing and intermediate care facilities administered by the State or county governments, established for the purpose of screening their reported costs and setting reimbursement rates under the Medicaid program that are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated State or county skilled nursing and intermediate care facilities.

o. "Comprehensive maternity or pediatric care provider" means any person or public or private health care facility that is a provider and that is approved by the commissioner to provide comprehensive maternity care or comprehensive pediatric care as defined in subsection b. (18) and (19) of section 6 of P.L. 1968, c.413 (C.30:4D-6).

p. "Poverty level" means the official poverty level based on family size established and adjusted under Section 673(2) of Subtitle B, the "Community Services Block Grant Act," of Pub.L.97-35 (42 U.S.C. s.9902(2)).

q. "Eligible alien" means one of the following:

(1) an alien present in the United States prior to August 22, 1996, who is:

(a) a lawful permanent resident;

(b) a refugee pursuant to section 207 of the federal "Immigration and Nationality Act" (8 U.S.C. s.1157);

(c) an asylee pursuant to section 208 of the federal "Immigration and Nationality Act" (8 U.S.C. s.1158);

(d) an alien who has had deportation withheld pursuant to section 243(h) of the federal "Immigration and Nationality Act" (8 U.S.C. s.1253 (h));

(e) an alien who has been granted parole for less than one year by the federal Immigration and Naturalization Service pursuant to section 212(d)(5) of the federal "Immigration and Nationality Act" (8 U.S.C. s.1182(d)(5));

(f) an alien granted conditional entry pursuant to section 203(a)(7) of the federal "Immigration and Nationality Act" (8 U.S.C. s.1153(a)(7)) in effect prior to April 1, 1980; or

(g) an alien who is honorably discharged from or on active duty in the United States armed forces and the alien's spouse and unmarried dependent child.

(2) An alien who entered the United States on or after August 22, 1996, who is:

(a) an alien as described in paragraph (1)(b), (c), (d) or (g) of this subsection; or

(b) an alien as described in paragraph (1)(a), (e) or (f) of this subsection who entered the United States at least five years ago.

(1) For the first offense, to a fine of not less than \$250.00 nor more than \$400.00 and a period of detainment of not less than 12 hours nor more than 48 hours spent during two consecutive days of not less than six hours each day and served as prescribed by the program requirements of the Intoxicated Driver Resource Centers established under subsection (f) of this section and, in the discretion of the court, a term of imprisonment of not more than 30 days and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of not less than six months nor more than one year. For a first offense, a person also shall be subject to the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.).

(2) For a second violation, a person shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00, and shall be ordered by the court to perform community service for a period of 30 days, which shall be of such form and on such terms as the court shall deem appropriate under the circumstances, and shall be sentenced to imprisonment for a term of not less than 48 consecutive hours, which shall not be suspended or served on probation, nor more than 90 days, and shall forfeit his right to operate a motor vehicle over the highways of this State for a period of two years upon conviction, and, after the expiration of said period, he may make application to the Director of the Division of Motor Vehicles for a license to operate a motor vehicle, which application may be granted at the discretion of the director, consistent with subsection (b) of this section. For a second violation, a person also shall be required to install an ignition interlock device under the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.) or shall have his registration certificate and registration plates revoked for two years under the provisions of section 2 of P.L.1995, c.286 (C.39:3-40.1).

(3) For a third or subsequent violation, a person shall be subject to a fine of \$1,000.00, and shall be sentenced to imprisonment for a term of not less than 180 days, except that the court may lower such term for each day, not exceeding 90 days, served performing community service in such form and on such terms as the court shall deem appropriate under the circumstances and shall thereafter forfeit his right to operate a motor vehicle over the highways of this State for 10 years. For a third or subsequent violation, a person also shall be required to install an ignition interlock device under the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.) or shall have his registration certificate and registration plates revoked for 10 years under the provisions of section 2 of P.L.1995, c.286 (C.39:3-40.1).

As used in this section, the phrase "narcotic, hallucinogenic or habit-producing drug" includes an inhalant or other substance containing a chemical capable of releasing any toxic vapors or fumes for the purpose of inducing a condition of intoxication, such as any glue, cement or any other substance containing one or more of the following chemical compounds:

by this section on a second or subsequent offender, but if the second offense occurs more than 10 years after the first offense, the court shall treat the second conviction as a first offense for sentencing purposes and if a third offense occurs more than 10 years after the second offense, the court shall treat the third conviction as a second offense for sentencing purposes.

(b) A person convicted under this section must satisfy the screening, evaluation, referral, program and fee requirements of the Division of Alcoholism and Drug Abuse's Intoxicated Driving Program Unit, and of the Intoxicated Driver Resource Centers and a program of alcohol and drug education and highway safety, as prescribed by the Director of the Division of Motor Vehicles. The sentencing court shall inform the person convicted that failure to satisfy such requirements shall result in a mandatory two-day term of imprisonment in a county jail and a driver license revocation or suspension and continuation of revocation or suspension until such requirements are satisfied, unless stayed by court order in accordance with the Rules Governing the Courts of the State of New Jersey, or R.S.39:5-22. Upon sentencing, the court shall forward to the Division of Alcoholism and Drug Abuse's Intoxicated Driving Program Unit a copy of a person's conviction record. A fee of \$100.00 shall be payable to the Alcohol Education, Rehabilitation and Enforcement Fund established pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32) to support the Intoxicated Driving Program Unit.

(c) Upon conviction of a violation of this section, the court shall collect forthwith the New Jersey driver's license or licenses of the person so convicted and forward such license or licenses to the Director of the Division of Motor Vehicles. The court shall inform the person convicted that if he is convicted of personally operating a motor vehicle during the period of license suspension imposed pursuant to subsection (a) of this section, he shall, upon conviction, be subject to the penalties established in R.S.39:3-40. The person convicted shall be informed orally and in writing. A person shall be required to acknowledge receipt of that written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of R.S.39:3-40. In the event that a person convicted under this section is the holder of any out-of-State driver's license, the court shall not collect the license but shall notify forthwith the director, who shall, in turn, notify appropriate officials in the licensing jurisdiction. The court shall, however, revoke the nonresident's driving privilege to operate a motor vehicle in this State, in accordance with this section. Upon conviction of a violation of this section, the court shall notify the person convicted, orally and in writing, of the penalties for a second, third or subsequent violation of this section. A person shall be required to acknowledge receipt of that

Drug Abuse pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

The centers shall conduct a program of alcohol and drug education and highway safety, as prescribed by the Director of the Division of Motor Vehicles.

The Commissioner of Health and Senior Services shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the purposes of this subsection.

(g) When a violation of this section occurs while:

(1) on any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property;

(2) driving through a school crossing as defined in R.S.39:1-1 if the municipality, by ordinance or resolution, has designated the school crossing as such; or

(3) driving through a school crossing as defined in R.S.39:1-1 knowing that juveniles are present if the municipality has not designated the school crossing as such by ordinance or resolution, the convicted person shall: for a first offense, be fined not less than \$500 or more than \$800, be imprisoned for not more than 60 days and have his license to operate a motor vehicle suspended for a period of not less than one year or more than two years; for a second offense, be fined not less than \$1,000 or more than \$2,000, perform community service for a period of 60 days, be imprisoned for not less than 96 consecutive hours, which shall not be suspended or served on probation, nor more than 180 days, except that the court may lower such term for each day, not exceeding 90 days, served performing community service in such form and on such terms as the court shall deem appropriate under the circumstances and have his license to operate a motor vehicle suspended for a period of not less than four years; and, for a third offense, be fined \$2,000, imprisoned for 180 days and have his license to operate a motor vehicle suspended for a period of 20 years; the period of license suspension shall commence upon the completion of any prison sentence imposed upon that person.

A map or true copy of a map depicting the location and boundaries of the area on or within 1,000 feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or school board produced pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under paragraph (1) of this subsection.

It shall not be relevant to the imposition of sentence pursuant to paragraph (1) or (2) of this subsection that the defendant was unaware that the prohibited conduct took place while on or within 1,000 feet of any school property or while driving through a school crossing. Nor shall it be relevant to the imposition of sentence that no juveniles were present on the

contact under N.J.S.2C:14-3, or any attempt to commit any of these crimes, or adjudicated not delinquent by reason of insanity for an act which, if committed by an adult, would constitute one of these crimes, shall have a blood sample drawn or other biological sample collected for purposes of DNA testing.

d. On or after January 1, 2000 every person convicted of murder pursuant to N.J.S.2C:11-3, manslaughter pursuant to N.J.S.2C:11-4, aggravated assault of the second degree pursuant to paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1, kidnapping pursuant to N.J.S.2C:13-1, luring or enticing a child in violation of P.L.1993, c.291 (C.2C:13-6), engaging in sexual conduct which would impair or debauch the morals of a child pursuant to N.J.S.2C:24-4, or any attempt to commit any of these crimes and who is sentenced to a term of imprisonment shall have a blood sample drawn or other biological sample collected for purposes of DNA testing upon commencement of the period of confinement.

In addition, every person convicted on or after January 1, 2000 of these offenses, but who is not sentenced to a term of confinement, shall provide a DNA sample as a condition of the sentence imposed. A person who has been convicted and incarcerated as a result of a conviction of one or more of these offenses prior to January 1, 2000 shall provide a DNA sample before parole or release from incarceration.

e. On or after January 1, 2000 every juvenile adjudicated delinquent for an act which, if committed by an adult, would constitute murder pursuant to N.J.S.2C:11-3, manslaughter pursuant to N.J.S.2C:11-4, aggravated assault of the second degree pursuant to paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1, kidnapping pursuant to N.J.S.2C:13-1, luring or enticing a child in violation of P.L.1993, c.291 (C.2C:13-6), engaging in sexual conduct which would impair or debauch the morals of a child pursuant to N.J.S.2C:24-4, or any attempt to commit any of these crimes, shall have a blood sample drawn or other biological sample collected for purposes of DNA testing.

f. On or after January 1, 2000 every person found not guilty by reason of insanity of murder pursuant to N.J.S.2C:11-3, manslaughter pursuant to N.J.S.2C:11-4, aggravated assault of the second degree pursuant to paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1, kidnapping pursuant to N.J.S.2C:13-1, luring or enticing a child in violation of P.L.1993, c.291 (C.2C:13-6), engaging in sexual conduct which would impair or debauch the morals of a child pursuant to N.J.S.2C:24-4, or any attempt to commit any of these crimes, or adjudicated not delinquent by reason of insanity for an act which, if committed by an adult, would constitute one of these crimes, shall have a blood sample drawn or other biological sample collected for purposes of DNA testing.

completion of these programs. In the case of education courses or programs, each hour of instruction shall be equivalent to one credit; and

(4) Approve only those continuing education programs as are available to all marriage and family therapists in this State on a reasonable nondiscriminatory basis.

C.45:8B-24.2 Waiver of continuing education requirement.

2. The board may, in its discretion, waive requirements for continuing education on an individual basis for reasons of hardship, such as health or other good cause.

C.45:8B-24.3 Continuing education credits not required for initial registration.

3. The board shall not require completion of continuing education credits for initial registrations. The board shall not require completion of continuing education credits for any registration periods commencing within 12 months of the effective date of this act. The board shall require completion of continuing education credits on a pro rata basis for any registration periods commencing more than 12 but less than 24 months following the effective date of this act.

4. This act shall take effect immediately.

Approved September 13, 2000.

CHAPTER 120

AN ACT concerning the comprehensive enforcement court program and amending P.L.1967, c.43 and amending and supplementing P.L.1995, c.9.

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

1. Section 19 of P.L.1967, c.43 (C.2A:158A-19) is amended to read as follows:

C.2A:158A-19 Collection of moneys due State.

19. The Public Defender in the name of the State shall do all things necessary and proper to collect all moneys due to the State by way of reimbursement for services rendered pursuant to this act. He may enter into arrangements with one or more agencies of the State, including the comprehensive enforcement program established pursuant to the provisions of P.L.1995, c.9 (C.2B:19-1 et seq.) or of the counties to handle said

3. Section 6 of P.L.1995, c.9 (C.2B:19-6) is amended to read as follows:

C.2B:19-6 Unresolved money collection matters; DMV surcharges; public defender liens.

6. a. All matters involving the collection of moneys in the Superior Court and Tax Court which have not been resolved in accordance with an order of the court may be transferred, pursuant to court rule, to the comprehensive enforcement program for such action as may be appropriate.

b. (1) A municipal court may request that all matters which have not been resolved in accordance with an order of that court be transferred to the comprehensive enforcement program for such action as may be appropriate. All moneys collected through the comprehensive enforcement program which result from the enforcing of orders transferred from any municipal court shall be subject to the 25% deduction authorized pursuant to section 4 of this act except for moneys collected in connection with the enforcement of orders related to parking violations.

(2) Nothing contained in this act shall prevent any municipal court from contracting the services of a private collection agency to collect any moneys which have not been remitted in accordance with an order of that court.

c. The Director of the Division of Motor Vehicles may refer matters of surcharges imposed administratively under the New Jersey Merit Rating Plan in accordance with the provisions of section 6 of P.L.1983, c.65 (C.17:29A-35) which have not been satisfied to the comprehensive enforcement program in accordance with the procedures established pursuant to section 4 of P.L.1997, c.280 (C.2B:19-10) to be reduced to judgment and for such additional action as may be appropriate. All moneys collected through the comprehensive enforcement program which result from the collection of these surcharge moneys shall be subject to the 25% deduction authorized pursuant to section 4 of P.L.1995, c.9 (C.2B:19-4).

d. (1) At the request of the Public Defender, the Clerk of the Superior Court shall refer every unsatisfied lien, filed by the Public Defender, to the comprehensive enforcement program for collection. All moneys collected through the comprehensive enforcement program which result from the collection of these liens shall be subject to the deduction authorized pursuant to section 4 of P.L. 1995, c.9 (C.2B:19-4).

(2) Upon satisfaction of a public defender lien through the comprehensive enforcement program, the comprehensive enforcement program shall notify the Clerk of the Superior Court within 10 days of satisfaction and the satisfaction of the lien shall be entered in the Superior Court Judgment Index.

C.2B:19-11 Additional duties of program concerning public defender liens.

4. In addition to the duties set forth in P.L.1995, c.9 (C.2B:19-1 et seq.), the comprehensive enforcement program shall provide for the collection of moneys

(4) demonstrate experience with and knowledge of bleeding disorders and the management thereof;

(5) demonstrate the ability for appropriate and necessary record keeping and documentation, including the ability to expedite product recall or notification systems and the ability to assist covered persons in obtaining third party reimbursement;

(6) provide for proper removal and disposal of hazardous waste pursuant to State and federal law;

(7) provide covered persons with a written copy of the agency's policy regarding discontinuation of services related to loss of health benefits plan coverage or inability to pay; and

(8) provide covered persons, upon request, with information about the expected costs for medications and services provided by the agency that are not otherwise covered by the covered person's health benefits plan.

b. The Department of Health and Senior Services shall compile a list of providers who meet the minimum standards established pursuant to this section and shall make the list available to carriers and covered persons, upon request.

c. As used in this section: "blood product" includes, but is not limited to, Factor VIII, Factor IX and cryoprecipitate; and "blood infusion equipment" includes, but is not limited to, syringes and needles.

C.26:2S-10.2 Clinical laboratory services at outpatient regional hemophilia care center, required coverage.

2. A carrier which offers a managed care plan shall provide payment for services to the clinical laboratory at a hospital with a State-designated outpatient regional hemophilia care center regardless of whether the hospital's clinical laboratory is a participating provider in the managed care plan, if the covered person's attending physician determines that use of the hospital's clinical laboratory is necessary because:

a. the results of laboratory tests are medically necessary immediately or sooner than the normal return time for the carrier's participating clinical laboratory; or

b. accurate test results need to be determined by closely supervised procedures in venipuncture and laboratory techniques in controlled environments that cannot be achieved by the carrier's participating clinical laboratory.

The carrier shall pay the hospital's clinical laboratory for the laboratory services at the same rate it would pay a participating clinical laboratory for comparable services.

The carrier shall retain the right to review all services provided pursuant to this section for medical necessity.

contracts in which the hospital service corporation has reserved the right to change the premium.

C.17:48A-7v Coverage for hemophilia services by medical service corporation.

8. Notwithstanding the provisions of P.L.1940, c.74 (C.17:48A-1 et seq.) to the contrary, no individual or group contract shall be delivered, issued, executed or renewed on or after the effective date of P.L.2000, c.121 (C.26:2S-10.1 et al.) unless the contract meets the requirements of sections 1 and 2 of P.L.2000, c.121 (C.26:2S-10.1 and C.26:2S-10.2) and the regulations adopted thereto. The provisions of this section shall apply to all contracts in which the medical service corporation has reserved the right to change the premium.

C.17:48E-35.21 Coverage for hemophilia services by health service corporation.

9. Notwithstanding the provisions of P.L.1985, c.236 (C.17:48E-1 et seq.) to the contrary, no individual or group contract shall be delivered, issued, executed or renewed on or after the effective date of P.L.2000, c.121 (C.26:2S-10.1 et al.) unless the contract meets the requirements of sections 1 and 2 of P.L.2000, c.121 (C.26:2S-10.1 and C.26:2S-10.2) and the regulations adopted thereto. The provisions of this section shall apply to all contracts in which the health service corporation has reserved the right to change the premium.

C.26:2J-4.22 Coverage for hemophilia services by HMO.

10. Notwithstanding the provisions of P.L.1973, c.337 (C.26:2J-1 et seq.) to the contrary, a certificate of authority to establish and operate a health maintenance organization in this State shall not be issued or continued on or after the effective date of P.L.2000, c.121 (C.26:2S-10.1 et al.) unless the health maintenance organization meets the requirements of sections 1 and 2 of P.L.2000, c.121 (C.26:2S-10.1 and C.26:2S-10.2) and the regulations adopted thereto. The provisions of this section shall apply to all enrollee agreements in which the health maintenance organization has reserved the right to change the schedule of charges.

C.26:2S-10.3 Regulations by department.

11. The Department of Health and Senior Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt regulations to carry out the provisions of sections 1 and 2 of this act.

12. This act shall take effect immediately.

Approved September 14, 2000.

physical plant or facilities; the education, health, safety, general well-being and physical and intellectual development of the children; the quality and quantity of food served; the number of staff and the qualifications of each staff member; the implementation of a developmentally appropriate program; the maintenance and confidentiality of records and furnishing of required information; the transportation of children; and the administration of the center. The commissioner shall also promulgate rules and regulations for license application, issuance, renewal, expiration, denial, suspension and revocation. In developing, revising or amending such rules and regulations, the commissioner shall consult with the Child Care Advisory Council created pursuant to section 14 of P.L.1983, c.492 (C.30:5B-14), and with other appropriate administrative officers and agencies, including the Departments of Health and Senior Services, Education, Labor, Community Affairs and the Division of Motor Vehicles giving due weight to their recommendations. The rules and regulations promulgated pursuant to this act shall be adopted and amended in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

b. The department shall conduct an on site facility inspection and shall evaluate the program of the child care center to determine whether the center complies with the provisions of this act.

c. Any rule or regulation involving physical examination, immunization or medical treatment shall include an appropriate exemption for any child whose parent or parents object thereto on the ground that it conflicts with the tenets and practice of a recognized church or religious denomination of which the parent or child is an adherent or member.

d. The department shall have the authority to inspect and examine the physical plant or facilities of a child care center and to inspect all documents, records, files or other data maintained pursuant to this act during normal operating hours and without prior notice.

e. The department shall request the appropriate State and local fire, health and building officials to conduct examinations and inspections to determine compliance with State and local ordinances, codes and regulations by a child care center. The inspections shall be conducted and the results reported to the department within 60 days after the request.

f. Nothing in this act shall be interpreted to permit the adoption of any code or standard which exceeds the standards established pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

g. Any rules and regulations adopted by the department pursuant to this act prescribing standards governing the safety and adequacy of the physical plant or facilities of child care centers shall not apply to a child care center operated by a nonprofit organization in a public school building used as a public school.

(C.5:5-98), shall make disposition of the deposits remaining undistributed pursuant to section 44 as follows:

a. In the case of harness races:

(1) On a racing day designated or allotted as a charity racing day pursuant to P.L.1977, c.200 (C.5:5-44.2 et seq.), P.L.1993, c.15 (C.5:5-44.8), or section 1 of P.L.1997, c.80 (C.5:5-44.9), pay to the commission, at the time and in the manner prescribed by the commission, 1.25% of so much of the total contributions to all parimutuel pools conducted or made on any and every horse race, except that for pools where the patron is required to select two horses, the permitholder shall pay 2.25% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall pay 5.25% of the total contributions;

(2) Hold and set aside in an account designated as a special trust account 1.15% of such total contributions in all pools, to be used and distributed as hereinafter provided and as provided in section 5 of P.L.1967, c.40, for the following purposes and no other:

(a) 37% thereof to increase purses and grant awards for starting horses, as provided or as may be provided by rules of the New Jersey Racing Commission, with payment to be made in the same manner as payment of other purses and awards;

(b) 55% thereof for the establishment of a Sire Stakes Program for standardbred horses, with payment to be made to the Department of Agriculture for administration as hereinbefore provided;

(c) 5% thereof to the Sire Stakes Program for purse supplements designed to improve and promote the standardbred breeding industry in New Jersey by increasing purses for owners of horses that are sired by a New Jersey registered stallion and are eligible to participate in the Sire Stakes Program. The Sire Stakes Program board of trustees shall consult with the Standardbred Breeders' and Owners' Association of New Jersey before disbursing money for purse supplements;

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

(3) Retain 7.7875%, or in the case of races on a charity racing day 7.20%, of so much of such total contributions for his own uses and purposes. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall retain 8.7575%, or in the case of races on a charity racing day 7.70%, of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 11.6675%, or in the case of races on a charity racing day 9.20%, of the total contributions. Each permitholder shall contribute out of its 11.6675% or 9.20% share of pools, where the patron is required to select three or more

amount shall be .045%, and for pools where the patron is required to select three or more horses, the amount shall be .105%.

Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

b. In the case of running races:

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

(a) On a racing day designated or allotted as a charity racing day pursuant to P.L.1977, c.200 (C.5:5-44.2 et seq.), P.L.1993, c.15 (C.5:5-44.8), or section 1 of P.L.1997, c.80 (C.5:5-44.9), pay to the commission, at the time and in the manner prescribed by the commission, .30% of so much of the total contributions to all parimutuel pools conducted or made on any and every horse race, except that for pools where the patron is required to select three or more horses, the permitholder shall pay 1.30% of the total contributions.

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

(c) Retain 9.991%, or in the case of races on a charity racing day 9.85%, of such total contributions for his own uses and purposes. For pools where the patron is required to select two horses, the permitholder shall retain 11.061%, or in the case of races on a charity racing day 10.92%, of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 13.941%, or in the case of races on a charity racing day 13.33%, of the total contributions. Each permitholder shall contribute out of its 13.941% or 13.33% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the racing commission, to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of the commission.

(d) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Thoroughbred Horseman's Benevolent Association 6.141%, or in the case of races on a charity racing day 6.00%, of such contributions. Notwithstanding the foregoing, for pools where the

for pools where the patron is required to select three or more horses, the amount shall be .026%.

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

(j) Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

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

(a) On a racing day designated or allotted as a charity racing day pursuant to P.L.1977, c.200 (C.5:5-44.2 et seq.), P.L.1993, c.15 (C.5:5-44.8), or section 1 of P.L.1997, c.80 (C.5:5-44.9), pay to the commission, at the time and in the manner prescribed by the commission, .50% of so much of the total contributions to all parimutuel pools conducted or made on any and every horse race.

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

(c) Retain 9.305%, or in the case of races on a charity racing day 9.07%, of such total contributions for his own uses and purposes. For pools where the patron is required to select two horses, the permitholder shall retain 10.375%, or in the case of races on a charity racing day 10.14%, of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 13.545%, or in the case of races on a charity racing day 13.31%, of the total contributions. Each permitholder shall contribute out of its 13.545% or 13.31% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the racing commission, to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of the commission.

(d) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Thoroughbred Horseman's Benevolent Association 6.815%, or in the case of races on a charity racing day 6.58%,

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

(j) Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

2. Section 2 of P.L.1984, c.236 (C.5:5-66.1) is amended to read as follows:

C.5:5-66.1 Undistributed deposits.

2. Notwithstanding the provisions of section 46 of P.L.1940, c.17 (C.5:5-66) or any other law to the contrary, a holder of a permit to conduct harness race meetings who operates a racetrack at which harness race meetings were conducted during calendar year 1984 but which were suspended for 30 days or more during that calendar year because of fire, and a holder of a permit to conduct harness race meetings who conducted harness race meetings at the aforementioned racetrack during 1984 and who continues to conduct harness race meetings at that racetrack, shall make disposition of the deposits remaining undistributed pursuant to section 1 of this act as follows:

a. On a racing day designated or allotted as a charity racing day pursuant to P.L.1977, c.200 (C.5:5-44.2 et seq.), P.L.1993, c.15 (C.5:5-44.8), or section 1 of P.L.1997, c.80 (C.5:5-44.9), pay to the commission, at the time and in the manner prescribed by the commission, .50% of so much of the total contributions to all parimutuel pools conducted or made on any and every horse race;

b. Hold and set aside in an account designated as a special trust account 1.15% of such total contributions in all pools to be used and distributed as hereinafter provided and as provided in section 5 of P.L.1967, c.40, for the following purposes and no other:

(1) 37% thereof to increase purses and grant awards for starting horses as provided or as may be provided by rules of the New Jersey Racing Commission with payment to be made in the same manner as payment of other purses and awards;

(2) 55% thereof for the establishment of a Sire Stakes Program for standardbred horses with payment to be made to the Department of Agriculture for administration as hereinbefore provided;

(3) 5% thereof to the Sire Stakes Program for purse supplements designed to improve and promote the standardbred breeding industry in New Jersey by increasing purses for owners of horses that are sired by a

e. In the case of races on a racing day other than a charity racing day, distribute to the Standardbred Breeders' and Owners' Association of New Jersey for the administration of a health benefits program for horsemen .1175% of such total contributions.

f. In the case of races on a racing day other than a charity racing day, distribute to the Sire Stakes Program for standardbred horses .02% of such total contributions.

g. In the case of races on a racing day other than a charity racing day, distribute to the Backstretch Benevolency Programs Fund created pursuant to P.L.1993, c.15 (C.5:5-44.8) .01% of such total contributions.

Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from the permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

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

C.5:5-98 Garden State Racetrack.

5. The permitholder shall distribute the sums deposited in parimutuel pools to winners thereof in accordance with section 44 of P.L.1940, c.17 (C.5:5-64) and shall dispose of the deposits remaining undistributed as follows:

a. In the case of harness races:

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

(a) 42 1/2% 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) 5 1/2% thereof to the Sire Stakes Program for purse supplements designed to improve and promote the standardbred breeding industry in New Jersey by increasing purses for owners of horses that are sired by a New Jersey registered stallion and are eligible to participate in the Sire Stakes Program. The Sire Stakes Program board of trustees shall consult with the Standardbred Breeders' and Owners' Association of New Jersey before disbursing money for purse supplements;

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

(2) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Thoroughbred Horseman's Benevolent Association 4.475%, or in the case of races on a charity racing day 4.24%, of such total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Thoroughbred Horseman's Benevolent 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 Thoroughbred Horseman's Benevolent 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 7.475%, or in the case of races on a charity racing day 7.24%, of the total contributions.

(3) 60% of 1% of all pools shall be deducted and set aside in the special trust account established pursuant to section 46b.(1)(e) and 46b.(2)(e) of P.L.1940, c.17 (C.5:5-66). The commission may, however, reduce this amount for a period of time to be determined by the commission upon a request by the 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 10% of 1% of total contributions to all parimutuel 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.

(4) In the case of races on a racing day other than a charity racing day, distribute to the Thoroughbred Breeders' Association of New Jersey .02% of such total contributions.

(5) In the case of races on a racing day other than a charity racing day, distribute to the Backstretch Benevolency Programs Fund created pursuant to P.L.1993, c.15 (C.5:5-44.8) .01% of such total contributions.

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 46b.(1)(e) and 46b.(2)(e) of P.L.1940, c.17 (C.5:5-66).

Payment of the sums held and set aside pursuant to paragraphs (1) and (3) of this subsection shall be made to the commission every seventh day of any and every race meeting in the amount then due, as determined in the

a permit shall be granted to the authority. If, after such review, the Racing Commission acts favorably on such application, a permit shall be granted to the authority without any further approval and shall remain in force and effect so long as any bonds or notes of the authority remain outstanding, the provisions of any other law to the contrary notwithstanding. In granting a permit to the authority to conduct a horse race meeting, the Racing Commission shall not be subject to any limitation as to the number of tracks authorized for the conduct of horse race meetings pursuant to any provision of P.L.1940, c.17 (C.5:5-22 et seq.). Said permit shall set forth the dates to be allotted to the authority for its initial horse race meetings. Thereafter application for dates for horse race meetings by the authority and the allotment thereof by the Racing Commission, including the renewal of the same dates theretofore allotted, shall be governed by the applicable provisions of P.L.1940, c.17 (C.5:5-22 et seq.). Notwithstanding the provisions of any other law to the contrary, the Racing Commission shall allot annually to the authority (1) for the Meadowlands Complex, in the case of harness racing, not less than 100 racing days, and in the case of running racing, not less than 56 racing days, if and to the extent that application is made therefor, and (2) for any other project which is set forth in paragraph (5) of subsection a. of section 6 of P.L.1971, c.137 (C.5:10-6), and which was previously operated by a permitholder other than the authority, racing days shall be limited, in type of racing and amount of days, to those allotted by the Racing Commission to the prior permitholder for the year 1985, as of December 13, 1984; except that the authority may apply to the Racing Commission for an extension of the number and type of racing days pursuant to section 2 of P.L.1984, c.247 (C.5:5-43.1).

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

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

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

(1) In the case of harness races:

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

proper and necessary and which shall be subject to the regulation and control of said commission.

(c) In the case of races on a racing day other than a charity racing day, distribute to the Standardbred Breeders' and Owners' Association of New Jersey for the administration of a health benefits program for horsemen .1175% of such total contributions.

(d) In the case of races on a racing day other than a charity racing day, distribute to the Sire Stakes Program for standardbred horses .02% of such total contributions.

(e) In the case of races on a racing day other than a charity racing day, distribute to the Backstretch Benevolency Programs Fund created pursuant to P.L.1993, c.15 (C.5:5-44.8) .01% of such total contributions.

(2) In the case of running races:

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

(b) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Thoroughbred Horseman's Benevolent Association 4.475%, or in the case of races on a charity racing day 4.24%, of such total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Thoroughbred Horseman's Benevolent 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 Thoroughbred Horseman's Benevolent Association and the authority. Notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the authority shall distribute as purse money 7.475%, or in the case of races on a charity racing day 7.24%, of the total contributions.

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

(d) In the case of races on a racing day other than a charity racing day, distribute to the Thoroughbred Breeders' Association of New Jersey .02% of such total contributions.

(e) In the case of races on a racing day other than a charity racing day, distribute to the Backstretch Benevolency Programs Fund created pursuant to P.L.1993, c.15 (C.5:5-44.8) .01% of such total contributions.

there is parimutuel wagering, and 25% shall be retained by the permitholder to supplement overnight purses.

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

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

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

5. This act shall take effect immediately and shall be retroactive to January 1, 2000.

Approved September 14, 2000.

CHAPTER 124

AN ACT concerning extreme wrestling, amending P.L.1985, c.83 and P.L.1988, c.20.

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

1. Section 1 of P.L.1985, c.83 (C.5:2A-1) is amended to read as follows:

C.5:2A-1 Definitions.

1. As used in this act:

implement to intentionally cause bleeding or perform any intentional act which could reasonably be expected to cause bleeding, primarily for the purpose of providing entertainment to spectators rather than conducting a bona fide athletic contest.

2. Section 2 of P.L.1985, c.83 (C.5:2A-2) is amended to read as follows:

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, extreme wrestling, kick boxing and combative sports that boxing, wrestling, extreme 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, extreme 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, extreme 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, extreme wrestling, kick boxing or combative sports exhibition, event, performance or contest held in this State.

The Legislature further finds and declares that, because its principal purpose is to entertain without injuring or disabling one of the participants, professional wrestling should be excluded from this system of regulation and control.

The Legislature further finds and declares that, because its principal purpose is to entertain by having its participants intentionally cause bleeding, or perform acts which reasonably could be expected to cause bleeding, extreme wrestling should be distinguished from professional wrestling. The emphasis on dangerous stunts that cause injury and bleeding makes extreme wrestling potentially harmful to its participants. Furthermore, the atmosphere of base violence and depravity that prevails at an extreme wrestling event has a deleterious effect on children and young adults. Moreover, the liberal bloodletting that characterizes many extreme wrestling events constitutes a public health hazard not only for the participants, but also the spectators. For all of these reasons, extreme wrestling should be subject to strict State regulation.

are conducted in accordance with the provisions of this act and regulations promulgated pursuant to this act.

5. Section 11 of P.L.1985, c.83 (C.5:2A-11) is amended to read as follows:

C.5:2A-11 Violations, penalties.

11. a. 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.

b. An extreme wrestler or promoter of an extreme wrestling event who fails to apply for the required approvals, permits and licenses, or a promoter of an extreme wrestling event who knowingly admits a person under the age of 18 years to an extreme wrestling event shall be subject to a civil penalty of not less than \$5,000 for an offense.

6. Section 14 of P.L.1985, c.83 (C.5:2A-14) is amended to read as follows:

C.5:2A-14 Licensure.

14. a. No promoter shall hold or conduct any public boxing, wrestling, extreme 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, extreme 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, extreme wrestlers, kick boxers, combative sports contestants or performers, their managers, 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.

(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.

8. Section 18 of P.L.1985, c.83 (C.5:2A-18) is amended to read as follows:

C.5:2A-18 Permit required by promoter.

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, extreme 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, extreme 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, extreme wrestling, kick boxing or combative sports exhibition, event, performance 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.

e. No extreme wrestling event shall be held by any promoter who has been licensed pursuant to section 14 of P.L.1985, c.83 (C.5:2A-14) unless

tary tickets shall include upon the face of the ticket the price of the ticket and shall be printed or otherwise labeled 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, but not including extreme 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

C.5:2A-6.1 Prohibited officeholding.

4. No board member, employee or agent, including the commissioner, shall hold an office or position in any body, organization, association or federation which is established for the purpose of sanctioning boxing, professional wrestling, wrestling, extreme wrestling, kick boxing and combative sports exhibitions, events, performances and contests in this State or other states.

12. Section 5 of P.L.1988, c.20 (C.5:2A-14.1) is amended to read as follows:

C.5:2A-14.1 Events at casino hotels; licensure of promoter required.

5. No promoter shall hold or conduct any public boxing, wrestling, extreme wrestling, kick boxing or combative sports exhibition, event, performance or contest in a casino hotel which is licensed pursuant to or is an applicant for licensure pursuant to the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.) unless the promoter is licensed as a casino service industry or is an applicant for licensure as a casino service industry pursuant to the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.) or is registered as a vendor in accordance with the rules and regulations promulgated by the Casino Control Commission. Within one year of the effective date of this act, all seconds and managers and all promoters, other than those promoters who are applicants for licensure or who are licensed as a casino service industry under section 92 of P.L.1977, c.110 (C.5:12-92) or who are registered as vendors in accordance with the rules and regulations promulgated by the Casino Control Commission, shall undergo background checks conducted by the State Athletic Control Board prior to holding, conducting or participating in any public boxing, wrestling, extreme wrestling, kick boxing or combative sports exhibition, event, performance or contest in this State. Those promoters who are subject to background checks by the State Athletic Control Board pursuant to this section shall bear the costs involved in the conduct of such background checks.

The State Athletic Control Board may incur such expenses as are reasonable and necessary in conducting a background check authorized by this section. An amount equivalent to the expenses incurred shall be assessed as a fee against a promoter who is the subject of a background check by the State Athletic Control Board pursuant to this section and shall be collected by the State Athletic Control Board. The amount collected shall be deposited in a special account in the General Fund and this amount is hereby appropriated to the State Athletic Control Board in the Department

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

Approved September 18, 2000.

CHAPTER 125

AN ACT concerning certain senior citizens and certain loans for home improvements and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

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

C.56:8-104 Definitions relative to certain loans for senior citizens.

1. For the purposes of this act:

"Home solicitation" means any transaction made at the consumer's primary residence, except those transactions initiated by the consumer. A consumer response to an advertisement is not a home solicitation.

"Senior citizen" means an individual who is 60 years of age or older.

"Transaction" means a sale as defined in subsection e. of section 1 of P.L.1960, c.39 (C.56:8-1).

C.56:8-105 Certain home improvement loans unlawful.

2. It shall be an unlawful practice for a person to make a home solicitation of a consumer who is a senior citizen where a loan is made encumbering the primary residence of that consumer for the purposes of paying for home improvements and where the transaction is part of a pattern or practice in violation of either subsection (h) or (i) of 15 U.S.C. s.1639 or subsection (e) of 12 C.F.R. s.226.32.

C.56:8-106 Immunity from liability for third party, exception.

3. A third party shall not be liable for an unlawful practice under section 2 of this act unless there was an agency relationship between the person who engaged in the home solicitation and the third party.

4. This act shall take effect on the 90th day following enactment and shall apply to all contracts entered into on or after the effective date.

Approved September 21, 2000.

by the Departments of Health and Senior Services and Education. Such examination shall be carried out by a school physician, school nurse, physical education instructor or other school personnel properly trained in the screening process for scoliosis. Every board of education shall further provide for the notification of the parents or guardian of any pupil suspected of having scoliosis. Such notification shall include an explanation of scoliosis, the significance of treating it at an early stage, and the public services available, after diagnosis, for such treatment.

3. R.S.26:3-3 is amended to read as follows:

Composition of local board.

26:3-3. The local board in every municipality, other than a township, which is subject to the provisions of subdivision C of this article, shall be composed of not less than five nor more than seven members, except that in a city of the first class the board shall consist of 10 members, and in a city having a population of over 80,000, but not of the first class, the board shall consist of not less than five nor more than 10 members. Upon the consent of the prospective appointee, the governing body of a municipality may appoint a school nurse or the municipal physician to the local board, notwithstanding that the nurse or physician is not a resident of the municipality.

The local board may, by ordinance, provide for the appointment of two alternate members. Notwithstanding the provisions of any other law or charter heretofore adopted, the ordinance shall provide the method of appointment of the alternate members. Alternate members shall be designated at the time of appointment by the authority appointing them as "Alternate No. 1" and "Alternate No. 2."

The terms of the alternate members shall be for two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

An alternate member shall not be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.

An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be

not be subject to the provisions of this subdivision of this article. Upon the consent of the prospective appointee, the township committee may appoint a school nurse or the township physician to the local board, notwithstanding that the nurse or physician is not a resident of the township.

6. Section 8 of P.L.1983, c.516 (C.34:6A-32) is amended to read as follows:

C.34:6A-32 Promulgation of regulations.

8. The commissioner shall, in consultation with the Commissioner of Health and Senior Services and the Commissioner of Community Affairs and with the advice of the advisory board, promulgate all regulations which he deems necessary for the proper administration and enforcement of this act. A variance may be granted if the commissioner determines that the applicant is in compliance with the requirements for a permanent variance as set forth in subsection c. of section 15 of this act. The variance shall not be deemed to be a variation approved pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et al.) or any other building or fire safety standard or code.

Space leased by a public employer shall be subject to current health or safety rules and regulations. Any deficiency, including a deficiency resulting either from occupant use or deferred maintenance by the lessor, shall be subject to correction in accordance with the governing rules and regulations at the time that the deficiency is cited by the commissioner or the Commissioner of Health and Senior Services. However, a lease of any duration may not be entered into unless the leased property is in conformance with such rules and regulations as are in effect at the time the lease is executed.

No fire company, first aid or rescue squad, whether paid, part-paid, or volunteer, shall be required to pay to the Department of Labor or the Department of Health and Senior Services any registration or inspection fee imposed by rule or regulation with regard to the filling of air cylinders for respiratory equipment used by the fire company, first aid or rescue squad.

7. Section 2 of P.L.1973, c.208 (C.40:8A-2) is amended to read as follows:

C.40:8A-2 Definitions.

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

a. "Local unit" means a municipality, county, school district, authority subject to the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.), or a regional authority or district other than an interstate authority or district.

P.L.1973, c.208 (C.40:8A-1 et seq.) shall be deemed to amend or repeal any procedures for or powers of approval of any consolidated local service program which any State agency may now exercise pursuant to law.

b. In the case of a contract for the joint provision of services by an officer or employee of a local unit who is required to comply with a State certification requirement as a condition of employment, the contract shall provide for the payment of a salary to the officer or employee and shall designate one of the local units as the primary employer of the officer or employee for the purpose of that person's tenure rights.

10. Section 2 of P.L.1990, c.33 (C.40:20-35.11a) is amended to read as follows:

C.40:20-35.11a Vacancy on board of chosen freeholders eligible to be filled by election; exceptions.

2. a. When any vacancy occurs on the board of chosen freeholders otherwise than by expiration of term, it shall be filled by election for the unexpired term only at the next general election occurring not less than 60 days after the occurrence of the vacancy, except that no such vacancy shall be filled at the general election which immediately precedes the expiration of the term in which the vacancy occurs. In the event a vacancy eligible to be filled by election hereunder occurs on or before the sixth day preceding the last day for filing petitions for nomination for the primary election, such petitions may be prepared and filed for nomination in that primary election in the manner provided by article 3 of chapter 23 of Title 19 of the Revised Statutes. In the event the vacancy occurs after that sixth day preceding the last day for filing petitions for nomination for the primary election, or if the vacancy occurs on or before the sixth day preceding the last day for filing petitions for nomination for the primary election but no such petition has been filed with respect to a given political party, each political party, or that party respectively, may select a candidate for the office in question in the manner prescribed in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections. A statement of such selection under R.S.19:13-20 shall be filed with the county clerk not later than the 48th day preceding the date of the general election.

Besides the selection of candidates by each political party, candidates may also be nominated by petition in a manner similar to direct nomination by petition for the general election; but if the candidate of any party to fill the vacancy will be chosen at a primary election, such petition shall be filed with the county clerk at least 55 days prior to the primary election; and if no candidate of any party will be chosen at a primary election, such petition

Besides the selection of candidates by each political party, candidates may also be nominated by petition in a manner similar to direct nomination by petition for the general election; but if the candidate of any party to fill the vacancy will be chosen at a primary election, such petition shall be filed with the county clerk at least 55 days prior to the primary election; and if no candidate of any party will be chosen at a primary election, such petition shall be filed with the county clerk not later than 12 o'clock noon of the day on which the first selection meeting by any party is held under this section to select a nominee to fill the vacancy.

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.

b. Notwithstanding subsection a. of this section, if at any time after an election for the office of county executive or for a member of the freeholder board and before the time fixed for the commencement of the term of the office, the person elected to that office dies or otherwise becomes unable to assume office, the county committee of the political party of which the person elected was the nominee shall appoint another person to fill the position until the next general election. If the person elected was not the nominee of a political party, on or within 30 days after the time fixed for the commencement of the term of office, the governing body shall appoint a successor to fill the office until the next general election without regard to party.

12. Section 1 of P.L.1956, c.176 (C.40:45A-1) is amended to read as follows:

C.40:45A-1 Date, time of annual organization, reorganization meeting.

1. Notwithstanding any other provision of law, the governing body of a municipality in which any of the members of the governing body are elected for terms commencing January 1 may, by resolution, fix the date and time of its annual organization or reorganization meeting at 12 o'clock noon on January 1, or at some other hour on any day during the first week in January.

13. Section 3 of P.L.1991, c.54 (C.40:66-10) is amended to read as follows:

C.40:66-10 Funding for cost of solid waste collection.

3. The governing body of any municipality which operated a solid waste collection district as of December 31, 1989, shall determine the amount of money necessary for the support of the solid waste collection

If any amendment is adopted substantially altering matters required by this chapter to be contained in the bond ordinance, such amended bond ordinance shall not be finally adopted until at least one week thereafter and until the bond ordinance or a summary of it shall have been published once at least two days prior to the date for further consideration, together with notice of the date, time and place at which it will be further considered for final adoption. At the time and place so advertised, or at any time and place to which such meeting or further consideration shall from time to time be adjourned, such amended bond ordinance may be read by its title, if,

(1) at least one week prior to such date or further consideration, there shall have been posted, on the bulletin board or other place upon which public notices are customarily posted in the principal municipal building of the municipality,

(a) a copy of such bond ordinance or summary, and

(b) a notice that copies of such bond ordinance will be made available during such week and up to and including the date of such meeting or further consideration to the members of the general public of the municipality who shall request such copies, naming the place at which such copies will be so made available, and

(2) such copies of said bond ordinance shall have been made available accordingly, but otherwise such bond ordinance shall be read in full. All persons interested shall again be given an opportunity to be heard. After such hearing, the governing body may proceed to reject, finally adopt or further amend such bond ordinance.

A bond ordinance shall be finally adopted by the recorded affirmative votes of at least 2/3 of the full membership of the governing body. In a local unit in which the approval of any officer is required to make an ordinance or resolution effective, such bond ordinance shall be so approved, or passed over veto before it shall be published after final adoption.

c. Final publication with statement.

Every bond ordinance shall be published either in full or in summary form after final adoption, together with a statement in substantially the following form:

STATEMENT

The bond ordinance published herewith has been finally adopted and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law has begun to run from the date of the first publication of this statement.

Clerk

for anticipated revenue from, surplus appropriated, miscellaneous revenues and receipts from delinquent taxes.

b. Receipts from the collection of taxes levied or to be levied in the municipality, or in the case of a county for general county purposes and payable in the fiscal year shall be anticipated in an amount which is not in excess of the percentage of taxes levied and payable during the next preceding fiscal year which was received in cash by the last day of the preceding fiscal year.

c. (1) For any municipality in which tax appeal judgments have been awarded to property owners from action of the county tax board pursuant to R.S.54:3-21 et seq., or the State tax court pursuant to R.S.54:48-1 et seq. in the preceding fiscal year, the governing body of the municipality may elect to determine the reserve for uncollected taxes by using the average of the percentages of taxes levied which were received in cash by the last day of each of the three preceding fiscal years. Election of this choice shall be made by resolution, approved by a majority vote of the full membership of the governing body prior to the introduction of the annual budget pursuant to N.J.S.40A:4-5.

(2) If the amount of tax reductions resulting from tax appeal judgments of the county tax board pursuant to R.S.54:3-21 et seq., or the State tax court pursuant to R.S.54:48-1 et seq., for the previous fiscal year exceeds 1% of the tax levy for that previous fiscal year, the governing body of the municipality may elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustments resulting from those judgments. Election of this choice shall be made by resolution, approved by a majority vote of the full membership of the governing body prior to the introduction of the annual budget pursuant to N.J.S.40A:4-5.

d. The director may promulgate rules and regulations to permit a three-year average to be used to determine the amount required for the reserve for uncollected taxes for municipalities to which subsection c. of this section is not applicable.

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

C.40A:4-45.3 Municipalities; budget limitation 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. (Deleted by amendment, P.L.1990, c.89.)

- k. (Deleted by amendment, P.L.1987, c.74.)
- l. Appropriations of federal, county, independent authority or State funds, or by grants from private parties or nonprofit organizations for a specific purpose, and amounts received or to be received from such sources in reimbursement for local expenditures. If a municipality provides matching funds in order to receive the federal, county, independent authority or State funds, or the grants from private parties or nonprofit organizations for a specific purpose, the amount of the match which is required by law or agreement to be provided by the municipality shall be excepted;
 - m. (Deleted by amendment, P.L.1987, c.74.)
 - n. (Deleted by amendment, P.L.1987, c.74.)
 - o. (Deleted by amendment, P.L.1990, c.89.)
 - p. (Deleted by amendment, P.L.1987, c.74.)
 - q. (Deleted by amendment, P.L.1990, c.89.)
 - 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;
 - s. (Deleted by amendment, P.L.1990, c.89.)
 - t. Amounts expended in preparing and implementing a housing element and fair share plan pursuant to the provisions of P.L.1985, c.222 (C.52:27D-301 et al.) and any amounts received by a municipality under a regional contribution agreement pursuant to section 12 of that act;
 - u. Amounts expended to meet the standards established pursuant to the "New Jersey Public Employees' Occupational Safety and Health Act," P.L.1983, c.516 (C.34:6A-25 et seq.);
 - v. (Deleted by amendment, P.L.1990, c.89.)
 - w. Amounts appropriated for expenditures resulting from the impact of a hazardous waste facility as described in subsection c. of section 32 of P.L.1981, c.279 (C.13:1E-80);
 - x. Amounts expended to aid privately owned libraries and reading rooms, pursuant to R.S.40:54-35;
 - y. (Deleted by amendment, P.L.1990, c.89.)
 - z. (Deleted by amendment, P.L.1990, c.89.)
 - aa. Extraordinary expenses, approved by the Local Finance Board, required for the implementation of an interlocal services agreement;
 - bb. Any expenditure mandated as a result of a natural disaster, civil disturbance or other emergency that is specifically authorized pursuant to a declaration of an emergency by the President of the United States or by the Governor;
 - cc. Expenditures for the cost of services mandated by any order of court, by any federal or State statute, or by administrative rule, directive, order, or other legally binding device issued by a State agency which has

the qualified apartment buildings and garden apartment complexes. This exception shall apply to all agreements for reimbursement entered into after July 27, 1999;

ll. Amounts expended by a municipality under an interlocal services agreement entered into pursuant to the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.) entered into after the effective date of P.L.2000, c.126 (C.52:13H-21 et al.). The governing body of the municipality that will receive the service may choose to allow the amount of projected annual savings to be added to the amount of final appropriations upon which its permissible expenditures are calculated pursuant to section 2 of P.L.1976, c.68 (C.40A:4-45.2);

mm. Amounts expended under a joint contract pursuant to the "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et seq.) entered into after the effective date of P.L.2000, c.126 (C.52:13H-21 et al.). The governing body of each participating municipality may choose to allow the amount of projected annual savings to be added to the amount of final appropriations upon which its permissible expenditures are calculated pursuant to section 2 of P.L.1976, c.68 (C.40A:4-45.2).

20. Section 4 of P.L.1976, c.68 (C.40A:4-45.4) is amended to read as follows:

C.40A:4-45.4 Limitation on increase in county tax levies over previous year; exceptions.

4. In the preparation of its budget, a county may not increase the county tax levy to be apportioned among its constituent municipalities in excess of 5% or the index rate, whichever is less, of the previous year's county tax levy, subject to the following exceptions:

a. The amount of revenue generated by the increase in valuations within the county, based solely on applying the preceding year's county tax rate to the apportionment valuation of new construction or improvements within the county, and such increase shall be levied in direct proportion to said valuation;

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 expenditures would be otherwise bondable under the requirements of N.J.S.40A:2-21 and 40A:2-22;

c. (1) An increase based upon 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 county, and over which the governing body had no control and for which it could not plan and emergency appropriations made pursuant to N.J.S.40A:4-46. Emergency temporary appropriations and emergency

r. Expenditures for the cost of services mandated by any order of court, by any federal or State statute, or by administrative rule, directive, order, or other legally binding device issued by a State agency which has identified such cost as mandated expenditures on certification to the Local Finance Board by the State agency;

s. That portion of the county tax levy which represents funding to a county college in excess of the county tax levy required to fund the county college in local budget year 1992;

t. Amounts appropriated for the cost of administering a joint insurance fund established pursuant to subsection b. of section 1 of P.L.1983, c.372 (C.40A:10-36), but not including appropriations for claims payments by local member units;

u. Expenditures for the administration of general public assistance pursuant to P.L.1995, c.259 (C.40A:4-6.1 et al.);

v. Amounts in a separate line item of a county budget that are expended on tick-borne disease vector management activities undertaken pursuant to P.L.1997, c.52 (C.26:2P-7 et al.);

w. Amounts expended by a county under an interlocal services agreement entered into pursuant to the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-1 et seq.) entered into after the effective date of P.L.2000, c.126 (C.52:13H-21 et al.) or amounts expended under a joint contract pursuant to the "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et seq.) entered into after the effective date of P.L.2000, c.126 (C.52:13H-21 et al.).

21. N.J.S.40A:5-16 is amended to read as follows:

Local unit, requirements for paying out moneys.

40A:5-16. The governing body of any local unit shall not pay out any of its moneys

a. unless the person claiming or receiving the same shall first present a detailed bill of items or demand, specifying particularly how the bill or demand is made up, with the certification of the party claiming payment that it is correct. The governing body may, by resolution, require an affidavit in lieu of the said certification, and the clerk or disbursing officer of the local unit may take such affidavit without cost, and

b. unless it carries a written or electronic certification of some officer or duly designated employee of the local unit having knowledge of the facts that the goods have been received by, or the services rendered to, the local unit.

c. Notwithstanding the provisions of subsection a. of this section, upon adoption by the Local Finance Board of rules adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) that

24. N.J.S.40A:10-6 is amended to read as follows:

Establishment of insurance fund; appropriations.

40A:10-6. The governing body of any local unit may establish an insurance fund for the following purposes:

a. To insure against any loss or damage however caused to any property, motor vehicles, equipment or apparatus owned by it, or owned by or under the control of any of its departments, boards, agencies or commissions;

b. To insure against liability resulting from the use or operation of motor vehicles, equipment or apparatus owned by or controlled by it, or owned by or under the control of any of its departments, boards, agencies or commissions;

c. To insure against liability for its negligence and that of its officers, employees and servants, whether or not compensated or part-time, who are authorized to perform any act or services, but not including an independent contractor within the limitations of the "New Jersey Tort Claims Act" (N.J.S.59:1-1 et seq.);

d. To insure against any loss or damage from liability as established by chapter 15 of Title 34 of the Revised Statutes;

e. To provide contributory or noncontributory self-funded, or partially self-funded, health benefits to employees or their dependants, or both, except for employees, or their dependents, of boards of education, jointure commissions, educational service commissions, county special services school districts, county vocational-technical schools, and county colleges, in accordance with rules and regulations of the Director of the Division of Local Government Services in the Department of Community Affairs. The establishment and operation of a fund to provide health benefits by a local unit prior to the effective date of P.L.2000, c.126 (C.52:13H-21 et al.) is hereby validated; however, any such health benefits fund shall comply with all rules and regulations promulgated by the director pursuant to this subsection.

The governing body may appropriate the moneys necessary for the purposes of this section.

25. Section 37 of P.L.1995, c.259 (C.40A:10-17.1) is amended to read as follows:

C.40A:10-17.1 County, municipal employee permitted to waive benefits coverage under N.J.S.40A:10-16 et seq.

37. Notwithstanding the provisions of any other law to the contrary, a county or municipality which enters into a contract providing group health care benefits to its employees pursuant to N.J.S.40A:10-16 et seq., may allow any employee who is eligible for coverage as a dependent of the

resolution fix a minimum price or prices, with or without the reservation of the right to reject all bids where the highest bid is not accepted. Notice of such reservation shall be included in the advertisement of the sale and public notice thereof shall be given at the time of sale. Such resolution may provide, without fixing a minimum price, that upon the completion of the bidding, the highest bid may be accepted or all the bids may be rejected. The invitation to bid may also impose restrictions on the use to be made of such real property, capital improvement or personal property, and any conditions of sale as to buildings or structures, or as to the type, size, or other specifications of buildings or structures to be constructed thereon, or as to demolition, repair, or reconstruction of buildings or structures, and the time within which such conditions shall be operative, or any other conditions of sale, in like manner and to the same extent as by any other vendor. Such conditions shall be included in the advertisement, as well as the nature of the interest retained by the county or municipality. Such restrictions or conditions shall be related to a lawful public purpose and encourage and promote fair and competitive bidding of the county or municipality and shall not, in the case of a municipality, be inconsistent with or impose a special or higher standard than any zoning ordinance or building, plumbing, electrical, or similar code or ordinance then in effect in the municipality.

In any case in which a county or municipality intends to retain an estate or interest in any real property, capital improvement or personal property, in the nature of an easement, contingent or reversionary, the invitation to bid and the advertisement required herein shall require each bidder to submit one bid under each Option A and Option B below.

(1) Option A shall be for the real property, capital improvement or personal property subject to the conditions or restrictions imposed, or interest or estate retained, which the county or municipality proposes to retain or impose.

(2) Option B shall be for the real property, capital improvement or personal property to be sold free of all such restrictions, conditions, interests or estates on the part of the county or municipality.

The county or the municipality may elect or reject either or both options and the highest bid for each. Such acceptance or rejection shall be made not later than at the second regular meeting of the governing body following the sale, and, if the governing body shall not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected. Any such sale may be adjourned at the time advertised for not more than one week without readvertising.

(b) At private sale, when authorized by resolution, in the case of a county, or by ordinance, in the case of a municipality, in the following cases:

property. When there is only one owner with real property contiguous to the property being sold, and the property is less than an eighth of the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon, the fair market value of that property may be determined by negotiation between the local unit and the owner of the contiguous real property. The negotiated sum shall be subject to approval by resolution of the governing body, but in no case shall that sum be less than one dollar.

In the case of any sale of real property hereafter made pursuant to subsection (b) of this section, in no event shall the price agreed upon with the owner be less than the difference between the highest bid accepted for the real property subject to easements (Option A) and the highest bid rejected for the real property not subject to easements (Option B). After the adoption of the resolution or ordinance, and compliance by the owner of said real property with the terms thereof, said real property shall be free, and entirely discharged of and from such rights of the public and of the county or municipality, as the case may be, but no such release shall affect the right of lawful occupancy or use of any such real property by any municipal or private utility to occupy or use any such real property lawfully occupied or used by it.

A list of the property so authorized to be sold, pursuant to subsection (b) of this section, together with the minimum prices, respectively, as determined by the governing body, shall be included in the resolution or ordinance authorizing the sale, and said list shall be posted on the bulletin board or other conspicuous space in the building which the governing body usually holds its regular meetings, and advertisement thereof made in a newspaper circulating in the municipality or municipalities in which the real property, capital improvement or personal property is situated, within five days following enactment of said resolution or ordinance. Offers for any or all properties so listed may thereafter be made to the governing body or its designee for a period of 20 days following the advertisement herein required, at not less than said minimum prices, by any prospective purchaser, real estate broker, or other authorized representative. In any such case, the governing body may reconsider its resolution or ordinance, not later than 30 days after its enactment, and advertise the real property, capital improvement, or personal property in question for public sale pursuant to subsection (a) of this section.

Any county or municipality selling any real property, capital improvement or personal property pursuant to subsection (b) of this section shall file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publication of advertisements as required by this subsection.

The central registry referred to herein, if established and maintained, shall:

- a. Constitute a public record;
- b. Be entitled "Municipal Real Property Registry" or "County Real Property Registry" as may be appropriate;
- c. Be available for inspection in the office of the municipal clerk or clerk of the board of chosen freeholders, as may be appropriate.

28. Section 7 of P.L.1995, c.253 (C.46:3C-7) is amended to read as follows:

C.46:3C-7 Fees for copies of lists.

7. A municipality that receives and makes available the lists required under this act P.L.1995, c.253 (C.46:3C-1 et seq.) may charge purchasers in accordance with the provisions of section 2 of P.L.1963, c.73 (C.47:1A-2).

29. Section 8 of P.L.1975, c.217 (C.52:27D-126) is amended to read as follows:

C.52:27D-126 Appointment of construction official, subcode officials.

8. a. The appointing authority of any municipality shall appoint a construction official and any necessary subcode officials to administer and enforce the code. The appointing authority may, by resolution or order as appropriate, set the total number of weekly hours of operation of the construction official's office and the total number of weekly work hours of the construction official, commensurate with the compensation paid to the construction official. The appointing authority shall not set the specific work hours of the construction official. The appointing authority shall also appoint a construction board of appeals to hear and decide appeals from decisions made by said construction official and subcode officials, in the administration and enforcement of the code. Nothing herein, however, shall prevent a municipality from accepting inspections as to compliance with the code or any subcode thereof made by an inspection authority approved by the State of New Jersey pursuant to law.

b. To establish tenure rights or any other right or protection provided by the "State Uniform Construction Code Act" or Title 11A, Civil Service, of the New Jersey Statutes, or any pension law or retirement system, the job title "construction official" shall be equivalent to that job title which, prior to the adoption of the State Uniform Construction Code as provided in section 5 of the "State Uniform Construction Code Act," entailed the chief administrative responsibility to enforce all construction codes which had been adopted by the municipal governing body, the enforcement of which was not the responsibility of an authorized private inspection agency; and the job title "subcode official" shall be equivalent to that job title which,

pality which has adopted the provisions of Title 11A, Civil Service, of the New Jersey Statutes, may not be removed from office except for just cause after a fair and impartial hearing has been held at the local level, with no further appeal to the Merit System Board; provided, however, that such a construction or subcode official may be removed to permit the appointment of a person certified for appointment by the Merit System Board.

A construction official or subcode official in a noncivil service municipality shall be appointed for a term of four years and shall, upon appointment to a second consecutive term or on or after the commencement of a fifth consecutive year of service, including years of service in an equivalent job title held prior to the adoption of the State Uniform Construction Code, be granted tenure and shall not be removed from office except for just cause after a fair and impartial hearing.

A construction or subcode official, to be eligible for appointment in civil service or noncivil service municipalities, shall be certified by the State of New Jersey in accordance with subsection c. of this section and shall have had at least three years' experience in construction, design or supervision as a licensed engineer or registered architect; or five years' experience in construction, design, or supervision as an architect or engineer with a bachelor's degree from an accredited institution of higher education; or 10 years' experience in construction, design or supervision as a journeyman in a trade or as a contractor. A subcode official shall, pursuant to any subcode which he administers, pass upon:

(1) matters relative to the mode, manner of construction or materials to be used in the erection or alteration of buildings or structures, except as to any such matter foreclosed by State approval pursuant to this act, and (2) actual execution of the approved plans and the installation of the materials approved by the State. The construction official in each municipality shall be the chief administrator of the "enforcing agency." He shall have the power to overrule a determination of a subcode official based on an interpretation of a substantive provision of the subcode which such subcode official administers, only if the construction official is qualified to act pursuant to this act as a subcode official for such subcode. He may serve as subcode official for any subcode which he is qualified under this act to administer. A subcode official or municipal engineer may serve as a construction official if otherwise qualified under the provisions of this act. The municipal enforcing agency shall require compliance with the provisions of the code, of all rules lawfully adopted and promulgated thereunder and of laws relating to the construction, alteration, repair, removal, demolition and integral equipment and location, occupancy and maintenance of buildings and structures, except as may be otherwise provided for.

demonstrate a working knowledge of innovations in construction technology and materials, recent changes in and additions to the relevant portions of the State Uniform Construction Code, and current standards of professional ethics and legal responsibility; or, in the alternative, the commissioner, after consultation with the code advisory board, may accept successful completion of appropriate programs of training as proof of such working knowledge.

30. Section 11 of P.L.1985, c.222 (C.52:27D-311) is amended to read as follows:

C.52:27D-311 Provision of fair share by municipality.

11. a. In adopting its housing element, the municipality may provide for its fair share of low and moderate income housing by means of any technique or combination of techniques which provide a realistic opportunity for the provision of the fair share. The housing element shall contain an analysis demonstrating that it will provide such a realistic opportunity, and the municipality shall establish that its land use and other relevant ordinances have been revised to incorporate the provisions for low and moderate income housing. In preparing the housing element, the 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;

(1) hotels, motels or other guesthouses serving transient or seasonal guests;

(2) buildings or structures which are subject to an abatement agreement under which reduced or no property taxes are paid on the improvements pursuant to statute, notwithstanding that payments in lieu of taxes are paid in accordance with the agreement;

(3) buildings or structures located in municipalities in which a rent control ordinance which does not provide for an automatic increase in the amount of rent permitted to be charged by a property owner upon an increase in the amount of property tax levied upon the property is in effect for the base year and the current year;

(4) dwelling units in a residential cooperative or mutual housing corporation;

(5) dwelling units in a condominium, other than those dwelling units which are occupied by qualified tenants under the "Tenant Protection Act of 1992," P.L.1991, c.509 (C.2A:18-61.40 et al.);

(6) dwelling units in a continuing care retirement community; or

(7) dwelling units within residential health care facilities; assisted living residences; facilities with a Class C license pursuant to P.L.1979, c.496 (C.55:13B-1 et al.), the "Rooming and Boarding House Act of 1979" or similar facilities for which occupancy is predicated upon the receipt of medical, nursing or personal care services for the residents and the cost thereof is included in the rent.

Owner occupation of a building shall not be a factor in whether a building is qualified real rental property under P.L.1976, c.63 (C.54:4-6.2 et seq.).

b. "Property tax reduction" means the difference between the amount of property tax paid or payable on any qualified real rental property in the base year, and the amount of property taxes paid or payable in the current year if less than the amount of property taxes paid or payable in the base year.

c. "Base year" means calendar year 1998.

If any of the following events occur, "base year" shall then mean:

(1) any calendar year after 1998 in which property taxes levied for qualified real rental property exceed the property taxes levied for 1998 for that property;

(2) the first calendar year after 1998 during which qualified real rental property is first offered for rent or lease;

(3) the first full calendar year after 1998 in which qualified real rental property is no longer subject to a tax exemption or tax abatement program;

insurance policy. No insurer or other person shall be entitled to bring an action under a subrogation provision in an insurance contract against a public entity or public employee.

C.13:1E-5a Registration renewal of solid waste collection and disposal vehicles.

33. Notwithstanding sections 4 and 5 of P.L.1970, c.39 (C.13:1E-4 and C.13:1E-5) and any regulations promulgated thereunder, the registration renewal of solid waste collection and disposal vehicles operated by a public entity shall be valid for a five-year period and the registration fee for the public entity shall be no greater than the fee in effect as of March 1, 1999 for the one-year registration.

C.13:1F-1a Inapplicability of pesticide control act to certain insect inspections.

34. Notwithstanding the provisions of the "Pesticide Control Act of 1971," P.L.1971, c.176 (C.13:1F-1 et seq.) or any rule or regulation promulgated thereunder to the contrary, the requirements for pesticide applicator or pesticide operator certification, licensing or record keeping shall not apply to any licensed sanitary or health inspector who applies a pesticide not classified for restricted use, on property or premises for the purpose of determining insect infestation.

C.13:9B-13.1 Permit not required for certain restoration work on manmade drainage ditch.

35. Notwithstanding any rules or regulations to the contrary, no permit shall be required of a county or municipality by the Department of Environmental Protection for the purpose of performing restoration work on any manmade drainage ditch located in the jurisdiction, provided that the restoration activity does not deviate in any manner from the original cross sectional area and location. For the purposes of this section, "ditch" means a linear topographic depression with bed and banks of human construction which conveys water to or from a site, but does not include channelized or redirected water courses.

C.18A:7F-5a Inclusion of certain amounts in future school district budget.

36. Notwithstanding any provision of P.L.1996, c.138 (C.18A:7F-1 et seq.) to the contrary, any school district which increases its net budget between the prebudget and budget years in an amount less than that authorized pursuant to subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), shall be permitted to include the amount of the difference between its actual net budget and its permitted net budget in either of the next two succeeding budget years.

C.40:23-6.53 Contract for collection of delinquent fees, fines.

37. The governing body of any county may enter into a contract with a private agency or firm for the purpose of collecting any delinquent fees or fines

regulation to the contrary, a municipality may provide for the purchase of privately owned residential property at the value of all liens secured by real property, excluding any tax lien to which the property is subject and include those units toward the fulfillment of its fair share housing obligation pursuant to P.L.1985, c.222 (C.52:27D-301 et al.). Any such purchase under this section shall be made pursuant to and consistent with regulations promulgated by the Commissioner of Community Affairs pursuant to subsection b. of this section.

b. The Commissioner of Community Affairs shall, on or before the first day of the seventh month next following the effective date of P.L.2000, c.126 (C.52:13H-21 et al.) promulgate rules and regulations pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the provisions of subsection a. of this section.

42. Notwithstanding any provision of section 2 of P.L.1983, c.312 (C.40A:4-45.19) to the contrary, any municipality that failed to print on a referendum ballot the amount of the cost increase for the proposed PERS to PFRS transfer for police officers may apply to the director for permission to include the 1999 budget year amount of the pension appropriation representing the increase due to the switch as an increase in the cap base upon which final appropriations are based.

43. a. (1) There is hereby created a Police Paperwork Reduction Task Force. The task force shall have nine members, selected as follows: two representatives of the Attorney General's office and one member of the Division of State Police, to be appointed by the Governor; two representatives of local law enforcement agencies and one municipal court administrator, to be appointed by the President of the Senate; and two representatives of local law enforcement agencies and one municipal court administrator, to be appointed by the Speaker of the General Assembly.

(2) The task force shall organize as soon as practicable following the appointment of its members and shall select a chairperson and vice chairperson from among its members, and a secretary, who need not be a member of the task force.

b. The task force shall:

(1) Review State requirements for the collection, reporting and retention of information by local police officers and police agencies;

(2) Determine the approximate cost to local police agencies, including the costs of salaries, materials, equipment and space, of complying with State-mandated information requirements;

CHAPTER 127

AN ACT concerning the determination of the status of persons as veterans or disabled veterans, amending Title 11A of the New Jersey Statutes and supplementing various parts of the statutory law.

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

C.38A:3-6a Criteria for designation as "veteran," "disabled veteran."

1. a. The Adjutant General of the Department of Military and Veterans' Affairs shall determine whether any person seeking to be considered a "veteran" or a "disabled veteran" under N.J.S.11A:5-1, N.J.S.18A:66-2, or a "veteran" under section 6 of P.L.1954, c.84 (C.43:15A-6) or section 1 of P.L.1983, c.391 (C.43:16A-11.7), meets the criteria set forth therein and shall be considered a veteran or disabled veteran, as appropriate, for the purposes of these laws. The Adjutant General of the Department of Military and Veterans' Affairs shall adjudicate an appeal from any person disputing the decision of the Adjutant General as to whether a person is to be considered a veteran or disabled veteran, as appropriate, for the purposes of these laws. The Adjutant General shall promptly notify the public entity responsible for administering each such law of the determination of the Adjutant General, and the determination shall be binding on such public entities.

b. The Adjutant General of the Department of Military and Veterans' Affairs shall promulgate, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to effectuate the purposes of this act.

2. N.J.S.11A:5-1 is amended to read as follows:

Definitions.

11A:5-1. Definitions. As used in this chapter:

a. "Disabled veteran" means any veteran who is eligible to be compensated for a service-connected disability from war service by the United States Veterans Administration or who receives or is entitled to receive equivalent compensation for a service-connected disability which arises out of military or naval service as set forth in this chapter and who has submitted sufficient evidence of the record of disability incurred in the line of duty to the Adjutant General of the Department of Military and Veterans' Affairs on or before the closing date for filing an application for an examination;

of any service performed pursuant to enlistment in the National Guard or the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve; except that any person receiving an actual service-incurred injury or disability shall be classed as a veteran, whether or not that person has completed the 90-day service as provided;

(5) Lebanon peacekeeping mission, on or after September 26, 1982, who has served in Lebanon or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before December 1, 1987 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(6) Grenada peacekeeping mission, on or after October 23, 1983, who has served in Grenada or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before November 21, 1983 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(7) Panama peacekeeping mission, on or after December 20, 1989 or the date of inception of that mission, as proclaimed by the President of the United States or Congress, whichever date of inception is earliest, who has served in Panama or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before January 31, 1990 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(8) Operation "Desert Shield/Desert Storm" mission in the Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or the date of inception of that operation, as proclaimed by the President of the United States or Congress, whichever date of inception is earliest, who has served in the Arabian peninsula or on board any ship actively engaged in patrolling the Persian Gulf for a period, continuous or in the aggregate, of at least 14 days commencing on or before the date of termination of that mission, as

C.18A:66-2.2 Veteran status determined for retirement allowance.

4. The Adjutant General of the Department of Military and Veterans' Affairs shall be responsible for determining whether any person seeking to be considered a "veteran" under N.J.S.18A:66-2, for the purpose of eligibility for a veteran's retirement allowance, meets the criteria set forth therein and adjudicating an appeal from any person disputing this determination. The determination of the Adjutant General shall be binding upon the Division of Pensions and Benefits.

C.43:15A-6.1 Veteran status determined for retirement allowance.

5. The Adjutant General of the Department of Military and Veterans' Affairs shall be responsible for determining whether any person seeking to be considered a "veteran" under section 6 of P.L.1954, c.84 (C.43:15A-6), for the purpose of eligibility for a veteran's retirement allowance, meets the criteria set forth therein and adjudicating an appeal from any person disputing this determination. The determination of the Adjutant General shall be binding upon the Division of Pensions and Benefits.

C.43:16A-11.7a Veteran status determined for military service credit.

6. The Adjutant General of the Department of Military and Veterans' Affairs shall be responsible for determining whether any person seeking to be considered a "veteran" under section 1 of P.L.1983, c.391 (C.43:16A-11.7), for the purpose of purchasing military service credit, meets the criteria set forth therein and adjudicating an appeal from any person disputing this determination. The determination of the Adjutant General shall be binding upon the Division of Pensions and Benefits.

7. This act shall take effect on the first day of the sixth month after enactment.

Approved September 21, 2000.

CHAPTER 128

AN ACT concerning the award of certain contracts by the New Jersey Transit Corporation and amending P.L.1979, c.150.

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

and women's business enterprise program, equal employment opportunity program or any affirmative action program.

d. A bid bond in an amount, not to exceed 50% of the bid, to be determined by the corporation with such sureties as shall be approved by the corporation in favor of the State of New Jersey, or a deposit consisting of a cashier's check, certified check or letter of credit in an amount set forth by the corporation, shall accompany each bid and shall be held as security for the faithful performance of the contractor in that, if awarded the contract, the bidder will deliver the contract within 10 working days after the notice, of award, properly executed and secured by satisfactory bonds in accordance with the provisions of N.J.S.2A:44-143 through N.J.S.2A:44-147 and specifications for the project. The corporation may require in addition to the bid bond or deposit such additional evidence of the ability of a contractor to perform the work required by the contract as it may deem necessary and advisable. All bid bonds or deposits which have been delivered with the bids, except those of the two lowest responsible bidders, shall be returned within 30 working days after such bids are received.

e. If the bidder fails to provide a satisfactory bid bond or deposit as provided in subsection d. of this section, the bid shall be rejected.

f. The corporation shall determine the terms and conditions of the various types of agreements or contracts, including provisions for adequate security, the time and amount or percentage of each payment thereon and the amount to be withheld pending completion of the contract, and it shall issue and publish rules and regulations concerning such terms and conditions, standard contract forms and such other rules and regulations concerning purchasing or procurement, not inconsistent with any applicable law, as it may deem advisable to promote competition and to protect the public interest.

g. Any purchase, contract or agreement pursuant to subsection a. hereof may be made, negotiated or awarded by the corporation without advertising under the following circumstances:

(1) When the aggregate amount involved does not exceed the amount determined pursuant to section 2 of P.L.1954, c.48 (C.52:34-7); or

(2) In all other cases when the corporation seeks:

(a) To acquire public or private entities engaged in the provision of public transportation service, used public transportation equipment or existing public transportation facilities or rights of way; or

(b) To acquire subject matter which is that described in section 4 of P.L.1954, c.48 (C.52:34-9); or

(c) To make a purchase or award or make a contract or agreement under the circumstances described in section 5 of P.L.1954, c.48 (C.52:34-10); or

(d) To contract pursuant to section 6 of P.L.1979, c.150 (C.27:25-6); or

pleading containing a counterclaim, cross-claim or third party complaint in all other civil actions, whether commenced without process or by summons, capias, replevin or attachment where the amount does not exceed the small claims monetary limit	\$27.00
Each additional defendant	\$2.00
(4) Filing of appearance or answer to a complaint or third party complaint in all matters except small claims	\$10.00
(5) Service of Process:	
Summons by mail, each defendant	\$4.00
Summons by mail, each defendant at place of business or employment with postal instructions to deliver to addressee only, additional fee	\$4.00
Reservice of summons by mail, each defendant	\$4.00
Reservice of summons or other original process by court officer, one defendant	\$3.00
plus mileage	
Each additional defendant	\$2.00
plus mileage	
Substituted service of process by the clerk upon the Director of the Division of Motor Vehicles	\$10.00
Plus postage.	\$4.00
(6) Mileage of court officer in serving or executing any process, writ, order, execution, notice, or warrant, the distance to be computed by counting the number of miles in and out, by the most direct route from the place where process is issued, at the same rate per mile set by the State for other State employees and the total mileage fee rounded upward to the nearest dollar	
(7) Jury of six persons	\$50.00
(8) Warrant for possession in tenancy	\$15.00
(9) Warrant to arrest, commitment or writ of capias ad respondendum, each defendant	\$15.00
(10) Writ of execution or an order in the nature of execution, writs of replevin and attachment issued subsequent to summons	\$5.00
Wage execution by mail to a federal agency additional fee	\$4.00
(11) For advertising property under execution or any order	\$10.00

(9) Every execution, or any order in the nature of an execution, on a judgment, for each defendant \$2.00

(10) Every wage execution to a federal agency, additional fee \$4.00

b. For every mile of travel in serving or executing any process, writ, order, execution, notice or warrant, the distance to be computed by counting the number of miles in and out, by the most direct route from the place where process is issued, at the same rate per mile set by the State for other State employees and the total mileage fee rounded upward to the nearest dollar.

c. In addition to the foregoing, the following fees for officers of the Special Civil Part shall be taxed in the costs and collected on execution, writ of attachment or order in the nature of any execution on any final judgment, or on a valid and subsisting levy of an execution or attachment which may be the effective cause in producing payment or settlement of a judgment or attachment:

(1) For advertising property under execution or any order \$10.00

(2) For selling property under execution or any order \$10.00

(3) On every dollar collected on execution, writ of attachment, or any order, \$0.10.

3. This act shall take effect 30 days following enactment.

Approved September 21, 2000.

CHAPTER 130

AN ACT requiring paid leave for members of certain law enforcement associations who attend conventions and amending N.J.S.11A:6-10.

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

1. N.J.S.11A:6-10 is amended to read as follows:

Leaves of absence for convention attendance.

11A:6-10. A leave of absence with pay shall be given to every employee who is a duly authorized representative of the New Jersey Patrolmen's Benevolent Association, Inc., Fraternal Order of Police,

filed for nomination in that primary election in the manner provided by article 3 of chapter 23 of Title 19 of the Revised Statutes.

In the event the vacancy occurs after that sixth day preceding the last day for filing petitions for nomination for the primary election, a political party may select a candidate for the office in question in the manner prescribed in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections. A statement of such selection under R.S.19:13-20 shall be filed with the county clerk not later than the 48th day preceding the date of the general election.

Besides the selection of candidates by each political party, candidates may also be nominated by petition in a manner similar to direct nomination by petition for the general election; but if the candidate of any party to fill the vacancy will be chosen at a primary election, such petition shall be filed with the county clerk at least 55 days prior to the primary election; and if no candidate of any party will be chosen at a primary election, such petition shall be filed with the county clerk not later than 12 o'clock noon of the day on which the first selection meeting by any party is held under this section to select a nominee to fill the vacancy.

When the vacancy occurs, the county clerk of the county shall forthwith give notice thereof to the chairman of the county committee of each political party.

During the temporary absence or temporary disability of the county executive the chief administrator shall serve as acting county executive.

C.40:41A-35.1 Filling of vacancy, interim selection pending election of successor.

2. In the case of a vacancy occurring with respect to a county executive who was elected as the candidate of a political party which at the last preceding general election held received the largest number of votes or the next largest number of votes in the county for members of the board of chosen freeholders, for the interim period pending the election and qualification of a permanent successor to fill the vacancy, or for the interim period constituting the remainder of the term in the case of a vacancy occurring which cannot be filled pursuant to section 35 of P.L.1972, c.154 (C.40:41A-35) at a general election, the vacancy shall be filled within 35 days by a member of the political party of which the person who vacated the office was the candidate at the time of the candidate's election thereto. The interim successor shall be selected by the appropriate political party's county committee in the same manner prescribed in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections. Members of the political party's county committee who are empowered to select a candidate for the vacated office shall only nominate a candidate from the floor during the selection meeting

major electric and gas utilities and human service nonprofit groups to receive supplemental funding from unclaimed property held by the State's electric and gas utilities that is transferred to the State in accordance with the requirements of R.S.46:30B-74.

C.48:2-29.40 Utilization of funds provided; eligibility criteria.

3. The Statewide nonprofit energy assistance organization receiving such funding from the State shall utilize the funds to provide temporary financial assistance to residential customers having short-term difficulties paying their energy bills after such customers have exhausted all other available energy assistance resources. The organization shall develop and file with the Board of Public Utilities the eligibility criteria for customers to receive energy assistance grants. The organization shall also file annually with the Board of Public Utilities and the Legislature a detailed report on the use of the funds received from the State and the number of recipients and amount of energy assistance grants.

C.48:2-29.41 Rules, regulations.

4. The Board of Public Utilities is authorized to promulgate, pursuant to law, such rules and regulations as may be necessary to effectuate the purpose of this act.

5. R.S.46:30B-74 is amended to read as follows:

Deposits of funds by administrator; terms defined.

46:30B-74. The administrator shall establish and manage four separate trust funds to be known as the Unclaimed County Deposits Trust Fund, the Unclaimed Child Support Trust Fund, the Unclaimed Utility Deposits Trust Fund and the Unclaimed Personal Property Trust Fund.

a. All moneys received as unclaimed county deposits and the accretions thereon shall be deposited into the Unclaimed County Deposits Trust Fund. Each year, unless the administrator deems it prudent and advisable to do otherwise, the administrator shall pay to each county, within 45 days of the receipt of such funds, 75% of the unclaimed county deposits received from that county by the administrator. The remaining portion shall be retained in the trust fund, administered and invested by the State Treasurer, and used to pay claims duly presented and allowed and all expenses and costs incurred by the State of New Jersey. If the Unclaimed County Deposits Trust Fund is insufficient to pay specific claims against a county, the administrator shall report the fact to the county governing body and the unpaid claim shall become an affirmative obligation of that county.

Upon the effective date of this act, any county deposits paid to the administrator between April 18, 1989 and the effective date of this act shall

Each year, the administrator shall pay to the judiciary, within 45 days of the receipt of such funds, the federal government's Title IV-D share of the abandoned child support received from the Probation Division of the Superior Court. The remaining portions shall be retained in the trust fund, administered and invested by the State Treasurer, and used to pay claims duly presented and allowed and all expenses and costs incurred by the State of New Jersey. If the Unclaimed Child Support Trust Fund is insufficient to pay specific claims against a county, the administrator shall report the fact to the judiciary and the unpaid claim shall become an affirmative obligation of the judiciary.

Upon the effective date of P.L.1995, c.115, any abandoned child support paid to the administrator between April 18, 1989 and that effective date shall be transferred from the Unclaimed Personal Property Trust Fund to the Unclaimed Child Support Trust Fund.

e. As used in this section:

(1) "County deposits" means the proceeds of a judgment received in favor of a minor and placed under the control of a county surrogate or any devise or distribution from an estate paid into the county surrogate's court prior to April 14, 1989; any unclaimed bail and any interest thereon deposited prior to January 1, 1995 and 50% of any unclaimed bail and any interest thereon deposited after January 1, 1995;

(2) "Abandoned child support" means any payments for the support of a child or a child and the custodial parent paid to the Probation Division of the Superior Court pursuant to a court order that could not be distributed to the payee or returned to the payor within one year of its receipt;

(3) "Title IV-D" means Part D, "Child Support and Establishment of Paternity," of subchapter IV of the Social Security Act (42 U.S.C. 651 et seq.) under which states receive partial federal reimbursement of their administrative expenses for establishing paternity and collecting child support;

(4) "Unclaimed property deposits from electric and gas utilities" means any unclaimed deposits held by electric and gas utilities in accordance with the requirements of R.S.46:30B-29 and any unclaimed stock and dividends of electric and gas utilities in accordance with the requirements of R.S.46:30B-31 and any unclaimed wages of electric and gas utilities in accordance with the requirements of R.S.46:30B-44 and any other unclaimed property of electric and gas utilities in accordance with the requirements of R.S.46:30B-7.

6. R.S. 46:30B-75 is amended to read as follows:

United States, also known as an apostille, \$25.00; except that in cases of adoption of a child, the fee for an apostille shall be \$5.00.

d. For filing a certified copy of an order of change of name, \$50.00.

e. For a paper copy of any document on file, \$1.00 per page. If a roll of microfilm images is requested, the State Treasurer shall collect a fee of \$1.00 for each image on the microfilm roll. If a microfiche copy of a microfiche is requested, \$3.00.

f. For filing a proof of publication, \$10.00.

2. This act shall take effect immediately.

Approved October 13, 2000.

CHAPTER 134

AN ACT designating a portion of State Highway Route No. 82 as the "Jewish War Veterans Memorial Highway," and making an appropriation.

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

1. The Legislature finds and declares that:

a. The Jewish War Veterans of the United States of America (JWV) was founded in 1896 by the Jewish Veterans of the Civil War, making it the oldest active national veterans' service group in the country;

b. During the past 100 years, the JWV's membership has grown to include soldiers who have served proudly in every United States military engagement from 1861 through the Persian Gulf War in 1991;

c. History records that Jewish-Americans served in the United States Armed Forces during World War II beyond their numerical proportion to the general population and recently it has been noted that these veterans have received more than 52,000 decorations and awards, including the Congressional Medal of Honor;

d. The JWV combats anti-Semitism and bigotry in conjunction with the Office of Special Investigation and supports American youth through scouting, scholarships and anti-drug programs; and

e. It is altogether fitting and proper to establish a permanent memorial to commemorate the many contributions of the JWV and the courage and sacrifices of these veterans by designating a portion of State Highway Route No. 82, a major thoroughfare in Union County, as the "Jewish War Veterans Memorial Highway."

described in paragraph (1) of subsection a. of this section in a northerly direction across a portion of Block 25001, Lot 27 to Somerset County Route 602, for the purpose of providing additional access to the parcel for safety purposes.

(2) Notwithstanding the provisions of P.L.1988, c.135 or any other law to the contrary, the area within the easement described in paragraph (1) of this subsection shall not be deemed restricted to agricultural or horticultural use or conservation or recreation purposes pursuant to P.L.1988, c.135 and may be used to access the parcel described in paragraph (1) of subsection a. of this section, for only as long as the parcel is developed and used as a public school facility.

c. The sale and conveyance authorized by subsection a. of this section and the granting of the easement authorized by subsection b. of this section shall be executed in accordance with the terms and conditions approved by the State House Commission. The proceeds from the sale and conveyance authorized by subsection a. of this section and the granting of the easement authorized by subsection b. of this section shall be deposited in the General Fund of the State.

2. This act shall take effect immediately.

Approved October 31, 2000.

CHAPTER 136

AN ACT concerning the penalties for certain drug-related crimes and amending N.J.S.2C:35-5.

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

1. N.J.S.2C:35-5 is amended to read as follows:

Manufacturing, distributing or dispensing.

2C:35-5. Manufacturing, Distributing or Dispensing. a. Except as authorized by P.L.1970, c.226 (C.24:21-1 et seq.), it shall be unlawful for any person knowingly or purposely:

(1) To manufacture, distribute or dispense, or to possess or have under his control with intent to manufacture, distribute or dispense, a controlled dangerous substance or controlled substance analog; or

defendant shall be ineligible for parole. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to \$500,000.00 may be imposed;

(7) Lysergic acid diethylamide, or its analog, in a quantity of less than 100 milligrams including any adulterants or dilutants, or where the amount is undetermined, or phencyclidine, or its analog, in a quantity of less than 10 grams including any adulterants or dilutants, or where the amount is undetermined, is guilty of a crime of the second degree;

(8) Methamphetamine, or its analog, or phenyl-2-propanone (P2P), in a quantity of five ounces or more including any adulterants or dilutants is guilty of a crime of the first degree. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to \$300,000.00 may be imposed;

(9) (a) Methamphetamine, or its analog, or phenyl-2-propanone (P2P), in a quantity of one-half ounce or more but less than five ounces including any adulterants or dilutants is guilty of a crime of the second degree;

(b) Methamphetamine, or its analog, or phenyl-2-propanone (P2P), in a quantity of less than one-half ounce including any adulterants or dilutants is guilty of a crime of the third degree except that notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$75,000.00 may be imposed;

(10) (a) Marijuana in a quantity of 25 pounds or more including any adulterants or dilutants, or 50 or more marijuana plants, regardless of weight, or hashish in a quantity of five pounds or more including any adulterants or dilutants, is guilty of a crime of the first degree. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to \$300,000.00 may be imposed;

(b) Marijuana in a quantity of five pounds or more but less than 25 pounds including any adulterants or dilutants, or 10 or more but fewer than 50 marijuana plants, regardless of weight, or hashish in a quantity of one pound or more but less than five pounds, including any adulterants and dilutants, is guilty of a crime of the second degree;

(11) Marijuana in a quantity of one ounce or more but less than five pounds including any adulterants or dilutants, or hashish in a quantity of five grams or more but less than one pound including any adulterants or dilutants, is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000.00 may be imposed;

(12) Marijuana in a quantity of less than one ounce including any adulterants or dilutants, or hashish in a quantity of less than five grams including any adulterants or dilutants, is guilty of a crime of the fourth degree;

(13) Any other controlled dangerous substance classified in Schedule I, II, III or IV, or its analog, is guilty of a crime of the third degree, except

account; each borrowing member entitled to vote under this subsection shall be entitled to have one vote; but in no event shall the maximum number of votes permitted to any member under this subsection be greater than 1,000 votes regardless of the number or types of shares or accounts or the value of such shares or accounts held by such member.

Under either subsection (a) or subsection (b) of this section members may vote by written proxy if the bylaws so provide and the bylaws may prohibit voting by persons who have become members within 60 days of the date when the vote is cast.

Under either subsection (a) or subsection (b) of this section the trustee or fiduciary of a fiduciary account shall be entitled to cast the vote or votes permitted under said subsections.

Under subsection (a) of this section only one vote shall be allowed in connection with any account held by two or more persons, jointly; under subsection (b) of this section no more than the maximum number of 1,000 votes, provided for in that subsection shall be allowed in connection with an account held by two or more persons, jointly.

Under subsection (a) or subsection (b) of this section when accounts or shares are pledged, the pledgor may vote thereon.

2. This act shall take effect immediately.

Approved November 1, 2000.

CHAPTER 138

AN ACT establishing a Commission on Early Childhood Education and supplementing chapter 44 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:44-5 Commission on Early Childhood Education.

1. a. There is established a Commission on Early Childhood Education in, but not of, the Department of Education. The commission shall consist of 23 members, including the Commissioners of Education and Human Services and the State Treasurer, or their designees, who shall serve as ex officio members, and 20 public members who shall be appointed by the Governor, including two representatives of higher education and one representative of each of the following organizations: the New Jersey Child Care Advisory Council; the Association for Children of New Jersey; the

performance of their duties within the limits of funds appropriated or otherwise made available to the commission for its purposes.

b. The commission shall organize no later than 30 days after the appointment of all the members and shall select a chairman from among its members and a secretary who need not be a member of the commission.

c. The department shall provide such stenographic, clerical and other administrative assistants, and such professional staff, as the commission requires to carry out its work.

d. It shall be the responsibility of the commission to provide advice on early childhood education issues, including, but not limited to:

(1) the appropriate staff credentials for pre-school educators;

(2) appropriate Statewide standards for early childhood education program design, implementation and assessment;

(3) the development of standards for appropriate facilities for early childhood education programs;

(4) coordination of early childhood programs and services across State agencies;

(5) the identification and dissemination of information on model early childhood programs;

(6) the funding levels necessary to support high quality early childhood education programs, including funding for certified, well-trained teachers, developmentally appropriate curriculum and materials, appropriate facilities and particularized needs.

2. This act shall take effect immediately.

Approved November 1, 2000.

CHAPTER 139

AN ACT establishing a Division of Early Childhood Education in the Department of Education and supplementing chapter 44 of Title 18A of the New Jersey Statutes.

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

1. The Legislature finds and declares that: the enriched experience provided by quality early childhood education programs and services provides excellent preparation for success in school; studies have shown that the positive benefits to children of quality early childhood education

CHAPTER 140

AN ACT allowing banks and certain other lenders to act as title insurance producers, amending P.L.1991, c.18 and repealing section 27.1 of P.L.1948, c.67.

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

1. Section 1 of P.L.1991, c.18 (C. 17:46B-30.1) is amended to read as follows:

C.17:46B-30.1 Licensure, permission to act as insurance producer for title insurance company.

1. Except for a State or federally chartered bank, savings bank, savings and loan association or its subsidiary or any officer or employee of any of the foregoing, no other lending institution, mortgage service, mortgage brokerage or mortgage guaranty company or service company or any person licensed pursuant to P.L.1996, c.157 (C.17:11C-1 et seq.) shall be licensed as or permitted to act as an insurance producer for a title insurance company. No bank, trust company, bank and trust company, or other lending institution, mortgage service, mortgage brokerage or mortgage guaranty company, or any service company of or for any lending institution shall make the selection of a particular title insurance company or insurance producer a condition precedent to the granting of any mortgage loan.

Repealer.

2. Section 27.1 of P.L.1948, c.67 (C.17:9A-27.1) is repealed.

3. This act shall take effect immediately.

Approved November 1, 2000.

CHAPTER 141

AN ACT concerning the transfer of certain surplus real property owned by the State.

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

1. a. The Department of the Treasury shall transfer to the New Jersey Natural Lands Trust, established pursuant to section 1 of P.L.1968, c.425

specify the extent to which the private entity shall be involved in the operation of the school. The name of the charter school shall not include the name or identification of the private entity, and the private entity shall not realize a net profit from its operation of a charter school. A private or parochial school shall not be eligible for charter school status.

b. A currently existing public school is eligible to become a charter school if the following criteria are met:

(1) At least 51% of the teaching staff in the school shall have signed a petition in support of the school becoming a charter school; and

(2) At least 51% of the parents or guardians of pupils attending that public school shall have signed a petition in support of the school becoming a charter school.

c. An application to establish a charter school shall be submitted to the commissioner and the local board of education or State superintendent, in the case of a State-operated school district, in the school year preceding the school year in which the charter school will be established. The board of education or State superintendent shall review the application and forward a recommendation to the commissioner within 60 days of receipt of the application. The commissioner shall have final authority to grant or reject a charter application.

d. The local board of education or a charter school applicant may appeal the decision of the commissioner to the State Board of Education. The State board shall render a decision within 30 days of the date of the receipt of the appeal. If the State board does not render a decision within 30 days, the decision of the commissioner shall be deemed final.

e. A charter school established during the 48 months following the effective date of this act, other than a currently existing public school which becomes a charter school pursuant to the provisions of subsection b. of section 4 of this act, shall not have an enrollment in excess of 500 students or greater than 25% of the student body of the school district in which the charter school is established, whichever is less.

Any two charter schools within the same public school district that are not operating the same grade levels may petition the commissioner to amend their charters and consolidate into one school. The commissioner may approve an amendment to consolidate, provided that the basis for consolidation is to accommodate the transfer of students who would otherwise be subject to the random selection process pursuant to section 8 of P.L.1995, c.426 (C.18A:36A-8).

2. Section 12 of P.L.1995, c.426 (C.18A:36A-12) is amended to read as follows:

on-going access to the records and facilities of the charter school to ensure that the charter school is in compliance with its charter and that State board regulations concerning assessment, testing, civil rights, and student health and safety are being met.

b. In order to facilitate the commissioner's review, each charter school shall submit an annual report to the local board of education, the county superintendent of schools, and the commissioner in the form prescribed by the commissioner. The report shall be received annually by the local board, the county superintendent, and the commissioner no later than August 1.

The report shall also be made available to the parent or guardian of a student enrolled in the charter school.

c. By April 1, 2001, the commissioner shall hold public hearings in the north, central, and southern regions of the State to receive input from members of the educational community and the public on the charter school program.

d. The commissioner shall commission an independent study of the charter school program. The study shall be conducted by an individual or entity identified with expertise in the field of education and the selection shall be approved by the Joint Committee on the Public Schools. The individual or entity shall design a comprehensive study of the charter school program.

e. The commissioner shall submit to the Governor, the Legislature, and the State Board of Education by October 1, 2001 an evaluation of the charter school program based upon the public input required pursuant to subsection c. of this section and the independent study required pursuant to subsection d. of this section. The evaluation shall include, but not be limited to, consideration of the following elements:

(1) the impact of the charter school program on resident districts' students, staff, parents, educational programs, and finances;

(2) the impact of the charter school program and the increased number of schools on the economics of educational services on a Statewide basis;

(3) the fairness and the impact of the reduction of available resources on the ability of resident districts to promote competitive educational offerings;

(4) the impact of the shift of pupils from nonpublic schools to charter schools;

(5) the comparative demographics of student enrollments in school districts of residence and the charter schools located within those districts. The comparison shall include, but not be limited to, race, gender, socioeconomic status, enrollment of special education students, enrollment of students of limited English proficiency, and student progress toward

CHAPTER 143

AN ACT concerning nonprofit hospitals and supplementing Title 26 of the Revised Statutes.

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

C.26:2H-7.10 Short title.

1. This act shall be known and may be cited as the "Community Health Care Assets Protection Act."

C.26:2H-7.11 Additional requirements for nonprofit hospitals relative to acquisitions; exemptions; procedures.

2. In addition to the requirements of P.L.1971, c.136 (C.26:2H-1 et seq.) concerning certificate of need and licensure requirements, a nonprofit hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) shall satisfy the requirements of this act before applying to the Superior Court of New Jersey for approval prior to entering into a transaction that results in the acquisition of the hospital as defined in this act. The proposed acquisition shall be subject to the prior review of the Attorney General, in consultation with the Commissioner of Health and Senior Services, pursuant to the provisions of this section. The Attorney General shall review the application in furtherance of his common law responsibilities as protector, supervisor and enforcer of charitable trusts and charitable corporations.

For the purposes of sections 2 and 3 of this act, "acquisition" means the purchase, lease, exchange, conversion, restructuring, merger, division, consolidation, transfer of control or other disposition of a substantial amount of assets or operations, whether through a single transaction or series of transactions, with one or more persons or entities.

This act shall not apply to a nonprofit hospital if the proposed acquisition is in the usual and regular course of its activities and the Attorney General has given the nonprofit hospital a written waiver as to the proposed acquisition. As used in this section, a proposed acquisition is not in the usual and regular course of a nonprofit hospital's activities if it effects a fundamental corporate change that involves transfer of ownership or control of charitable assets or a change of the nonprofit hospital's mission or purpose.

a. (1) Within five working days of submitting an application pursuant to this section, the nonprofit hospital shall publish a notice of the proposed acquisition, in a form approved by the Attorney General, in a newspaper of general circulation in the service area of the hospital once per week for three

(6) Whether the acquisition proceeds will be used for appropriate charitable health care purposes consistent with the nonprofit hospital's original purpose or for the support and promotion of health care and whether the proceeds will be controlled as charitable funds independently of the purchaser or parties to the acquisition; and

(7) Any other criteria the Attorney General establishes by regulation to determine whether the proposed acquisition is in the public interest.

d. In determining whether an acquisition by any person or entity other than a corporation organized in this State for charitable purposes under Title 15A of the New Jersey Statutes meets the criteria of subsection b. of this section, the Attorney General shall consider, in addition to the criteria set forth in subsection c., the following criteria:

(1) Whether the nonprofit hospital will receive full and fair market value for its assets. The Attorney General may employ, at the nonprofit hospital's expense, reasonably necessary expert assistance in making this determination;

(2) Whether charitable funds are placed at unreasonable risk, if the acquisition is financed in part by the nonprofit hospital;

(3) Whether a right of first refusal has been retained to repurchase the assets by a successor nonprofit corporation or foundation if, following the acquisition, the hospital is subsequently sold to, acquired by or merged with another entity;

(4) Whether the nonprofit hospital established appropriate criteria in deciding to pursue a conversion in relation to carrying out its mission and purposes;

(5) Whether the nonprofit hospital considered the proposed conversion as the only alternative or as the best alternative in carrying out its mission and purposes;

(6) Whether the nonprofit hospital exercised due care in assigning a value to the existing hospital and its charitable assets in proceeding to negotiate the proposed conversion;

(7) Whether officers, directors, board members or senior management will receive future contracts in existing, new, or affiliated hospitals or foundations; and

(8) Any other criteria the Attorney General establishes by regulation to determine whether a proposed acquisition by any person or entity other than a corporation organized in this State for charitable purposes under Title 15A of the New Jersey Statutes is in the public interest.

e. In his review of the proposed acquisition, the Attorney General may assess the entity proposing to acquire the nonprofit hospital for reasonable costs related to the review, as determined by the Attorney General to be necessary. Reasonable costs may include expert review of the acquisition

tion, shall be independent of any influence or control by the acquiring entity, its directors, officers, trustees, subsidiaries or affiliates.

(1) The governance of the charitable trust that results from the acquisition or of any newly established charitable organization that is to receive charitable assets pursuant to subsection g. of this section shall be subject to review and approval by the Attorney General. The governance of any existing charitable organization that is to receive charitable assets pursuant to subsection g. of this section shall be subject to review by the Attorney General. The governance of the charitable trust or the charitable organization shall be broadly based, and neither the trust or organization nor any officer, director or senior manager of the trust or organization shall be affiliated with the acquiring entity and no officer, director or senior manager of the trust or organization shall be a full-time employee of State government. No officer, director or senior manager of the trust or organization shall have been a director, officer, agent, trustee or employee of the nonprofit hospital during the three years immediately preceding the effective date of the acquisition, unless that person can demonstrate to the satisfaction of the Attorney General that the person's assumption of the position of officer, director or senior manager of the trust or organization would not constitute a breach of fiduciary duty or other conflict of interest.

(2) The governing body of the charitable trust or organization shall establish or demonstrate that it has in place, as the case may be, a mechanism to avoid conflicts of interest and to prohibit grants that benefit the board of directors and management of the acquiring entity or its affiliates or subsidiaries.

(3) The governing body of the charitable trust or organization shall provide the Attorney General with an annual report which shall include an audited financial statement and a detailed description of its grant-making and other charitable activities related to its use of the charitable assets received pursuant to this act. The annual report shall be made available to the public at both the Attorney General's office and the office of the charitable trust or organization. Nothing contained in this act shall affect the obligations of an entity possessing endowment funds under P.L.1975, c.26 (C.15:18-15 et seq.).

i. (1) The entity acquiring the nonprofit hospital, if determined to be necessary by the Commissioner of Health and Senior Services, shall provide funds, in an amount determined by the Commissioner of Health and Senior Services, for the hiring by the Department of Health and Senior Services of an independent health care access monitor to monitor and report quarterly to the Department of Health and Senior Services on community health care access by the entity, including levels of uncompensated care for indigent persons provided by the entity. The funding shall be provided for three

Attorney General and commissioner may agree to reduce the period of time for review of a completed application to less than 90 days.

n. The Attorney General, in consultation with the Commissioner of Health and Senior Services, shall adopt regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410, (C.52:14B-1 et seq.) to carry out the purposes of this act.

C.26:2H-7.12 Exemption.

3. A hospital owned and operated by a county is exempt from the provisions of this act.

C.26:2H-7.13 Applicability of act.

4. The provisions of this act shall apply to any proposed acquisition of a nonprofit hospital that is initiated after the effective date of this act.

C.26:2H-7.14 Construction of act.

5. Nothing in this act shall be construed to limit the existing authority of the Attorney General, the Commissioner of Health and Senior Services or any other government official or entity or the court to review, approve or disapprove conditions related to an acquisition, transaction or disposition under current law.

6. This act shall take effect immediately.

Approved November 2, 2000.

CHAPTER 144

AN ACT designating the State Highway Route No. 72 bridge over Manahawkin Bay as the "Dorland J. Henderson Memorial Bridge," and making an appropriation.

WHEREAS, Mr. Dorland J. "Don" Henderson was born at the beginning of the twentieth century and had to overcome discrimination in the early part of the century to become one of the top engineers at the New Jersey Department of Transportation; and

WHEREAS, Mr. Henderson, as Chief of the Department of Transportation's Electrical Bureau and the Division of Traffic Engineering, had many outstanding personal and professional achievements; and

CHAPTER 145

AN ACT concerning the age for obtaining a permit to purchase a handgun and the possession and transfer of firearms under certain circumstances and amending N.J.S.2C:58-3, N.J.S.2C:39-10, P.L.1979, c.179 and P.L.1992, c.74.

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

1. N.J.S.2C:58-3 is amended to read as follows:

Purchase of Firearms.

2C:58-3. Purchase of Firearms.

a. Permit to purchase a handgun. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section.

b. Firearms purchaser identification card. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire an antique cannon or a rifle or shotgun, other than an antique rifle or shotgun, unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of subsection c. of this section and shall contain his name, address and firearms purchaser identification card number or dealer's registration number. The said certification shall be retained by the seller, as provided in section 2C:58-2a., or, in the case of a person who is not a dealer, it may be filed with the chief of police of the municipality in which he resides or with the superintendent.

c. Who may obtain. No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth. No handgun purchase permit or firearms purchaser identification card shall be issued:

(1) To any person who has been convicted of a crime, whether or not armed with or possessing a weapon at the time of such offense;

age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, drug dependent person as defined in section 2 of P.L. 1970, c.226 (C.24:21-2), whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of such confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition, giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of such occurrence, whether he presently or ever has been a member of any organization which advocates or approves the commission of acts of force and violence to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitution of either the United States or the State of New Jersey, whether he has ever been convicted of a crime or disorderly persons offense, whether the person is subject to a court order issued pursuant to section 13 of P.L. 1991, c.261 (C.2C:25-29) prohibiting the person from possessing any firearm, and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. For the purpose of complying with this subsection, the applicant shall waive any statutory or other right of confidentiality relating to institutional confinement. The application shall be signed by the applicant and shall contain as references the names and addresses of two reputable citizens personally acquainted with him.

Application blanks shall be obtainable from the superintendent, from any other officer authorized to grant such permit or identification card, and from licensed retail dealers.

The chief police officer or the superintendent shall obtain the fingerprints of the applicant and shall have them compared with any and all records of fingerprints in the municipality and county in which the applicant resides and also the records of the State Bureau of Identification and the Federal Bureau of Investigation, provided that an applicant for a handgun purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same licensing authority for which he was previously fingerprinted, and who provides other reasonably satisfactory proof of his identity, need not be fingerprinted again; however, the chief police officer or the superintendent shall proceed to investigate the application to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter.

the pistol or revolver and the fourth copy shall be kept by the seller as a permanent record.

i. Restriction on number of firearms person may purchase. Only one handgun shall be purchased or delivered on each permit, but a person shall not be restricted as to the number of rifles or shotguns he may purchase, provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in subsection b. of this section for each transaction.

j. Firearms passing to heirs or legatees. Notwithstanding any other provision of this section concerning the transfer, receipt or acquisition of a firearm, a permit to purchase or a firearms purchaser identification card shall not be required for the passing of a firearm upon the death of an owner thereof to his heir or legatee, whether the same be by testamentary bequest or by the laws of intestacy. The person who shall so receive, or acquire said firearm shall, however, be subject to all other provisions of this chapter. If the heir or legatee of such firearm does not qualify to possess or carry it, he may retain ownership of the firearm for the purpose of sale for a period not exceeding 180 days, or for such further limited period as may be approved by the chief law enforcement officer of the municipality in which the heir or legatee resides or the superintendent, provided that such firearm is in the custody of the chief law enforcement officer of the municipality or the superintendent during such period.

k. Sawed-off shotguns. Nothing in this section shall be construed to authorize the purchase or possession of any sawed-off shotgun.

l. Nothing in this section and in N.J.S.2C:58-2 shall apply to the sale or purchase of a visual distress signalling device approved by the United States Coast Guard, solely for possession on a private or commercial aircraft or any boat; provided, however, that no person under the age of 18 years shall purchase nor shall any person sell to a person under the age of 18 years such a visual distress signalling device.

2. N.J.S.2C:39-10 is amended to read as follows:

Violation of the regulatory provisions relating to firearms; false representation in applications.

2C:39-10. Violation of the Regulatory Provisions Relating to Firearms; False Representation in Applications.

a. (1) Except as otherwise provided in paragraph (2) of this subsection, any person who knowingly violates the regulatory provisions relating to manufacturing or wholesaling of firearms (section 2C:58-1), retailing of firearms (section 2C:58-2), permits to purchase certain firearms (section 2C:58-3), permits to carry certain firearms (section 2C:58-4), licenses to procure machine guns or assault firearms (section 2C:58-5), or incendiary

C.2C:58-6.1 Possession of firearms by minors; exceptions.

14. a. No person under the age of 18 years shall purchase, barter or otherwise acquire a firearm and no person under the age of 21 years shall purchase, barter or otherwise acquire a handgun, unless the person is authorized to possess the handgun in connection with the performance of official duties under the provisions of N.J.S.2C:39-6.

b. No person under the age of 18 years shall possess, carry, fire or use a firearm except as provided under paragraphs (1), (2), (3) and (4) of this subsection; and, unless authorized in connection with the performance of official duties under the provisions of N.J.S.2C:39-6, no person under the age of 21 years shall possess, carry, fire or use a handgun except under the following circumstances:

(1) In the actual presence or under the direct supervision of his father, mother or guardian, or some other person who holds a permit to carry a handgun or a firearms purchaser identification card, as the case may be; or

(2) For the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision; or

(3) For the purpose of competition or target practice in and upon a firing range approved by the governing body of the municipality in which the range is located or the National Rifle Association and which is under competent supervision at the time of such supervision or target practice or instruction and training at any location; or

(4) For the purpose of hunting during the regularly designated hunting season, provided that he possesses a valid hunting license and has successfully completed a hunter's safety course taught by a qualified instructor or conservation officer and possesses a certificate indicating the successful completion of such a course.

c. A person who violates this section shall be guilty of a crime of the fourth degree. For purposes of this section the fact that the act would not constitute a crime if committed by an adult shall not be deemed to prohibit or require waiver of family court jurisdiction pursuant to N.J.S.2C:4-11 or to preclude a finding of delinquency under the "New Jersey Code of Juvenile Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60 et seq.), P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81 (C.2A:4A-70 et seq.).

4. Section 1 of P.L.1992, c.74 (C.2C:58-3.1) is amended to read as follows:

C.2C:58-3.1 Temporary transfer of firearms.

1. a. Notwithstanding the provisions of N.J.S.2C:39-9, N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary concerning the transfer or

permit if the firearm is a rifle, obtained in accordance with the provisions of chapter 3 of Title 23 of the Revised Statutes.

The transfer of a firearm under this subsection shall be for not more than eight consecutive hours in any 24-hour period and no fee shall be charged for the transfer.

The legal owner of the firearm which is temporarily transferred shall remain in the actual presence or in the vicinity of the person to whom it was transferred during the entire time that the firearm is in that person's possession.

The term "legal owner" as used in this subsection means a natural person and does not include an organization, commercial enterprise, or a licensed manufacturer, wholesaler or dealer of firearms.

c. No firearm shall be temporarily transferred or received under the provisions of subsections a. or b. of this section for the purposes described in section 1 of P.L.1983, c.229 (C.2C:39-14).

d. An owner or dealer shall not transfer a firearm to any person pursuant to the provisions of this section if the owner or dealer knows the person does not meet the qualifications set forth in subsection c. of N.J.S.2C:58-3 for obtaining or holding a firearms purchaser identification card or a handgun purchase permit. A person shall not receive, possess, carry or use a firearm pursuant to the provisions of this section if the person knows he does not meet the qualifications set forth in subsection c. of N.J.S.2C:58-3 for obtaining or holding a firearms purchaser identification card or a handgun purchase permit.

5. This act shall take effect on the 60th day following enactment, but nothing in this act shall apply to persons who are between the ages of 18 and 21 on the effective date of this act and who have, prior to the effective date of this act, acquired a handgun with a valid permit to purchase a handgun or otherwise legally acquired a handgun

Approved November 2, 2000.

CHAPTER 146

AN ACT concerning the qualification of certain persons as veterans for civil service purposes and amending N.J.S.11A:5-1.

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

pursued to completion, or as a cadet or midshipman at one of the service academies; except that any person receiving an actual service-incurred injury or disability shall be classed as a veteran, whether or not that person has completed the 90-day service;

(4) Vietnam conflict, on or after December 31, 1960, who shall have served at least 90 days beginning on or before May 7, 1975, in active service, exclusive of any period of assignment for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was pursued to completion, or as a cadet or midshipman at one of the service academies, and exclusive of any service performed pursuant to the provisions of section 511(d) of Title 10, United States Code, or exclusive of any service performed pursuant to enlistment in the National Guard or the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve; except that any person receiving an actual service-incurred injury or disability shall be classed as a veteran, whether or not that person has completed the 90-day service as provided;

(5) Lebanon peacekeeping mission, on or after September 26, 1982, who has served in Lebanon or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before December 1, 1987 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(6) Grenada peacekeeping mission, on or after October 23, 1983, who has served in Grenada or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before November 21, 1983 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(7) Panama peacekeeping mission, on or after December 20, 1989 or the date of inception of that mission, as proclaimed by the President of the United States or Congress, whichever date of inception is earliest, who has served in Panama or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before January 31, 1990 or the date of

served in Haiti or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuously or in the aggregate, of at least 14 days in such active service and who received an Armed Forces Expeditionary Medal for such service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided or received an Armed Forces Expeditionary Medal.

c. "War service" means service by a veteran in any war or conflict described in this chapter during the periods specified.

2. This act shall take effect immediately.

Approved November 9, 2000.

CHAPTER 147

AN ACT concerning State aid for districts with concentrations of low-income pupils and amending P.L.1996, c.138.

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

1. Section 5 of P.L.1996, c.138 (C.18A:7F-5) is amended to read as follows:

C.18A:7F-5 Notification of districts of aid payable; budget submissions.

5. a. Biennially, within 30 days following the approval of the Report on the Cost of Providing a Thorough and Efficient Education, the commissioner shall notify each district of the T&E amount, the T&E flexible amount, the T&E range, early childhood program amount, demonstrably effective program amount, instructional supplement amount, and categorical amounts per pupil for the subsequent two fiscal years.

Annually, within two days following the transmittal of the State budget message to the Legislature by the Governor pursuant to section 11 of P.L.1944, c.112 (C.52:27B-20), the commissioner shall notify each district of the maximum amount of aid payable to the district in the succeeding school year pursuant to the provisions of this act, and shall notify each district of the district's T&E budget, maximum T&E budget, and minimum permissible T&E budget for the succeeding school year.

Beginning in the 1998-99 school year, unless otherwise specified within this act, aid amounts payable for the budget year shall be based on budget year pupil counts, which shall be projected by the commissioner using data

range (T&E amount x WENR, where WENR is the district's weighted enrollment pursuant to section 13 of this act).

Notwithstanding the above provision, no Abbott district shall raise a general fund tax levy which is less than the prior year general fund tax levy unless the sum of the levy and the other components of the T&E program budget equals or exceeds its maximum T&E budget calculated pursuant to section 13 of this act.

For district factor group A districts, the required local share shall equal the district's local share calculated at its minimum T&E budget pursuant to section 13 of this act.

For all other districts, the required local share shall equal the lesser of the local share calculated at the district's minimum T&E budget pursuant to section 13 of this act, or the district's budgeted local share for the prebudget year.

In order to meet this requirement, each district shall raise a general fund tax levy which, when added to the general fund balance designated for the budget year, miscellaneous local general fund revenues estimated consistent with GAAP to be realized during the budget year, supplemental core curriculum standards aid calculated pursuant to section 17 of this act and stabilization aid and supplemental school tax reduction aid calculated pursuant to section 10 of this act, equals its required local share or, for Abbott districts, the amount required when the calculation of required local share would result in a general fund tax levy which is less than the general fund tax levy of the prebudget year. For 1997-98, the budgeted local share for the prebudget year shall be the district's general fund tax levy.

For the 1997-98 school year, any tax increase which would be required of an Abbott district or district factor group A district to meet its required local share, after consideration of supplemental core curriculum standards aid, stabilization aid, and supplemental school tax reduction aid shall be fully funded by the State and recorded as supplemental core curriculum standards aid. The commissioner, in consultation with the Commissioner of the Department of Community Affairs and the Director of the Division of Local Government Services in the Department of Community Affairs, shall examine the fiscal ability of the Abbott districts and the district factor group A districts eligible for supplemental core curriculum standards aid to absorb any reduction in such aid and shall make recommendations to the Legislature and the Governor regarding the continuation of supplemental core curriculum standards aid to those districts. In making those recommendations, the commissioner shall consider the ratable base of the municipality or municipalities in which the district is located, the tax burden placed upon the local community due to other required municipal services, and the fiscal ability of the school district to raise its required local share. The commis-

N.J.S.18A:39-1.1 shall equal the cost of providing such pupil transportation services for the budget year.

(2) A district proposing a budget set at or below the minimum T&E budget established pursuant to section 13 of this act shall submit, as appropriate, to the board of school estimate or to the voters of the district at the annual school budget election conducted pursuant to the provisions of P.L.1995, c.278 (C.19:60-1 et seq.), a general fund tax levy which when added to the other components of the net T&E budget shall not exceed the prebudget year net T&E budget or in 1997-98 the prebudget year net budget by more than the spending growth limitation calculated as follows: the sum of three percent or the CPI, whichever is greater, multiplied by the prebudget year net budget, and adjustments for changes in enrollment, certain capital outlay expenditures, expenditures for pupil transportation services provided pursuant to N.J.S.18A:39-1.1, and special education costs per pupil in excess of \$40,000. The enrollment adjustment shall equal the increase in weighted resident enrollment between the prebudget year and the budget year multiplied by the T&E amount less the T&E flexible amount. The adjustments for special education costs, pupil transportation services, and capital outlay expenditures shall be calculated pursuant to the provisions of paragraph (1) of this subsection.

Notwithstanding the provisions of this paragraph, no district shall raise a net budget which is less than the local share required under the required local share provisions of this act plus the other components of its net budget.

(3) A district proposing a budget set at or below the maximum T&E budget, but including amounts in excess of the minimum T&E budget established pursuant to section 13 of this act, shall submit, as appropriate, to the board of school estimate or to the voters at the annual school budget election conducted pursuant to the provisions of P.L.1995, c.278 (C.19:60-1 et seq.), a general fund tax levy which when added to the other components of its net T&E budget does not exceed the prebudget year net T&E budget or in 1997-98 the prebudget year net budget by more than the spending growth limitation calculated as follows: the sum of three percent or the CPI, whichever is greater, multiplied by the prebudget year net budget, and adjustments for changes in enrollment, certain capital outlay expenditures, expenditures for pupil transportation services provided pursuant to N.J.S.18A:39-1.1, and special education costs per pupil in excess of \$40,000 per pupil. The enrollment adjustment shall equal the increase in the unweighted resident enrollment between the prebudget year and the budget year multiplied by the prebudget year T&E program budget per pupil indexed by the CPI or three percent, whichever is greater. For the 1997-98 school year, the T&E program budget for the prebudget year shall equal the sum of the general fund tax levy, foundation aid, and transition aid. The

(10) Notwithstanding any provision of law to the contrary, if a district proposes a budget which exceeds the maximum T&E budget, the following statement shall be published in the legal notice of public hearing on the budget pursuant to N.J.S.18A:22-28, posted at the public hearing held on the budget pursuant to N.J.S.18A:22-29, and printed on the sample ballot required pursuant to section 10 of P.L.1995, c.278 (C.19:60-10):

"Your school district has proposed programs and services in addition to the core curriculum content standards adopted by the State Board of Education. Information on this budget and the programs and services it provides is available from your local school district."

e. (1) Any general fund tax levy rejected by the voters for a proposed budget in excess of the maximum T&E budget shall be submitted to the governing body of each of the municipalities included within the district for determination of the amount that should be expended notwithstanding voter rejection. In the case of a district having a board of school estimate, the general fund tax levy shall be submitted to the board for determination of the amount that should be expended. If the governing body or bodies or board of school estimate, as appropriate, reduce the district's proposed net budget, the district may appeal any of the reductions to the commissioner on the grounds that the reductions will negatively impact on the stability of the district given the need for long term planning and budgeting. In considering the appeal, the commissioner shall consider enrollment increases or decreases within the district; the history of voter approval or rejection of district budgets; the impact on the local levy; and whether the reductions will impact on the ability of the district to fulfill its contractual obligations. A district may not appeal any reductions on the grounds that the amount is necessary for a thorough and efficient education.

(2) Any general fund tax levy rejected by the voters for a proposed budget at or below the maximum T&E budget shall be submitted to the governing body of each of the municipalities included within the district for determination of the amount that should be expended notwithstanding voter rejection. In the case of a district having a board of school estimate, the general fund tax levy shall be submitted to the board for determination. Any reductions may be appealed to the commissioner on the grounds that the amount is necessary for a thorough and efficient education or that the reductions will negatively impact on the stability of the district given the need for long term planning and budgeting. In considering the appeal, the commissioner shall also consider the factors outlined in paragraph (1) of this subsection.

In the case of a school district in which the proposed budget is below, or after a reduction made by the municipal governing body or board of school estimate is below, the minimum T&E budget calculated pursuant to

providing full-day kindergarten and preschool classes and other early childhood programs and services.

For districts in which the concentration of low income pupils is equal to or greater than 20% and less than 40%, aid shall be distributed according to the following formula:

$$\text{Aid} = A1 \times \text{Modified District Enrollment.}$$

For districts in which the concentration of low income pupils is equal to or greater than 40%, aid shall be distributed according to the following formula for the purpose of expanding instructional services previously specified to three year olds, or of providing, in addition to the instructional services previously specified, transition and social services to primary grade students:

$$\text{Aid} = A2 \times \text{Modified District Enrollment where}$$

$$A1 = \$465; \text{ and}$$

$$A2 = \$750.$$

For the 1998-1999 school year, the per pupil funding amounts shall be these amounts multiplied by the CPI. For subsequent years, the amounts shall be established biennially in the Report on the Cost of Providing a Thorough and Efficient Education and shall be derived from cost analyses of appropriate programmatic applications of these funds as identified in the report. The amounts shall be adjusted for inflation by the CPI in the second year of the period to which the report applies.

County vocational school districts and limited purpose regional high school districts meeting the eligibility criteria of this section shall receive aid payable under this section as demonstrably effective program aid in addition to amounts received pursuant to section 18 of this act.

Each district which receives early childhood program aid shall submit to the commissioner for approval an operational plan that shall be a subset of the district's comprehensive strategic plan, to establish preschool and full-day kindergarten for all four and five year olds by the 2001-2002 school year and to maintain them thereafter. Districts shall appropriate the aid in a special revenue fund for expenditure, but may place all or a portion of the aid in a capital reserve account during the first four years to establish facilities for these purposes. During the first four school years following enactment of this act, districts may use early childhood program aid for educationally meritorious programs or for the purpose of constructing new school facilities or enlarging existing school facilities for use by pupils other than those enrolled in early childhood programs, provided the new or enlarged facilities are used for and are adequate to house the planned early childhood programs. Districts which maintain progress consistent with the implementation plan may also use the funds for demonstrably effective programs pursuant to section 18 prior to establishing the programs required

SEN2 is the sum of the school enrollments for all schools in the district enrolling low-income pupils at rates equal to or greater than 40%; where

B1 = \$300; and

B2 = \$425.

For the 1998-1999 school year, the per pupil funding amounts shall be these amounts multiplied by the CPI. For subsequent years, the amounts shall be established biennially in the Report on the Cost of Providing a Thorough and Efficient Education and be derived from cost analyses of appropriate programmatic applications as identified in the report. The amounts shall be adjusted for inflation by the CPI in the second year of the period to which the report applies.

b. The State Board of Education, upon the recommendation of the commissioner, shall adopt regulations governing the use of demonstrably effective program aid and an accounting mechanism to ensure that use. The rules shall provide for:

(1) Programs. A definition as recommended by the commissioner shall be established of the demonstrably effective programs and services which shall qualify for aid. The definition shall include for 1997-98, but not be limited to: alternative schools; community schools; class size reduction programs; parent education programs; job training programs; training institutes to improve homework response; telephone tutorial programs; teleconference and video tutoring programs; and HSPT/Early Warning test before school/after school preparation programs. The commissioner shall establish the per-pupil cost of providing these effective programs and services in the Report on the Cost of Providing a Thorough and Efficient Education.

(2) Accountability. A recipient district shall be required to obtain the approval of the Department of Education for the planned uses of demonstrably effective program funds. A periodic public process shall be established by which specific programmatic uses for the funds shall be identified and approved. A district failing to use the funds in the prescribed manner shall be subject to rescission of aid and additional monetary penalties as established by the commissioner.

(3) Monitoring. To facilitate State monitoring of the uses of the funds, districts shall be required to maintain separate program and service accounts in the special revenue section of district budgets and financial records in accordance with GAAP and specifications prescribed by the commissioner.

c. Instructional supplement aid shall be generated by school districts and county vocational school districts and distributed to districts for the purposes of providing supplemental services for students from low-income families. Aid shall be distributed to districts in which the concentration of

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

C.48:2-29.42 Third party designation to receive transmission of public utility service termination.

1. Every public utility which provides electric, natural gas, water, sewage disposal or local telecommunications service shall permit a residential ratepayer who receives service to designate a third party to whom the public utility shall transmit a copy of any notice of termination of service. The ratepayer shall notify the public utility that a third party has been so designated. Such notification shall be authorized on an appropriate form for recording this designation, and shall be effective not later than 10 business days from the date of receipt by the public utility. The notification shall contain, in writing, an acceptance by the third party designee to receive copies of any notices of termination of service of the ratepayer's utility services.

The transmission to the third party designee of a copy of the termination of service notice shall be in addition to the original document transmitted to the ratepayer. The copy of the termination of service notice transmitted to the third party shall be governed by the same law and policy provisions which govern the notice being transmitted to the ratepayer.

Designation as a third party shall not constitute acceptance of any liability on the part of the third party for payment of the public utility bill.

The public utility shall notify every residential ratepayer annually in writing of the availability of the third party designee notice procedures and provide information on how the ratepayer can commence this procedure, except that notice need not be provided once a ratepayer has made a designation. A public utility may provide this required annual notice to its residential ratepayers in any manner that the public utility determines.

C.48:2-29.43 Rules, regulations.

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

3. This act shall take effect on the 120th day following enactment.

Approved November 9, 2000.

The treasurer shall enter into bond to the board of managers for the faithful performance of the duties of his office in such sum and with such sureties as the board shall require and approve.

The superintendent and other officers may be required to give bond in such sum and with such sureties for the faithful performance of their respective duties as the board shall require and approve.

3. R.S.30:7-4 is amended to read as follows:

Powers, duties of superintendent.

30:7-4. The superintendent shall be the chief executive officer of the New Jersey Firemen's Home and shall have the general management and care of the buildings, grounds, furniture, fixtures and stock, and the government, direction, care and treatment of guests and patients and of the officers, assistants and attendants, subject to the general control of the board of managers and in pursuance of the by-laws, rules and regulations established by the board and he shall keep a correct and proper record of all his official acts and transactions.

4. R.S.30:7-6 is amended to read as follows:

Admittance to home; terms, conditions.

30:7-6. The board of managers shall establish the terms and conditions upon which an aged, needy or disabled fireman may be admitted into the home and the period of continuance therein.

5. R.S.30:7-7 is amended to read as follows:

Persons entitled to admittance.

30:7-7. No person shall be admitted into the New Jersey Firemen's Home as a patient or guest unless he is or has been an active fireman of this State and is aged or needy and unable to procure the means sufficient for his comfortable support and necessary care and attendance; or unless he has been permanently or temporarily disabled in the discharge of the duties as a fireman of this State; or unless from sickness or other disability contracted in such service or in consequence thereof he is needy and unable to secure the necessary means for his treatment, cure, comfortable support and proper care and attendance.

6. R.S.30:7-8 is amended to read as follows:

Benefits, application rejections, guest removal.

30:7-8. A person admitted to the New Jersey Firemen's Home shall be entitled to all its benefits and shall be furnished with clothing, subsistence,

bequests or devises for the use and benefit of the home, and the same invest, sell, convey, use or otherwise apply for the benefit of the home as the managers, subject to the approval of the Governor, may deem proper. The managers may also receive voluntary contributions of money, food, material or merchandise for the home.

10. R.S.30:7-12 is amended to read as follows:

Property of home tax exempt.

30:7-12. The property, real and personal, of the board of managers of the New Jersey Firemen's Home and held or used for the uses and purposes of the firemen's home shall be exempt from taxation, State or municipal under any law of the State.

Repealer.

11. R.S.30:7-5 is hereby repealed.

12. This act shall take effect immediately.

Approved November 9, 2000.

CHAPTER 150

AN ACT authorizing the appointment of additional alternates to certain planning boards and amending P.L.1979, c.216.

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

1. Section 13 of P.L.1979, c.216 (C.40:55D-23.1) is amended to read as follows:

C.40:55D-23.1 Alternate members.

13. The governing body of any municipality in which the planning board exercises the powers of the board of adjustment pursuant to subsection c. of section 16 of P.L.1975, c.291 (C.40:55D-25) may, by ordinance, provide for the appointment to the planning board of not more than four alternate members, who shall be municipal residents. The governing body of any municipality with a separate planning board and board of adjustment may, by ordinance, provide for the appointment to the planning board of not more than two alternate members, who shall be municipal residents.

C.26:4A-4 Definitions relative to lifeguard and first aid personnel requirements at certain swimming areas.

1. As used in this act:

"Campground" means a plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for children or adults, or both, for a total of 15 days or more in any calendar year, for recreation, education, or vacation purposes.

"Common interest community" means:

a. property subject to the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.) or the "Horizontal Property Act," P.L.1963, c.168 (C.46:8A-1 et seq.);

b. a housing corporation or association, commonly known as a cooperative, which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment, manufactured or mobile home or other unit of housing owned or leased by the corporation or association, or to lease or purchase a unit of housing constructed or to be constructed by the corporation or association; or

c. real estate with respect to which a person, by virtue of his ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvement of other real estate described in the instrument, however denominated, which creates the common interest community. Ownership of a unit does not include holding a leasehold interest of less than 20 years in a unit, including renewal options;

"Hotel" or "motel" means a commercial establishment with a building of four or more dwelling units or rooms used for rental and lodging by guests.

"Mobile home park" means a parcel of land, or two or more contiguous parcels of land, containing at least 10 sites equipped for the installation of mobile or manufactured homes, where these sites are under common ownership and control, other than as a cooperative, for the purpose of leasing each site to the owner of a mobile or manufactured home for the installation thereof, and where the owner provides services, which are provided by the municipality in which the park is located for property owners outside the park, which services may include, but shall not be limited to:

- a. Construction and maintenance of streets;
- b. Lighting of streets and other common areas;
- c. Garbage removal;
- d. Snow removal; and

manager or owner on the premises when its swimming area or, in the case of a private marina, when its swimming pool is open for use.

3. This act shall take effect immediately.

Approved November 9, 2000.

CHAPTER 152

AN ACT concerning filings and certifications with the Division of Revenue, Office of Commercial Recording, and supplementing chapter 16 of Title 52 of the Revised Statutes.

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

C.52:16-8.1 Filings with, certifications from State's commercial recording program; applicability.

1. a. Notwithstanding the statutory provisions to the contrary, for any of the areas listed in subsection b. of this section, whenever a law of this State directs a filing to be made with, or a certification to be obtained from, the Office of the Secretary of State, that law shall be construed to mean a filing with, or a certification from, the State's commercial recording program, no matter where the program is assigned as part of any government reorganization plan.

b. The provisions set forth in subsection a. of this section shall apply to filings and certifications for corporations and all other legal business entities, Uniform Commercial Code financing statements, notaries public and foreign commissioners of deeds, apostilles and other certifications used in international and domestic document exchange, trade names, trade and service marks, collection agency bonds, and legal name changes.

2. This act shall take effect immediately and be retroactive to May 29, 1998.

Approved November 12, 2000.

CHAPTER 153

AN ACT concerning consumer products and supplementing chapter 40 of Title 2C of the New Jersey Statutes.

c. The United States' involvement in that conflict resulted in great domestic turmoil and dispute in this nation, as well as over 50,000 American soldiers killed, including 1,515 from New Jersey; and

d. It is fitting and proper for this State to recognize and honor those among its residents who served proudly and those who died bravely in that conflict on the 25th anniversary of its ending, because in 1973 those same individuals were often ignored or scorned for their service to their country.

2. a. The Adjutant General is hereby authorized to issue a medal and ribbon to commemorate the 25th anniversary of the ending of the Vietnam Conflict in January 1973.

b. The medal and ribbon shall be issued to: (1) all residents of the State who were on active duty in any branch of the armed forces of the United States in Vietnam, Thailand, Laos or Cambodia or the contiguous waters or airspace thereof on or after December 31, 1960 and on or before May 7, 1975, who have been given an honorable discharge from such service, if discharged or released therefrom, and:

(a) were attached to or served for one or more days with an organization participating in or directly supporting military operations;

(b) were attached to or served for one or more days aboard a United States Naval vessel directly supporting military operations;

(c) participated as a crew member in one or more aerial flights into airspace above Vietnam and contiguous waters directly supporting military operations; or

(d) served on temporary duty for 30 consecutive days or 60 nonconsecutive days in Vietnam or contiguous areas, except that this time limit may be waived for persons participating in actual combat operations; or

(2) the surviving spouse or immediate family member of any resident of the State meeting the requirements for a medal established by paragraph (1) of this subsection who was killed while on active duty or died after receiving an honorable discharge from the armed forces.

c. The Adjutant General shall select an appropriate design for the award no later than the fourth month following the enactment of this act and shall issue the award to qualified persons beginning no later than the eighth month following enactment.

d. No person shall be entitled to more than one award of the medal and ribbon authorized by subsection a. of this section.

3. There is appropriated to the Department of Military and Veterans' Affairs from the General Fund \$5,000 to effectuate the purposes of this act.

4. This act shall take effect immediately.

Approved November 13, 2000.

Union	1,204,000
Warren	600,000
Statewide Discretionary	<u>2,500,000</u>
TOTAL	<u>\$25,000,000</u>

b. Any funds appropriated for the rehabilitation and improvement of deficient bridges pursuant to the provisions of this section that are not obligated within four years of the effective date of this act shall be consolidated into a single account and redistributed to all 21 counties on the same proportional basis as the original appropriation. Funds that have not been obligated, but are required to complete a project under development, will not be subject to consolidation and redistribution.

3. There is appropriated to the Department of Transportation the sum of \$125,000,000 for the following transportation projects:

PROJECT

A. Construction

Airport Safety Fund
 Betterments, Bridge Preservation
 Betterments, Roadway Preservation
 Betterments, Safety
 Bicycle Projects, Local System
 Bridge, Emergency Repair
 Bridge Maintenance, Movable Bridges
 Construction Inspection
 Culvert Inspection Program
 Doremus Avenue Bridge over the
 Oak Island Yards, replacement;
 Essex County
 Drainage Rehabilitation and
 Maintenance, State
 Economic Development
 Electrical Facilities
 Environmental Investigations
 Freight Program
 Good Neighbor Landscaping
 North Avenue Bridges, Phase 3;
 Eastbound Bridge Widening;
 Union County
 Orphan Bridge Emergency Repair
 Pedestrian Projects, Local System

the Senate Transportation Committee, the Assembly Transportation Committee, and the Legislative Budget and Finance Officer a list of the specific projects identified in section 3 of this act with the amount allotted for each project. Following submission of the list, any request to subsequently transfer funds between projects shall require the approval of the Director of the Division of Budget and Accounting, and the Legislative Budget and Finance Officer.

5. This act shall take effect immediately.

Approved November 13, 2000.

CHAPTER 156

AN ACT phasing out the petroleum products gross receipts tax for fuel used to generate certain electricity, supplementing P.L.1990, c.42 (C.54:15B-1 et seq.).

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

C.54:15B-2.2 Definitions; phase out of petroleum products gross receipts tax.

1. a. "Gross receipts" shall not include that percent of receipts, as provided in subsection b. of this section, from sales of petroleum products used by a utility, a co-generation facility or a wholesale generation facility to generate electricity that is sold for resale or to an end user other than the end user upon whose property is located the co-generation facility that generated the electricity or upon the property purchased or leased from the end user by the person owning the co-generation facility if such property is contiguous to the user's property and is the property upon which is located a co-generation facility that generated the electricity.

b. (1) For the first twelve calendar months in which this section shall apply, "gross receipts" from sales of petroleum products as described in subsection a. of this section made in those months shall not include 25% of those receipts;

(2) For the thirteenth through twenty-fourth calendar months in which this section shall apply, "gross receipts" from sales of petroleum products as described in subsection a. of this section made in those months shall not include 50% of those receipts;

(3) For the twenty-fifth through the thirty-sixth calendar months in which this section shall apply, "gross receipts" from sales of petroleum

guilty by reason of insanity or adjudicated delinquent, the action may be brought at any time.

2. This act shall take effect immediately and shall apply to any action filed on or after the effective date including actions filed where the murder, aggravated manslaughter or manslaughter occurred prior to the effective date of this act.

Approved November 17, 2000.

CHAPTER 158

AN ACT concerning the powers of the Historic New Bridge Landing Park Commission and amending P.L.1995, c.260.

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

1. Section 3 of P.L.1995, c.260 (C.13:15B-3) is amended to read as follows:

C.13:15B-3 Powers of commission.

3. The Historic New Bridge Landing Park Commission shall have the following powers:

- a. To sue and be sued in its own name, but the members of the commission shall be held harmless for acts performed in good faith;
- b. To adopt a seal and alter the same at its pleasure;
- c. To adopt bylaws for the regulation of its affairs and the conduct of its business;
- d. To maintain an office or offices at such place or places within the State as it may designate;
- e. To appoint officers, who need not be members of the commission, in addition to a secretary and a treasurer, as the commission deems advisable, and to employ other employees and agents as may be necessary or desirable in its judgment, to fix their compensation, and to promote and discharge officers, employees and agents all without regard to the provisions of Title 11A, Civil Service, of the New Jersey Statutes;
- f. To acquire in the name of the commission, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this act;

3. This act shall take effect immediately.

Approved December 1, 2000.

CHAPTER 159

AN ACT concerning cosmetology and hairstyling and amending P.L.1984, c.205.

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

1. Section 3 of P.L.1984, c.205 (C.45:5B-3) is amended to read as follows:

C.45:5B-3 Definitions.

3. As used in this act:

a. "Barber" means any person who is licensed to engage in any of the practices encompassed in barbering.

b. "Barbering" means any one or combination of the following practices when done on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or when done without payment for the general public:

(1) shaving or trimming of the beard, mustache or other facial hair;

(2) shampooing, cutting, arranging, relaxing or styling of the hair;

(3) singeing or dyeing of the hair;

(4) applying cosmetic preparations, antiseptics, tonics, lotions or creams to the hair, scalp, face or neck;

(5) massaging, cleansing or stimulating the face, neck or scalp with or without cosmetic preparations, either by hand, mechanical or electrical appliances; or

(6) cutting, fitting, coloring or styling of hairpieces or wigs, to the extent that the services are performed while the wig is being worn by a person.

c. "Beautician" means any person who is licensed to engage in any of the practices encompassed in beauty culture.

d. "Beauty culture" means any one or combination of the following practices when done on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for

(5) massaging, cleansing or stimulating the face, neck or upper part of the body, with or without cosmetic preparations, either by hand, mechanical or electrical appliances;

(6) removing superfluous hair from the face, neck, arms, legs or abdomen by the use of depilatories, waxing or tweezers, but not by the use of electrolysis;

(7) manicuring the fingernails, nail-sculpturing or pedicuring the toenails;

(8) cutting, fitting, coloring or styling of hairpieces or wigs to the extent that the services are being performed while the wig is being worn by a person; or

(9) hairweaving to the extent that the procedure does not involve the replacement of human hair by means of the insertion of any natural or synthetic fiber hair into the scalp.

k. "Manicurist" means a person who holds a limited license to engage in only the practice of manicuring.

l. "Manicuring" means any one or combination of the following practices when done on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment directly or indirectly or when done without payment for the general public:

(1) manicuring of the fingernails;

(2) pedicuring of the toenails;

(3) nail sculpturing; or

(4) removing superfluous hair from the face, neck, arms, legs or abdomen by the use of depilatories, waxing or tweezers, but not by the use of electrolysis.

m. "Owner" means any person, corporation, firm or partnership who has a financial interest in a school or shop entitling him to participate in the promotion, management and proceeds thereof. It does not include a person whose connection with a school or shop entitles him only to reasonable salary or wages for services actually rendered.

n. "Practicing licensee" means any person who holds a license to practice barbering, beauty culture, cosmetology and hairstyling, manicuring or as a skin care specialist.

o. "Registered student" means a person who is engaged in learning and acquiring a knowledge of any of the practices included in the definition of cosmetology and hairstyling under the direction and supervision of a person duly authorized under this act to teach cosmetology and hairstyling and who is enrolled in a program of instruction at a licensed school of cosmetology and hairstyling, completion of which may render him eligible for licensure pursuant to this act but does not mean a person who is enrolled in a public

(1) applying cosmetic preparations, antiseptics, tonics, lotions, creams or makeup to the scalp, face or neck;

(2) massaging, cleansing or stimulating the face, neck or upper part of the body, with or without cosmetic preparations, either by hand, mechanical or electrical appliances; or

(3) removing superfluous hair from the face, neck, arms, legs or abdomen by the use of depilatories, waxing or tweezers, but not by the use of electrolysis.

z. "Skin care specialty student permit" means a permit issued to a senior student in a skin care specialty program which enables him to practice skin care in a school clinic or shop while a registered student at a licensed school of cosmetology and hairstyling or enrolled in an approved vocational program.

2. Section 11 of P.L.1984, c.205 (C.45:5B-11) is amended to read as follows:

C.45:5B-11 Practicing licensee requirement.

11. A shop licensed by the board shall employ at least one experienced practicing licensee to generally oversee the management of the shop. The practicing licensee shall:

a. Hold a beautician, barber or cosmetologist-hairstylist license and have three years of experience as a beautician, barber or cosmetologist-hairstylist; or

b. Hold a beautician or cosmetologist-hairstylist license and have been issued a manager-operator license by the Board of Beauty Culture Control; or

c. If the shop performs only manicuring services, hold a manicurist license and have three years of experience as a manicurist; or

d. If a shop performs only skin care specialty services, hold a skin care specialty license and have three years of experience as a skin care specialist.

A shop which satisfies the requirements of this section by employing a practicing licensee who holds a barber license is precluded from employing senior students unless the shop also employs a practicing licensee who holds either a license as a beautician or a cosmetologist-hairstylist and has at least three years of experience as a beautician or a cosmetologist-hairstylist.

3. Section 22 of P.L.1984, c.205 (C.45:5B-22) is amended to read as follows:

services as enumerated in subsection y. of section 3 of P.L.1984, c.205 (C.45:5B-3); provided they comply with the requirements of subsection a. of this section. The minimum criteria established by the board by regulation for such a shop shall be appropriate to the practice offered by the shop, without regard to the practices not offered by the shop.

5. Section 34 of P.L.1984, c.205 (C.45:5B-34) is amended to read as follows:

C.45:5B-34 Expiration of licenses.

34. All practicing licenses and teachers' licenses issued shall automatically expire on September 30 of the next even numbered year following the date of license issuance. Shop and school licenses shall automatically expire on July 31 of the next even numbered year following the date of license issuance.

6. This act shall take effect immediately.

Approved December 1, 2000.

CHAPTER 160

AN ACT concerning alcoholic beverage licenses and amending P.L.1947, c.94.

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

1. Section 8 of P.L.1947, c.94 (C.33:1-12.20) is amended to read as follows:

C.33:1-12.20 Licensure of certain hotels, motels.

8. a. Nothing in this act shall prevent the issuance, in a municipality, of a new license to a person who operates a hotel or motel containing 100 guest sleeping rooms or who may hereafter construct and establish a new hotel or motel containing at least 100 guest sleeping rooms.

b. A person who holds a license issued pursuant to subsection a. of this section and who has been required by law to reduce the number of sleeping rooms in the hotel may continue to hold the license if the hotel has at least 75 sleeping rooms, has been in continuous operation for at least 120 years in the same building, and is listed in the National Register of Historic Places.

"Partnership at will" means a partnership in which the partners have not agreed to remain partners until the expiration of a definite term or the completion of a particular undertaking.

"Partnership interest" or "partner's interest in the partnership" means all of a partner's interests in the partnership, including the partner's transferable interest and all management and other rights.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited partnerships, limited liability company, or other limited liability entity, association, joint venture, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

"Property" means all property, real, personal, or mixed, tangible or intangible, or any interest therein.

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

"Statement" means a statement of partnership authority under section 15, a statement of denial under section 16, a statement of dissociation under section 37, a statement of dissolution under section 43, a statement of qualification under section 47 of this act, or a statement of foreign qualification under section 51 of this act, or an amendment or cancellation of any of the foregoing.

"Transfer" includes an assignment, conveyance, lease, mortgage, deed, and encumbrance.

C.42:1A-3 Explanation of knowledge, notice; giving, receiving notice.

3. a. A person knows a fact if the person has actual knowledge of it.
- b. A person has notice of a fact if the person:
 - (1) knows of it;
 - (2) has received a notification of it; or
 - (3) has reason to know it exists from all of the facts known to the person at the time in question.
- c. A person notifies or gives a notification to another by taking steps reasonably required to inform the other person in ordinary course, whether or not the other person learns of it.
- d. A person receives a notification when the notification:
 - (1) comes to the person's attention; or
 - (2) is duly delivered at the person's place of business or at any other place held out by the person as a place for receiving communications.
- e. Except as otherwise provided in subsection f. of this section, a person other than an individual knows, has notice, or receives a notification of a fact for purposes of a particular transaction when the individual conducting the transaction knows, has notice, or receives a notification of the fact, or in any event when the fact would have been brought to the individual's attention if

C.42:1A-6 Statements filed in the Division of Commercial Recording; effects, fees.

6. a. A statement may be filed in the office of the Division of Commercial Recording in the Department of the Treasury. A certified copy of a statement that is filed in an office in another state may be filed in the office of the Division of Commercial Recording in the Department of the Treasury. This statement may indicate the authority of one or more particular partners with respect to any matter or class of matters. In addition, either filing has the effect provided in this act with respect to partnership property located in or transactions that occur in this State.

b. A certified copy of a statement that has been filed in the office of the Division of Commercial Recording in the Department of the Treasury and recorded in the office of the county recording officer has the effect provided for recorded statements in this act. A recorded statement that is not a certified copy of a statement filed in the office of the Division of Commercial Recording in the Department of the Treasury does not have the effect provided for recorded statements in this act.

c. A statement filed by a partnership shall be executed by at least two partners. Other statements shall be executed by a partner or other person authorized by this act. An individual who executes a statement as, or on behalf of, a partner or other person named as a partner in a statement shall personally declare under penalty of perjury that the contents of the statement are accurate.

d. A person authorized by this act to file a statement may amend or cancel the statement by filing an amendment or cancellation that names the partnership, identifies the statement, and states the substance of the amendment or cancellation.

e. A person who files a statement pursuant to this section shall promptly send a copy of the statement to every nonfiling partner and to any other person named as a partner in the statement. Failure to send a copy of a statement to a partner or other person does not limit the effectiveness of the statement as to a person not a partner.

f. The Division of Commercial Recording in the Department of the Treasury may collect a fee for filing or providing a certified copy of a statement. The county recording officer may collect a fee for recording a statement.

C.42:1A-7 Law governing relations among partners, between partners and partnership.

7. a. Except as otherwise provided in subsection b. of this section, the law of the jurisdiction in which a partnership has its chief executive office governs relations among the partners and between the partners and the partnership.

b. The law of this State governs relations among the partners and between the partners and the partnership and the liability of partners for an obligation of a limited liability partnership.

C.42:1A-11 Property of the partnership.

11. Property acquired by a partnership is property of the partnership and not of the partners individually.

C.42:1A-12 Acquisition of partnership property; presumptions.

12. a. Property is partnership property if acquired in the name of:
- (1) the partnership; or
 - (2) one or more partners with an indication in the instrument transferring title to the property of the person's capacity as a partner or of the existence of a partnership but without an indication of the name of the partnership.
- b. Property is acquired in the name of the partnership by a transfer to:
- (1) the partnership in its name; or
 - (2) one or more partners in their capacity as partners in the partnership, if the name of the partnership is indicated in the instrument transferring title to the property.
- c. Property is presumed to be partnership property if purchased with partnership assets, even if not acquired in the name of the partnership or of one or more partners with an indication in the instrument transferring title to the property of the person's capacity as a partner or of the existence of a partnership.
- d. Property acquired in the name of one or more of the partners, without an indication in the instrument transferring title to the property of the person's capacity as a partner or of the existence of a partnership and without use of partnership assets, is presumed to be separate property, even if used for partnership purposes.

ARTICLE 3. RELATIONS OF PARTNERS TO PERSONS DEALING WITH PARTNERSHIP

C.42:1A-13 Partner considered agent of partnership; limitation.

13. Subject to the effect of a statement of partnership authority under section 15 of this act:

- a. Each partner is an agent of the partnership for the purpose of its business. An act of a partner, including the execution of an instrument in the partnership name, for apparently carrying on in the ordinary course the partnership business or business of the kind carried on by the partnership binds the partnership, unless the partner had no authority to act for the partnership in the particular matter and the person with whom the partner was dealing knew or had received a notification that the partner lacked authority.
- b. An act of a partner which is not apparently for carrying on in the ordinary course the partnership business or business of the kind carried on

- (a) the name of the partnership;
 - (b) the street address of its chief executive office and of one office in this State, if there is one;
 - (c) the names and mailing addresses of all of the partners or of an agent appointed and maintained by the partnership for the purpose of subsection b. of this section; and
 - (d) the names of the partners authorized to execute an instrument transferring real property held in the name of the partnership; and
- (2) may state the authority, or limitations on the authority, of some or all of the partners to enter into other transactions on behalf of the partnership and any other matter.
- b. If a statement of partnership authority names an agent, the agent shall maintain a list of the names and mailing addresses of all of the partners and make it available to any person on request for good cause shown.
 - c. If a filed statement of partnership authority is executed pursuant to subsection c. of section 6 of this act, and states the name of the partnership, but does not contain all of the other information required by subsection a. of this section, the statement nevertheless operates with respect to a person not a partner as provided in subsections d. and e. of this section.
 - d. A filed statement of partnership authority supplements the authority of a partner to enter into transactions on behalf of the partnership as follows:
 - (1) except for transfers of real property, a grant of authority contained in a filed statement of partnership authority is conclusive in favor of a person who gives value without knowledge to the contrary, so long as and to the extent that a limitation on that authority is not then contained in another filed statement. A filed cancellation of a limitation on authority revives the previous grant of authority.
 - (2) a grant of authority to transfer real property held in the name of the partnership contained in a certified copy of a filed statement of partnership authority recorded in the office of the county recording officer is conclusive in favor of a person who gives value without knowledge to the contrary, so long as and to the extent that a certified copy of a filed statement containing a limitation on that authority is not then of record in the office of the county recording officer. The recording in the office of the county recording officer of a certified copy of a filed cancellation of a limitation on authority revives the previous grant of authority.
 - e. A person not a partner is deemed to know of a limitation on the authority of a partner to transfer real property held in the name of the partnership if a certified copy of the filed statement containing the limitation on authority is of record in the office of the county recording officer.
 - f. Except as otherwise provided in subsections d. and e. of this section and sections 37 and 43 of this act, a person not a partner is not deemed to

c. A judgment against a partnership is not by itself a judgment against a partner. A judgment against a partnership shall not be satisfied from a partner's assets unless there is also a judgment against the partner.

d. A judgment creditor of a partner shall not levy execution against the assets of the partner to satisfy a judgment based on a claim against the partnership unless the partner is personally liable for the claim under section 18 of this act and:

(1) a judgment based on the same claim has been obtained against the partnership and a writ of execution on the judgment has been returned unsatisfied in whole or in part;

(2) the partnership is a debtor in bankruptcy;

(3) the partner has agreed that the creditor need not exhaust partnership assets;

(4) a court grants permission to the judgment creditor to levy execution against the assets of a partner based on a finding that partnership assets subject to execution are clearly insufficient to satisfy the judgment, that exhaustion of partnership assets is excessively burdensome, or that the grant of permission is an appropriate exercise of the court's equitable powers; or

(5) liability is imposed on the partner by law or contract independent of the existence of the partnership.

e. This section applies to any partnership liability or obligation resulting from a representation by a partner or purported partner under section 20 of this act.

C.42:1A-20 Partnership by representation; liability.

20. a. If a person, by words or conduct, purports to be a partner, or consents to being represented by another as a partner, in a partnership or with one or more persons not partners, the purported partner is liable to a person to whom the representation is made, if that person, relying on the representation, enters into a transaction with the actual or purported partnership. If the representation, either by the purported partner or by a person with the purported partner's consent, is made in a public manner, the purported partner is liable to a person who relies upon the purported partnership even if the purported partner is not aware of being held out as a partner to the claimant. If partnership liability results, the purported partner is liable with respect to that liability as if the purported partner were a partner. If no partnership liability results, the purported partner is liable with respect to that liability jointly and severally with any other person consenting to the representation.

b. If a person is thus represented to be a partner in an existing partnership, or with one or more persons not partners, the purported partner is an agent of persons consenting to the representation to bind them to the same extent and in the same manner as if the purported partner were a

g. A partner shall use or possess partnership property only on behalf of the partnership.

h. A partner is not entitled to remuneration for services performed for the partnership, except for reasonable compensation for services rendered in winding up the business of the partnership.

i. A person shall become a partner only with the consent of all of the partners.

j. A difference arising as to a matter in the ordinary course of business of a partnership shall be decided by a majority of the partners. An act outside the ordinary course of business of a partnership and an amendment to the partnership agreement shall be undertaken only with the consent of all of the partners.

k. This section shall not affect the obligations of a partnership to other persons under section 13 of this act.

C.42:1A-22 Distributions in kind.

22. A partner has no right to receive, and shall not be required to accept, a distribution in kind.

C.42:1A-23 Books, records; rendering of information.

23. a. A partnership shall keep its books and records, if any, at its chief executive office.

b. A partnership shall provide partners and their agents and attorneys access to its books and records. It shall provide former partners and their agents and attorneys access to books and records pertaining to the period during which they were partners. The right of access provides the opportunity to inspect and copy books and records during ordinary business hours. A partnership may impose a reasonable charge, covering the costs of labor and material, for copies of documents furnished.

c. Each partner and the partnership shall furnish to a partner, and to the legal representative of a deceased partner or partner under legal disability:

(1) without demand, any information concerning the partnership's business and affairs reasonably required for the proper exercise of the partner's rights and duties under the partnership agreement or this act; and

(2) on demand, any other information concerning the partnership's business and affairs, except to the extent the demand or the information demanded is unreasonable or otherwise improper under the circumstances.

C.42:1A-24 Fiduciary duties.

24. a. The only fiduciary duties a partner owes to the partnership and the other partners are the duty of loyalty and the duty of care set forth in subsections b. and c. of this section, as those duties may be clarified or

(c) the partner's right to compel a dissolution and winding up of the partnership business under section 39 of this act or enforce any other right under Article 8 of this act; or

(3) enforce the rights and otherwise protect the interests of the partner, including rights and interests arising independently of the partnership relationship.

c. The accrual of, and any time limitation on, a right of action for a remedy under this section is governed by other law. A right to an accounting upon a dissolution and winding up does not revive a claim barred by law.

C.42:1A-26 Continuation of partnership beyond term or undertaking.

26. a. If a partnership for a definite term or particular undertaking is continued, without an express agreement, after the expiration of the term or completion of the undertaking, the rights and duties of the partners remain the same as they were at the expiration or completion, so far as is consistent with a partnership at will.

b. If the partners, or those of them who habitually acted in the business during the term or undertaking, continue the business without any settlement or liquidation of the partnership, they are presumed to have agreed that the partnership will continue.

ARTICLE 5. TRANSFEREES AND CREDITORS OF PARTNER

C.42:1A-27 Partner not co-owner.

27. A partner is not a co-owner of partnership property and has no interest in partnership property which can be transferred, either voluntarily or involuntarily.

C.42:1A-28 Transferable interest of partner.

28. The only transferable interest of a partner in the partnership is the partner's share of the profits and losses of the partnership and the partner's right to receive distributions. The interest is personal property.

C.42:1A-29 Transfer of partner's interest.

29. a. A transfer, in whole or in part, of a partner's transferable interest in the partnership:

- (1) is permissible;
- (2) does not by itself cause the partner's dissociation or a dissolution and winding up of the partnership business; and
- (3) does not, as against the other partners or the partnership, entitle the transferee, during the continuance of the partnership, to participate in the management or conduct of the partnership business, to require access to information concerning partnership transactions, or to inspect or copy the partnership books or records.

b. A transferee of a partner's transferable interest in the partnership has a right:

e. This section provides the exclusive remedy by which a judgment creditor of a partner or partner's transferee may satisfy a judgment out of the judgment debtor's transferable interest in the partnership.

ARTICLE 6. PARTNER'S DISSOCIATION

C.42:1A-31 Dissociation from partnership; events causing.

31. A partner is dissociated from a partnership upon the occurrence of any of the following events:

a. The partnership's having notice of the partner's express will to withdraw as a partner or on a later date specified by the partner;

b. An event agreed to in the partnership agreement as causing the partner's dissociation;

c. The partner's expulsion pursuant to the partnership agreement;

d. The partner's expulsion by the unanimous vote of the other partners if:

(1) it is unlawful to carry on the partnership business with that partner;

(2) there has been a transfer of all or substantially all of that partner's transferable interest in the partnership, other than a transfer for security purposes, or a court order charging the partner's interest, which has not been foreclosed;

(3) within 90 days after the partnership notifies a corporate partner that it will be expelled because it has filed a certificate of dissolution or the equivalent, its charter has been revoked, or its right to conduct business has been suspended by the jurisdiction of its incorporation, there is no revocation of the certificate of dissolution or no reinstatement of its charter or its right to conduct business; or

(4) a partnership that is a partner has been dissolved and its business is being wound up;

e. On application by the partnership or another partner, the partner's expulsion by judicial determination because:

(1) the partner engaged in wrongful conduct that adversely and materially affected the partnership business;

(2) the partner willfully or persistently committed a material breach of the partnership agreement or of a duty owed to the partnership or the other partners under section 24 of this act; or

(3) the partner engaged in conduct relating to the partnership business which makes it not reasonably practicable to carry on the business in partnership with the partner;

f. The partner's:

(1) becoming a debtor in bankruptcy;

(2) executing an assignment for the benefit of creditors;

(d) in the case of a partner who is not an individual, trust other than a business trust, or estate, the partner is expelled or otherwise dissociated because it willfully dissolved or terminated.

c. A partner who wrongfully dissociates is liable to the partnership and to the other partners for damages caused by the dissociation. The liability is in addition to any other obligation of the partner to the partnership or to the other partners.

C.42:1A-33 Dissociation; effects on partnership, partner.

33. a. If a partner's dissociation results in a dissolution and winding up of the partnership business, Article 8 of this act applies; otherwise, Article 7 of this act applies.

b. Upon a partner's dissociation:

(1) the partner's right to participate in the management and conduct of the partnership business terminates, except as otherwise provided in section 41 of this act;

(2) the partner's duty of loyalty under paragraph (3) of subsection b. of section 24 of this act terminates; and

(3) the partner's duty of loyalty under paragraphs (1) and (2) of subsection b. and duty of care under subsection c. of section 24 of this act continue only with regard to matters arising and events occurring before the partner's dissociation, unless the partner participates in winding up the partnership's business pursuant to section 41 of this act.

**ARTICLE 7. PARTNER'S DISSOCIATION WHEN
BUSINESS NOT WOUND UP**

C.42:1A-34 Dissociation not resulting in dissolution; buyout; damages.

34. a. If a partner is dissociated from a partnership without resulting in a dissolution and winding up of the partnership business under section 39 of this act, except as otherwise provided in the partnership agreement, the partnership shall cause the dissociated partner's interest in the partnership to be purchased for a buyout price as determined pursuant to subsection b. of this section.

b. As used in subsection a. of this section, "buyout price" means the fair value as of the date of withdrawal based upon the right to share in distributions from the partnership unless the partnership agreement provides for another fair value formula.

c. Damages for wrongful dissociation under subsection b. of section 32 of this act, and all other amounts owing, whether or not presently due, from the dissociated partner to the partnership, shall be offset against the buyout price. Interest shall be paid from the date the amount owed becomes due to the date of payment.

court shall also determine the security for payment and other terms of the obligation to purchase. The court may assess reasonable attorney's fees and the fees and expenses of appraisers or other experts for a party to the action, in amounts the court finds equitable, against a party that the court finds acted arbitrarily, vexatiously, or not in good faith. The finding shall be based on the partnership's failure to tender payment or an offer to pay or to comply with subsection g. of this section.

C.42:1A-35 Partnership bound by act of dissociated partner; conditions; liability.

35. a. For two years after a partner dissociates without resulting in a dissolution and winding up of the partnership business, the partnership, including a surviving partnership under Article 9 of this act, is bound by an act of the dissociated partner which would have bound the partnership under section 13 of this act before dissociation only if at the time of entering into the transaction the other party:

- (1) reasonably believed that the dissociated partner was then a partner;
- (2) did not have notice of the partner's dissociation; and
- (3) is not deemed to have had knowledge under subsection e. of section 15 or notice under subsection c. of section 37 of this act.

b. A dissociated partner is liable to the partnership for any damage caused to the partnership arising from an obligation incurred by the dissociated partner after dissociation for which the partnership is liable under subsection a. of this section.

C.42:1A-36 Dissociated partner's liability.

36. a. A partner's dissociation does not of itself discharge the partner's liability for a partnership obligation incurred before dissociation. A dissociated partner is not liable for a partnership obligation incurred after dissociation, except as otherwise provided in subsection b. of this section.

b. A partner who dissociates without resulting in a dissolution and winding up of the partnership business is liable as a partner to the other party in a transaction entered into by the partnership, or a surviving partnership under Article 9 of this act, within two years after the partner's dissociation, only if the partner is liable for the obligation under section 18 of this act and at the time of entering into the transaction the other party:

- (1) reasonably believed that the dissociated partner was then a partner;
- (2) did not have notice of the partner's dissociation; and
- (3) is not deemed to have had knowledge under subsection e. of section 15 or notice under subsection c. of section 37 of this act.

c. By agreement with the partnership creditor and the partners continuing the business, a dissociated partner may be released from liability for a partnership obligation.

(2) the express will of all of the partners to wind up the partnership business; or

(3) the expiration of the term or the completion of the undertaking;

c. An event agreed to in the partnership agreement resulting in the winding up of the partnership business;

d. An event that makes it unlawful for all or substantially all of the business of the partnership to be continued, but a cure of illegality within 90 days after notice to the partnership of the event is effective retroactively to the date of the event for purposes of this section;

e. On application by a partner, a judicial determination that:

(1) the economic purpose of the partnership is likely to be unreasonably frustrated;

(2) another partner has engaged in conduct relating to the partnership business which makes it not reasonably practicable to carry on the business in partnership with that partner; or

(3) it is not otherwise reasonably practicable to carry on the partnership business in conformity with the partnership agreement; or

f. On application by a transferee of a partner's transferable interest, a judicial determination that it is equitable to wind up the partnership business:

(1) after the expiration of the term or completion of the undertaking, if the partnership was for a definite term or particular undertaking at the time of the transfer or entry of the charging order that gave rise to the transfer; or

(2) at any time, if the partnership was a partnership at will at the time of the transfer or entry of the charging order that gave rise to the transfer.

C.42:1A-40 Dissolution, continuation for purpose of winding up.

40. a. Subject to subsection b. of this section, a partnership continues after dissolution only for the purpose of winding up its business. The partnership is terminated when the winding up of its business is completed.

b. At any time after the dissolution of a partnership and before the winding up of its business is completed, all of the partners, including any dissociating partner other than a wrongfully dissociating partner, may waive the right to have the partnership's business wound up and the partnership terminated. In that event:

(1) the partnership resumes carrying on its business as if dissolution had never occurred, and any liability incurred by the partnership or a partner after the dissolution and before the waiver is determined as if dissolution had never occurred; and

(2) the rights of a third party accruing under subsection a. of section 42 of this act or arising out of conduct in reliance on the dissolution before the third party knew or received a notification of the waiver shall not be adversely affected.

b. A partner who, with knowledge of the dissolution, incurs a partnership liability under subsection b. of section 42 of this act by an act that is not appropriate for winding up the partnership business is liable to the partnership for any damage caused to the partnership arising from the liability.

C.42:1A-45 Rights of partners to application of partnership assets; settlement of accounts.

45. a. In winding up a partnership's business, the assets of the partnership, including the contributions of the partners required by this section, shall be applied to discharge its obligations to creditors, including, to the extent permitted by law, partners who are creditors. Any surplus shall be applied to pay in cash the net amount distributable to partners in accordance with their right to distributions under subsection b. of this section.

b. Each partner is entitled to a settlement of all partnership accounts upon winding up the partnership business. In settling accounts among the partners, profits and losses that result from the liquidation of the partnership assets shall be credited and charged to the partners' accounts. The partnership shall make a distribution to a partner in an amount equal to any excess of the credits over the charges in the partner's account. A partner shall contribute to the partnership an amount equal to any excess of the charges over the credits in the partner's account but excluding from the calculation charges attributable to an obligation for which the partner is not personally liable under section 18 of this act.

c. If a partner fails to contribute the full amount required under subsection b. of this section, all of the other partners shall contribute, in the proportions in which those partners share partnership losses, the additional amount necessary to satisfy the partnership obligations for which they are personally liable under section 18 of this act. A partner or partner's legal representative may recover from the other partners any contributions the partner makes to the extent the amount contributed exceeds that partner's share of the partnership obligations for which the partner is personally liable under section 18 of this act.

d. After the settlement of accounts, each partner shall contribute, in the proportion in which the partner shares partnership losses, the amount necessary to satisfy partnership obligations that were not known at the time of the settlement and for which the partner is personally liable under section 18 of this act.

e. The estate of a deceased partner is liable for the partner's obligation to contribute to the partnership.

f. An assignee for the benefit of creditors of a partnership or a partner, or a person appointed by a court to represent creditors of a partnership or a partner, may enforce a partner's obligation to contribute to the partnership.

(2) That an agreement of merger or consolidation has been approved and executed by each of the partnerships or other business entities which is to merge or consolidate;

(3) The name of the surviving or resulting partnership or other business entity;

(4) The future effective date or time (which shall be a date or time certain) of the merger or consolidation if it is not to be effective upon the filing of the certificate of merger or consolidation;

(5) That the agreement of merger or consolidation is on file at a place of business of the surviving or resulting partnership or other business entity, and shall state the address thereof;

(6) That a copy of the agreement of merger or consolidation shall be furnished by the surviving or resulting partnership or other business entity, on request and without cost, to any member of any partnership or any person holding an interest in any other business entity which is to merge or consolidate; and

(7) If the surviving or resulting entity is not a partnership or other business entity organized under the laws of this State, a statement that such surviving or resulting other business entity agrees that it may be served with process in this State in any action, suit or proceeding for the enforcement of any obligation of any partnership which is to merge or consolidate, irrevocably appointing the State Treasurer as its agent to accept service of process in any such action, suit or proceeding and specifying the address to which a copy of such process shall be mailed to it by the State Treasurer.

d. Unless a future effective date or time is provided in a certificate of merger or consolidation, in which event a merger or consolidation shall be effective at any such future effective date or time, a merger or consolidation shall be effective upon the filing in the office of the Division of Commercial Recording of a certificate of merger or consolidation.

e. A certificate of merger or consolidation shall act as a certificate of cancellation for a partnership which is not the surviving or resulting entity in the merger or consolidation.

f. An agreement of merger or consolidation approved in accordance with subsection b. of this section may (1) effect any amendment to the partnership agreement or (2) effect the adoption of a new partnership agreement for a partnership if it is the surviving or resulting partnership in the merger or consolidation. Any amendment to a partnership agreement or adoption of a new partnership agreement made pursuant to this subsection shall be effective at the time or date of the merger or consolidation. The provisions of this subsection shall not be construed to limit the accomplishment of a merger or of any of the matters referred to herein by any other means provided for in a partnership agreement or other agreement or as otherwise permitted by law, including that the partnership agreement of any

of qualification in the office of the Division of Commercial Recording in the Department of the Treasury. The statement shall contain:

- (1) the name of the partnership;
- (2) the street address of the partnership's chief executive office and, if different, the street address of an office in this State, if any;
- (3) if the partnership does not have an office in this State, the name and street address of the partnership's agent for service of process;
- (4) a statement that the partnership elects to be a limited liability partnership; and
- (5) a deferred effective date, if any.

d. The agent of a limited liability partnership for service of process shall be an individual who is a resident of this State or other person authorized to do business in this State.

e. The status of a partnership as a limited liability partnership is effective on the later of the filing of the statement or a date specified in the statement. The status remains effective, regardless of changes in the partnership, until it is canceled pursuant to subsection d. of section 6 of this act or revoked pursuant to section 49 of this act.

f. The status of a partnership as a limited liability partnership and the liability of its partners is not affected by errors or later changes in the information required to be contained in the statement of qualification under subsection c. of this section.

g. The filing of a statement of qualification establishes that a partnership has satisfied all conditions precedent to the qualification of the partnership as a limited liability partnership.

h. An amendment or cancellation of a statement of qualification is effective when it is filed or on a deferred effective date specified in the amendment or cancellation.

C.42:1A-48 Name of limited liability partnership.

48. The name of a limited liability partnership shall end with "Registered Limited Liability Partnership", "Limited Liability Partnership", "R.L.L.P.", "L.L.P.", "RLLP," or "LLP".

C.42:1A-49 Annual report; filing.

49. a. A limited liability partnership, and a foreign limited liability partnership authorized to transact business in this State, shall file an annual report in the office of the Division of Commercial Recording in the Department of the Treasury which contains:

- (1) the name of the limited liability partnership and the state or other jurisdiction under whose laws the foreign limited liability partnership is formed;
- (2) the street address of the partnership's chief executive office and, if different, the street address of an office of the partnership in this State, if any; and

C.42:1A-51 Statement of foreign qualification; filing.

51. a. Before transacting business in this State, a foreign limited liability partnership shall file a statement of foreign qualification in the office of the Division of Commercial Recording in the Department of the Treasury. The statement shall contain:

(1) the name of the foreign limited liability partnership which satisfies the requirements of the state or other jurisdiction under whose law it is formed and ends with "Registered Limited Liability Partnership", "Limited Liability Partnership", "R.L.L.P.", "L.L.P.", "RLLP," or "LLP";

(2) the street address of the partnership's chief executive office and, if different, the street address of an office of the partnership in this State, if any;

(3) if there is no office of the partnership in this State, the name and street address of the partnership's agent for service of process; and

(4) a deferred effective date, if any.

b. The agent of a foreign limited liability company for service of process shall be an individual who is a resident of this State or other person authorized to do business in this State.

c. The status of a partnership as a foreign limited liability partnership is effective on the later of the filing of the statement of foreign qualification or a date specified in the statement. The status remains effective, regardless of changes in the partnership, until it is canceled pursuant to subsection d. of section 6 of this act or revoked pursuant to section 49 of this act.

d. An amendment or cancellation of a statement of foreign qualification is effective when it is filed or on a deferred effective date specified in the amendment or cancellation.

C.42:1A-52 Foreign qualification required; effects of failure.

52. a. A foreign limited liability partnership transacting business in this State shall not maintain an action or proceeding in this State unless it has in effect a statement of foreign qualification.

b. The failure of a foreign limited liability partnership to have in effect a statement of foreign qualification shall not impair the validity of a contract or act of the foreign limited liability partnership or preclude it from defending an action or proceeding in this State.

c. A limitation on personal liability of a partner shall not be waived solely by transacting business in this State without a statement of foreign qualification.

d. If a foreign limited liability partnership transacts business in this State without a statement of foreign qualification, the State Treasurer shall be its agent for service of process with respect to a right of action arising out of the transaction of business in this State.

C.42:1A-56 No retroactive effects.

56. Sections 1 through 56 of this act do not affect an action or proceeding commenced or right accrued before this act takes effect, including the right of any partner in a limited liability partnership formed prior to the effective date of this act.

57. Section 5 of P.L.1983, c.489 (C.42:2A-5) is amended to read as follows:

C.42:2A-5 Definitions relative to limited partnerships.

5. Definitions. As used in this chapter, unless the context otherwise requires:

a. "Certificate of limited partnership" and "partnership certificate" mean the certificate referred to in section 13 of P.L.1983, c.489 (C.42:2A-14) as it may be corrected pursuant to section 48 of P.L.1988, c.130 (C.42:2A-16.1) or amended or restated from time to time.

b. "Contribution" means any cash, property, services rendered, or a promissory note or other binding obligation to contribute cash or property or to perform services, which a partner contributes to a limited partnership in his capacity as a partner.

c. "Event of withdrawal of a general partner" means an event that causes a person to cease to be a general partner as provided in this chapter, or in the partnership agreement.

d. "Foreign limited partnership" means a partnership formed under the laws of any state other than this State and having as partners one or more general partners and one or more limited partners.

e. "General partner" means a person who has been admitted to a limited partnership as a general partner in accordance with the partnership agreement and named in the certificate of limited partnership as a general partner.

f. "Limited partner" means a person who has been admitted to a limited partnership as a limited partner in accordance with the partnership agreement.

g. "Limited partnership" and "domestic limited partnership" mean a partnership formed by two or more persons under the laws of this State and having one or more general partners and one or more limited partners.

h. "Partner" means a limited or general partner.

i. "Partnership agreement" means any valid agreement, written or oral, of the partners as to the affairs of a limited partnership and the conduct of its business.

j. "Partnership interest" means a partner's share of the profits and losses of a limited partnership and the right to receive distributions of partnership assets.

"Manager" means a person who is named as a manager of a limited liability company in, or designated as a manager of a limited liability company pursuant to, an operating agreement or similar instrument under which the limited liability company is formed.

"Member" means a person who has been admitted to a limited liability company as a member as provided in section 21 of this act or, in the case of a foreign limited liability company, in accordance with the laws of the state or foreign country or other foreign jurisdiction under which the foreign limited liability company is organized.

"Operating agreement" means a written agreement among the members, or in the case of a limited liability company with only one member, the declaration by that one member of the terms of the operating agreement which shall be deemed an agreement between the member and the limited liability company, as to the affairs of a limited liability company and the conduct of its business.

"Person" means a natural person, partnership (whether general or limited and whether domestic or foreign), limited liability company, foreign limited liability company, trust, estate, association, corporation, custodian, nominee or any other individual or entity in its own or any representative capacity.

"State" means the District of Columbia or the Commonwealth of Puerto Rico or any state, territory, possession, or other jurisdiction of the United States other than this State.

Repealer.

59. The following are repealed:

R.S.42:1-1 to 42:1-43;

Sections 8-12 of P.L.1995, c.96 (C.42:1-44 to 42:1-48); and

Section 1 of P.L.1995, c.223 (C.42:1-49).

60. This act shall take effect on the first business day following enactment.

Approved December 7, 2000.

CHAPTER 162

AN ACT concerning animal cruelty, and amending R.S.4:22-17 and R.S.4:22-26.

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

b. Cause or procure to be done by his agent, servant, employee or otherwise an act enumerated in subsection a. of this section;

c. Inflict unnecessary cruelty upon a living animal or creature of which he has charge or custody either as owner or otherwise, or unnecessarily fail to provide it with proper food, drink, shelter or protection from the weather, or leave it unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature ;

d. Receive or offer for sale a horse that is suffering from abuse or neglect, or which by reason of disability, disease, abuse or lameness, or any other cause, could not be worked, ridden or otherwise used for show, exhibition or recreational purposes, or kept as a domestic pet without violating the provisions of this article;

e. Keep, use, be connected with or interested in the management of, or receive money or other consideration for the admission of a person to, a place kept or used for the purpose of fighting or baiting a living animal or creature;

f. Be present and witness, pay admission to, encourage, aid or assist in an activity enumerated in subsection e. of this section;

g. Permit or suffer a place owned or controlled by him to be used as provided in subsection e. of this section;

h. Carry, or cause to be carried, a living animal or creature in or upon a vehicle or otherwise, in a cruel or inhuman manner;

i. Use a dog or dogs for the purpose of drawing or helping to draw a vehicle for business purposes;

j. Impound or confine or cause to be impounded or confined in a pound or other place a living animal or creature, and shall fail to supply it during such confinement with a sufficient quantity of good and wholesome food and water;

k. Abandon a maimed, sick, infirm or disabled animal or creature to die in a public place;

l. Willfully sell, or offer to sell, use, expose, or cause or permit to be sold or offered for sale, used or exposed, a horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the health or life of human beings or animals, or who shall, when any such disease is beyond recovery, refuse, upon demand, to deprive the animal of life;

m. Own, operate, manage or conduct a roadside stand or market for the sale of merchandise along a public street or highway; or a shopping mall, or a part of the premises thereof; and keep a living animal or creature confined, or allowed to roam in an area whether or not the area is enclosed, on these premises as an exhibit; except that this subsection shall not be applicable to: a pet shop licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an animal, in a humane manner, for the purpose of the protection of the premises; or a recognized breeders' association, a 4-H club, an educational agricultural program,

violation occurs on or near a roadway, and in the case of a violation of subsection x. or y. a sum not to exceed \$1,000 for each domestic dog or cat fur or fur or hair product or domestic dog or cat carcass or meat product, to be sued for and recovered, with costs, in a civil action by any person in the name of the New Jersey Society for the Prevention of Cruelty to Animals.

3. This act shall take effect immediately.

Approved December 7, 2000.

CHAPTER 163

AN ACT concerning higher education, creating the "Tony Pompelio Commemorative Scholarship Fund" for the children of crime victims, and supplementing chapter 71B 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:71B-53 Short title.

1. This act shall be known as, and may be cited as, the "Tony Pompelio Commemorative Scholarship Fund Act."

C.18A:71B-54 Findings, declarations about crime victims.

2. The Legislature finds and declares that:

a. Ten percent of the crimes reported in the State are violent crimes, and murder accounts for at least one percent of all violent crimes committed. Victims of violent crimes and their families often become crime statistics with no honorable mention.

b. It is appropriate to pay tribute to those who have suffered from violent crime through the recognition of National Crime Victims' Rights Week. The State should recognize these individuals through the establishment of a special fund which will allow the children of crime victims the opportunity to attend college through the commemoration of the death of Tony Pompelio, a crime victim, by establishing the Tony Pompelio Commemorative Scholarship Fund.

C.18A:71B-55 Definitions regarding scholarship.

3. As used in this act, the following terms shall have the following meanings:
"Board" means the Board of Trustees of the Tony Pompelio Commemorative Scholarship Fund for the children of crime victims created pursuant to this act.
"Chairman" means the Chairman of the Violent Crimes Compensation Board.

- a. Develop and maintain a Statewide system for the identification of potential Pompelio scholars in cooperation with other State departments, agencies or public institutions of higher education in the State.
- b. Recruit, select and provide financial assistance from the fund to Pompelio scholars who are residents of this State in order that they may be able to attend public institutions of higher education.
- c. Communicate with departments and agencies of the United States on the availability of grants to this State for purposes related or similar to those set forth in this act.
- d. Develop, establish and publicize criteria for the determination of eligibility for financial assistance from the fund.
- e. Establish procedures for determining the amount of each award based on the total financial need of each Pompelio scholar and the resources available to the applicant to meet the costs of the applicant's higher education.
- f. Annually report in writing to the authority on the performance of its duties in accordance with the provisions of this act.
- g. Adopt bylaws, and make, enforce, alter and repeal rules for its own operation and for carrying out the provisions of this act.
- h. Deposit in the fund and disburse from the fund such gifts and contributions as may be forthcoming from public and private sources.

C.18A:71B-58 Awarding scholarships.

6. a. The board is hereby authorized to award scholarships from the fund to Pompelio scholars for undergraduate study leading to a baccalaureate degree, associate degree, or other approved certificate at public institutions of higher education located in New Jersey.
- b. Grants from the fund may be awarded annually upon proper application to the fund, to any Pompelio scholar who qualifies under the standards to be developed and promulgated by the board.

C.18A:71B-59 Qualifications of applicant.

7. a. No scholarship pursuant to this act shall be awarded to any applicant unless the applicant has demonstrated to the satisfaction of the board that he or she:
 - (1) Is and has been a resident of this State for at least 12 months prior to receiving the grant;
 - (2) Will be or is enrolled in a full-time undergraduate program of study leading to a degree or certificate at a public institution;
 - (3) Has complied with all rules and regulations adopted pursuant to this act by the board for the award, regulation and administration of grants from the fund.
- b. In addition to the requirements of subsection a. of this section, the board is hereby authorized to require the satisfaction of such other requirements as it may deem necessary to carry out the provisions of this act.

period of time by a law enforcement officer, or regarding the proportion of the arrests made and citations issued by the law enforcement officer relative to the arrests made and citations issued by another law enforcement officer or group of officers.

C.40A:14-181.2 Police ticket quota for motor vehicle violations prohibited; permitted use of statistics.

2. a. A State, county or municipal police department or force engaged in the enforcement of Title 39 of the Revised Statutes or any local ordinance adopted pursuant to this title shall not establish any quota for arrests or citations. The department or force may, however, collect, analyze and apply information concerning the number of arrests and citations in order to ensure that a particular officer or group of officers does not violate any applicable legal obligation.

b. The department or force shall not use the number of arrests or citations issued by a law enforcement officer as the sole criterion for promotion, demotion, dismissal, or the earning of any benefit provided by the department or force. Any such arrests or citations, and their ultimate dispositions, may be considered in evaluating the overall performance of a law enforcement officer.

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

Approved December 12, 2000.

CHAPTER 165

AN ACT authorizing the purchase of development rights associated with certain public use airports, amending and supplementing P.L.1983, c.264, and making an appropriation.

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

1. Section 11 of P.L.1983, c.264 (C.6:1-95) is amended to read as follows:

C.6:1-95 Powers of commissioner.

11. a. The commissioner may acquire airports or lands or rights therein, including aviation easements necessary for clear zones or clear areas, by gift, devise or purchase, when it is deemed to be necessary for the safe

f. The Legislature shall, in addition to the appropriation made pursuant to section 3 of P.L.2000, c.165, make such other annual appropriations in future years as shall be necessary to effectuate the purposes of P.L.2000, c.165 (C.6:1-95.1 et al.) in future years.

C.6:1-95.1 Submission of summary of terms, conditions to Legislature.

2. The Commissioner of Transportation shall submit to the Legislature for approval a summary of the terms and conditions of each purchase of development rights and the purchase price thereof, as authorized pursuant to section 11 of P.L.1983, c.264 as amended by section 1 of P.L.2000, c.165 (C.6:1-95). The commissioner shall make the submission to the President of the Senate and the Speaker of the General Assembly on a day when both houses are meeting. The President and the Speaker shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively.

Unless the purchase, as described in the submission, is disapproved by adoption of a concurrent resolution to that effect by the affirmative vote of a majority of the authorized membership of both houses within the time period prescribed in this section, the purchase shall be deemed approved and the commissioner shall be authorized to undertake the purchase. The time period shall commence on the day of submission and expire on the forty-fifth day after submission or for a house not meeting on the forty-fifth day, on the next meeting day of that house.

3. There is appropriated from the General Fund to the Department of Transportation the sum of \$2,500,000 for the purchase of development rights associated with privately owned public use airports as provided in section 11 of P.L.1983, c.264 as amended by section 1 of P.L.2000, c.165 (C.6:1-95).

4. This act shall take effect immediately.

Approved December 14, 2000.

CHAPTER 166

AN ACT concerning membership in the Police and Firemen's Retirement System and amending P.L.1965, c.186.

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

emotional problems or psychiatric difficulties and without any complications in pregnancy. Symptoms may appear at any time after delivery;

c. Women are more likely to suffer from mood and anxiety disorders during pregnancy and following childbirth than at any other time in their lives; 70 to 80% of all new mothers suffer some degree of postpartum mood disorder lasting anywhere from a week to as much as a year or more, and approximately 10 to 20% of new mothers experience a paralyzing, diagnosable clinical depression;

d. Many new mothers suffering from postpartum depression require counseling and treatment, yet many do not realize that they need help. Those whose illness is severe may require medication to correct the underlying brain chemistry that is disturbed;

e. Postpartum depression dramatically distorts the image of perfect new motherhood and is often dismissed by the woman suffering from this illness and those around her. Sometimes it is thought to be a weakness on the part of the sufferer that is self-induced and self-controllable;

f. Currently, the United States lacks any organized treatment protocol for postpartum depression and lags behind most other developed countries in providing information, support and treatment for postpartum depression;

g. If early recognition and treatment are to occur, postpartum depression must be discussed in childbirth classes and obstetrical office visits and public education about this illness must be enhanced to lift the social stigma associated with the illness. Such discussion and education will increase the chance that a woman will inform others of her symptoms as she would for physical complications;

h. It is imperative that health care providers who provide prenatal and postnatal care to women have a thorough understanding of postpartum depression so that they can detect and diagnose this illness in its earliest stages and thus prevent the most severe cases;

i. In addition to the mother, the effects of postpartum depression can also impact the child and the father significantly. Maternal depression can affect the mother's ability to respond sensitively to her infant's needs, and can strain the parent's relationship as the father feels anxious and helpless because he does not understand what is going wrong or what is the source of the depression; and

j. Postpartum depression is one of the most treatable and curable of all forms of mental illness, and education about this illness can be very beneficial to new parents coping with these emotional and hormonal changes by helping them decide if and when they need outside help.

CHAPTER 168

AN ACT appropriating \$8,280,300 from the "Garden State Farmland Preservation Trust Fund" for farmland preservation purposes.

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

1. There is appropriated from the "Garden State Farmland Preservation Trust Fund," established pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20), to the State Agriculture Development Committee the sum of \$3,225,000 for the purpose of providing planning incentive grants to the following counties and municipalities pursuant to the provisions of P.L.1999, c.180 (C.4:1C-43.1 et seq.):

Applicant	County	Municipality	Approved Amount
Bethlehem Twp	Hunterdon	Bethlehem Twp	\$200,000
Readington Twp	Hunterdon	Readington Twp	350,000
Tewksbury Twp/ Oldwick NW Area	Hunterdon	Tewksbury Twp	225,000
Monmouth County	Monmouth	Roosevelt Boro/ Millstone Twp	750,000
Bedminster Twp	Somerset	Bedminster Twp	425,000
Harmony Twp	Warren	Harmony Twp	625,000
Pohatcong Twp/ Silver Hill ADA	Warren	Pohatcong Twp	325,000
Pohatcong Twp/ Still Valley ADA	Warren	Pohatcong Twp	325,000

2. a. There is appropriated from the "Garden State Farmland Preservation Trust Fund," established pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20), to the State Agriculture Development Committee the sum of \$2,275,000 for the purpose of providing grants to qualifying tax exempt nonprofit organizations (1) for up to 50% of the cost of acquisition of development easements on farmland, or (2) for up to 50% of the cost of acquisition of fee simple titles to farmland for resale or lease with agricultural deed restrictions approved by the committee.

b. The following projects are eligible for funding with the monies appropriated pursuant to subsection a. of this section:

Applicant (Farm)	County	Municipality	Acres (+/-)	Approved Grant Not to Exceed
Nature Conservancy (Bauer)	Cumberland	Downe Twp	189	\$ 150,000
Nature Conservancy	Cumberland	Millville City	50	250,000

expenditure by the State Agriculture Development Committee from the list of eligible projects in subsection b. of this section totaling \$11,950,000 shall not exceed \$11,100,000.

b. The following projects are eligible for funding with the monies appropriated pursuant to subsection a. of this section:

Project (Farm)	County	Municipality	Acres (+/-)	Approved Amount Not to Exceed
Castellari	Atlantic	Buena Boro	18	\$ 150,000
Liepe, A. & J.	Atlantic	Hamilton Twp	98	350,000
Liepe, M. & L.	Atlantic	Hamilton Twp	100	350,000
Liepe Brothers	Atlantic	Hamilton Twp	158	525,000
McLaren	Burlington	Springfield Twp	93	475,000
Ceppaluni	Cumberland	Upper Deerfield Twp	102	300,000
Hajdu	Hunterdon	Bethlehem Twp	110	1,400,000
Parisi	Hunterdon	Bethlehem Twp	57	500,000
Fisher	Hunterdon	Delaware Twp	66	450,000
Reiter	Hunterdon	East Amwell Twp	85	775,000
Rynearson	Hunterdon	East Amwell Twp	69	575,000
Wydner	Hunterdon	Holland Twp	122	475,000
Fulper (Home)	Hunterdon	West Amwell Twp	59	450,000
Fulper (Simonye)	Hunterdon	West Amwell Twp	59	650,000
McCormack	Monmouth	Middletown Twp	31	1,050,000
Eng & Huie	Ocean	Plumsted Twp	204	1,100,000
Coleman	Salem	Alloway Twp	40	125,000
Mehaffey	Salem	Alloway Twp	112	250,000
DiGregorio	Salem	Carneys Point Twp	67	250,000
Wegner	Salem	Pittsgrove Twp	209	575,000
Pugh	Salem	Quinton Twp	25	100,000
Poole	Salem	Upper Pittsgrove Twp	43	125,000
A.F.P. Sussex Inc. & VLGKGG Inc.	Sussex	Hampton Twp	37	200,000
Santini, R.	Warren	Franklin Twp	85	450,000
Tom	Warren	Greenwich Twp	48	300,000

CHAPTER 171

AN ACT appropriating \$800,000 from the "1996 Dredging and Containment Facility Fund," established pursuant to section 18 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, to fund the dredging of certain navigation channels in Monmouth County.

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 "1996 Dredging and Containment Facility Fund," established pursuant to section 18 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, the sum of \$800,000 for the cost of dredging the navigation channels in Thorns Creek and Waackaack Creek, Keansburg Borough, Monmouth County.

2. Any amount of the monies appropriated pursuant to section 1 of this act which is not expended for the projects set forth therein shall be returned for deposit into the "1996 Dredging and Containment Facility Fund."

3. The expenditure of funds appropriated by this act is subject to the provisions and conditions of P.L.1996, c.70.

4. This act shall take effect immediately.

Approved December 27, 2000.

CHAPTER 172

AN ACT concerning exempt firemen and amending N.J.S.40A:14-56 and N.J.S.40A:14-59.

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

1. N.J.S.40A:14-56 is amended to read as follows:

Exempt fireman certificate; eligibility.

40A:14-56. A member of the fire department and force of a municipality shall be entitled to an exempt fireman certificate when it appears that at the time of his

Within 60 days of issuance one copy of the certificate shall be filed with the county clerk of the county wherein it was issued. At the time of issuance one copy shall be transmitted to the New Jersey State Firemen's Association, one copy shall be transmitted to the exempt fireman's department to be kept as a permanent record, and the remaining copy shall be delivered to the member. There shall be no fee for issuance of the certificate and it shall be signed by the official in charge of the fire department and force and the chief executive officer of the municipality. The municipal clerk shall affix the municipal seal, attest the certificate and cause the filing and delivery of the copies.

3. This act shall take effect immediately.

Approved January 8, 2001.

CHAPTER 173

AN ACT permitting simulated voting for minors at a polling place and amending R.S.19:15-8 and 19:34-6.

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

1. R.S.19:15-8 is amended to read as follows:

Persons allowed in polling place; simulated voting.

19:15-8. a. No person shall be allowed or permitted to be present in the polling place or polling room during the progress of the election except the officers connected with the election, persons connected with the operation of a simulated election for minors as described in subsection b. of this section, the several candidates, the duly authorized challengers, such voters as are present for the purpose of voting and their dependent children, minors present for the purpose of voting in a simulated election, and such officers as may be duly detailed to be present, pursuant to this title, for preserving the peace or enforcing the provisions hereof.

b. A county board of elections may authorize a simulated election for minors at a polling place, provided the simulated election does not interfere with the orderly conduct of the official voting process.

2. R.S.19:34-6 is amended to read as follows:

Prohibited actions in polling place on election day; exception for simulated voting.

19:34-6 a. If a person shall on election day tamper, deface or interfere with any polling booth or obstruct the entrance to any polling

c. It is an affirmative defense to prosecution for a violation of this section that the defendant summoned medical treatment for the victim or knew that medical treatment had been summoned by another person, and protected the victim from further injury or harm until emergency assistance personnel arrived. This affirmative defense shall be proved by the defendant by a preponderance of the evidence.

d. A person who violates the provisions of this section shall be guilty of a crime of the third degree. Notwithstanding the provisions of N.J.S.2C:1-8 or any other provision of law, a conviction arising under this subsection shall not merge with a conviction of the crime that rendered the person physically helpless or mentally incapacitated, nor shall such other conviction merge with a conviction under this section. Notwithstanding the provisions of N.J.S.2C:44-5 or any other provision of law, the sentence imposed pursuant to this section shall be ordered to be served consecutively to that imposed for any conviction of the crime that rendered the person physically helpless or mentally incapacitated.

e. Nothing herein shall be deemed to preclude, if the evidence so warrants, an indictment and conviction for murder, manslaughter, assault or any other offense.

2. This act shall take effect immediately.

Approved January 8, 2001.

CHAPTER 175

AN ACT creating the Lake Hopatcong Commission, supplementing Title 58 of the Revised Statutes, and making an appropriation.

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

C.58:4B-1 Short title.

1. This act shall be known, and may be cited, as the "Lake Hopatcong Protection Act."

C.58:4B-2 Findings, determinations relative to Lake Hopatcong.

2. The Legislature finds that the preservation and enhancement of the natural beauty of the State and the development of natural resources for public recreation and conservation purposes promote the public health and welfare; and that scenic Lake Hopatcong in Morris and Sussex counties is a unique example of that natural beauty and is therefore a

thereof, who shall serve ex officio; and the Commissioner of Environmental Protection, or a designee thereof, who shall serve ex officio.

b. Each county and municipal appointing authority as prescribed pursuant to subsection a. of this section may also respectively appoint an alternate member for each regular member appointed by the county or municipal appointing authority to act in the absence or disability of the regular member, and while so acting an alternate member shall have all the powers, including voting powers, of the regular member.

c. (1) The chairperson of the commission shall serve a term of three years and until a successor shall have been appointed and qualified. A chairperson may be reappointed to successive terms.

(2) Each member of the public appointed by the Governor shall serve a term of two years and until a successor shall have been appointed and qualified; except that of the two members of the public first appointed, one shall serve a term of two years and the other a term of one year. Members of the public appointed by the Governor may be reappointed to successive terms.

(3) Each member or alternate member appointed by a county or a municipality shall serve a term of two years and until a successor shall have been appointed and qualified; except that each member and alternate member first appointed by Sussex county, Mount Arlington borough, and Roxbury township shall serve a term of one year, and thereafter each member and alternate member appointed by that county and those two municipalities shall serve a term of two years and until a successor shall have been appointed and qualified. Members and alternate members may be reappointed to successive terms.

d. Vacancies in the appointed positions on the commission shall be filled in the same manner as the original appointments were made but for the unexpired term only.

e. Members of the commission shall serve without compensation, but the commission 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.

f. Members of the commission shall serve at the pleasure of the relevant appointing authority.

C.58:4B-4 Organization, meetings of commission.

4. a. The Lake Hopatcong Commission shall organize as soon as may be practicable after the appointment of its members, and shall elect a secretary who need not be a member.

b. The commission shall meet regularly as it may determine, but not less than on a quarterly basis. Meetings of the commission shall be at

source, and to comply, subject to the provisions of this act, with the terms and conditions thereof.

C.58:4B-6 Duties, responsibilities of commission.

6. The duties and responsibilities of the Lake Hopatcong Commission shall be to:

a. conduct water quality and water quantity monitoring of Lake Hopatcong to assess conditions and changes thereto over time, and identify the causes and sources of environmental threats and impacts to Lake Hopatcong and its watershed;

b. assess present and projected development, land use, and land management practices and patterns, and determine the effects of those practices and patterns upon the natural, scenic, and recreational resources of Lake Hopatcong and its watershed;

c. develop plans, strategies, policies, ordinances, and funding mechanisms necessary to protect, preserve, restore, maintain, manage, and enhance Lake Hopatcong and its watershed, to be implemented by those entities with representatives on the commission;

d. coordinate with, and make recommendations to, the Department of Environmental Protection with respect to any State plan or program for watershed management, water quality, water supply, stormwater management, nonpoint source pollution, or wastewater management for the area that includes Lake Hopatcong and its watershed;

e. recommend appropriate State legislation and administrative action pertaining to the protection, preservation, restoration, maintenance, management, and enhancement of Lake Hopatcong and its watershed;

f. encourage and assist in the creation of special local improvement districts for purposes beneficial to Lake Hopatcong and its watershed, including control of stormwater runoff and nonpoint source pollution, and the preservation of significant environmental areas, including wetlands, to control stormwater runoff and nonpoint source pollution;

g. review and assess the potential impact upon Lake Hopatcong and its watershed of environmental permit applications pending before or received by the Department of Environmental Protection and provided to the commission pursuant to subsection b. of section 8 of this act, and provide recommendations to the Department of Environmental Protection for appropriate action thereon;

h. review and assess the potential impact upon Lake Hopatcong and its watershed of proposed amendments and revisions to municipal master plans, zoning and other ordinances governing land use and development, and applications for specific development projects, which have been provided to

therein upon Lake Hopatcong and its watershed and provide the commission's recommendations for appropriate action thereon.

c. The Division of Fish and Wildlife shall consult with the commission prior to engaging in any fish stocking or fishery management activities affecting Lake Hopatcong.

C.58:4B-9 Notice of amendments, revisions to municipal master plans.

9. Each municipality represented on the commission shall provide the commission notice of proposed amendments and revisions to municipal master plans, zoning and other ordinances governing land use and development, and applications for specific development projects, and request that the commission review and evaluate the proposed amendment, revision, or application to assess its potential impact upon Lake Hopatcong and its watershed and provide the commission's recommendations for appropriate action thereon.

C.58:4B-10 Progress report by commission.

10. The Lake Hopatcong Commission shall, within 18 months after the date it organizes, prepare a progress report on its activities, and submit it, together with any recommendations for legislation, administrative action, or action by local governments, to the Governor, the Legislature, and the Senate Environment Committee, the Assembly Environment Committee, and the Assembly Agriculture and Natural Resources Committee or their respective successors.

C.58:4B-11 Lake Hopatcong Regional Planning Board abolished.

11. a. The Lake Hopatcong Regional Planning Board is abolished.

b. All files, papers, and records of the Lake Hopatcong Regional Planning Board are transferred to the Lake Hopatcong Commission.

c. All State and federal appropriations, grants and other moneys available and to become available to the Lake Hopatcong Regional Planning Board are transferred to the Lake Hopatcong Commission, and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations or other requirements imposed by State or federal law.

C.58:4B-12 Allocation, expenditure of funds.

12. Notwithstanding any provision of law, rule, or regulation to the contrary, any State or federal funds appropriated, allocated, or designated by law, rule, regulation, or otherwise for the protection, preservation, restoration, maintenance, management, or enhancement of Lake Hopatcong shall be allocated to the Lake Hopatcong Commission for expenditure in furtherance of the purposes and objectives of this act. This section shall not apply to State or federal funds appropriated, allocated, or designated for Lake Hopatcong State Park.

Project (Farm)	County	Municipality	Acres (+/-)	Approved Amount Not to Exceed
Burlington/ Atlantic Bench	Burlington	North Hanover Twp	90	\$225,000
Burlington/ Edwards	Burlington	North Hanover Twp	92	175,000
Burlington/ Steinberg	Burlington	North Hanover Twp	57	175,000
Burlington/ Matthews	Burlington	Pemberton Twp	63	150,000
Burlington/ Hoopes	Burlington	Springfield Twp	36	100,000
Burlington/ Winzinger	Burlington	Springfield Twp	84	200,000
Fisher	Cumberland	Fairfield Twp	85	100,000
Hildreth	Cumberland	Fairfield Twp	188	100,000
Hoffman	Cumberland	Greenwich Twp	65	100,000
Orr	Cumberland	Greenwich Twp	94	75,000
Marx	Cumberland	Hopewell Twp	105	175,000
Fithian	Cumberland	Stow Creek Twp/ Greenwich Twp	74	125,000
Wenger	Cumberland	Upper Deerfield Twp	181	300,000
Smaniotto	Cumberland	Vineland City	69	275,000
Gloucester/ DuBois	Gloucester	Clayton Boro/ Franklin Twp	94	425,000
Gloucester/ Gerlack	Gloucester	Elk Twp	46	150,000
Gloucester/ Haig	Gloucester	Elk Twp	54	175,000
Gloucester/ Kirkpatrick	Gloucester	Elk Twp	25	100,000
Gloucester/ Murphy	Gloucester	Elk Twp	49	125,000
Gloucester/ Smith	Gloucester	Elk Twp	46	125,000
Gloucester/ Wagner	Gloucester	Elk Twp	95	275,000
Gloucester/ Butch	Gloucester	Franklin Twp	107	250,000
Gloucester/ Jones	Gloucester	Harrison Twp	75	275,000
Gloucester/ Pennel	Gloucester	Harrison Twp	66	225,000
Gloucester/ Madara	Gloucester	Harrison Twp/ Mantua Twp	39	150,000
Gloucester/ Cabana	Gloucester	South Harrison Twp	21	100,000

C.App. A:9-43.3 Guidelines for Emergency Operations Plans.

20. Each county and municipal Emergency Operations Plan shall conform to all relevant federal and State statutes, rules and regulations concerning emergency operations and shall include the identification of significant hazards affecting the jurisdiction. Each county and municipal Emergency Operations Plan shall be based upon planning criteria, objectives, requirements, responsibilities and concepts of operation for the implementation of all necessary and appropriate protective or remedial measures to be taken in response to an actual or threatened emergency as determined by the State Director of Emergency Management. Each Emergency Operations Plan shall provide for a command structure that affords appropriate command support for the incident commander. Deputy chiefs and battalion chiefs and company officers shall be included in the county fire mutual aid plan to respond to any emergency to supply command support or be assigned to the command structure. Each county and municipal Emergency Operations Plan shall be reviewed and updated at least every two years.

2. This act shall take effect immediately.

Approved January 8, 2001.

CHAPTER 178

AN ACT concerning municipal prosecutors and amending P.L.1999, c.349.

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

1. Section 5 of P.L.1999, c.349 (C.2B:25-5) is amended to read as follows:

C.2B:25-5 Duties of municipal prosecutor; use of special counsel, private attorneys.

5. a. A municipal prosecutor, except as provided by subsection b. of this section and sections 6 and 7 of this act, shall represent the State, the county or the municipality in the prosecution of all offenses within the statutory jurisdiction of the municipal court as defined by law; including municipal ordinance and municipal code violations pertaining to zoning, land or property use regulation, property maintenance, building or construction. Such other local officials as may be deemed appropriate may be called by the municipal prosecutor in such

1. In addition to the amounts appropriated under P.L.1999, c.138, there is appropriated out of the General Fund the following sum for the purpose specified:

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES
20 Physical and Mental Health
21 Health Services
GRANTS-IN-AID

02-4220 Family Health Services \$30,000

Grants-in-Aid:

02 Dialysis Seminar and Support
Group of New Jersey (\$30,000)

2. This act shall take effect immediately.

Approved January 9, 2001.

JOINT RESOLUTIONS

(1073)

Joint Resolutions

JOINT RESOLUTION NO. 1

A JOINT RESOLUTION designating the last Sunday in September in each year as Parents of Fallen Military Sons and Daughters Day in tribute to all parents whose sons and daughters gave their lives during service with the Armed Forces of the United States, and in recognition of American Gold Star Mothers, Incorporated.

WHEREAS, American Gold Star Mothers, Incorporated, a nondenominational, nonprofit and nonpolitical organization, was incorporated under the laws of the District of Columbia on January 5, 1929; and

WHEREAS, The organization derives its name from the practice begun during World War I of the display of a gold star, instead of traditional mourning attire by a mother whose son or daughter had made the ultimate sacrifice for this country; and

WHEREAS, The sacrifices and losses suffered by all parents whose sons and daughters have fallen in service to their country are immeasurable and merit recognition by all who have benefited and now live free as a result of their loss; and

WHEREAS, The contributions made in furtherance of veterans' interests by those parents whose sons or daughters have made the ultimate sacrifice for this country, whether through American Gold Star Mothers, Incorporated or otherwise, are a vital service to all who have fought and sacrificed in the Armed Forces of the United States; now, therefore,

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

C.36:2-65 Parents of Fallen Military Sons and Daughters Day designated.

1. The last Sunday in September is designated as Parents of Fallen Military Sons and Daughters Day in tribute to all parents whose sons and daughters died as a result of their service with our Armed Forces, and in acknowledgment of the contributions, commitment, and sacrifices made by those parents individually and through American Gold Star Mothers, Incorporated.

WHEREAS, It is essential for the State to recommit itself to recognizing the unique needs and experiences of foster children and to facilitating permanent placement of these children as well as to encouraging State and local government, private organizations and the general public to become involved with foster children through charitable efforts which acknowledge that these children are important and loved; now, therefore,

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

C.36:2-66 Foster Children's Day designated.

1. December 12 of each year is permanently designated as "Foster Children's Day" in New Jersey to recognize the unique needs and experiences of foster children and to provide an opportunity for State and local government, private organizations and the general public to engage in charitable efforts which acknowledge that these foster children are important and loved.

C.36:2-67 Annual proclamation.

2. The Governor shall annually issue a proclamation designating December 12 of each year as "Foster Children's Day" and, with the Legislature, call upon the appropriate agencies of the State and local government, private organizations and all citizens of the State to celebrate "Foster Children's Day" through suitable activities, programs and exercises.

3. This joint resolution shall take effect immediately.

Approved August 14, 2000.

AMENDMENTS
ADOPTED IN 2000
TO THE 1947 CONSTITUTION

Amendments Adopted in 2000 to the 1947 Constitution

ARTICLE IV, SECTION VII

Amend Article IV, section 7 by adding a new paragraph 12 to read as follows:

12. Notwithstanding any other provision of this Constitution and irrespective of any right or interest in maintaining confidentiality, it shall be lawful for the Legislature to authorize by law the disclosure to the general public of information pertaining to the identity, specific and general whereabouts, physical characteristics and criminal history of persons found to have committed a sex offense. The scope, manner and format of the disclosure of such information shall be determined by or pursuant to the terms of the law authorizing the disclosure.

Approved November 7, 2000.
Effective December 7, 2000.

ARTICLE VIII, SECTION II, PARAGRAPH 4

Amend Article VIII, Section II, paragraph 4, as follows:

4. There shall be credited to a special account in the General Fund:
- (a) for each State fiscal year commencing on and after July 1, 1999 an amount equivalent to the revenue derived from \$0.09 per gallon from the tax imposed on the sale of motor fuels pursuant to chapter 39 of Title 54 of the Revised Statutes;
 - (b) for the State fiscal year in which the amendment to this paragraph is approved by the voters an amount not less than \$100,000,000 derived from the State revenues collected from the tax on the gross receipts of the sale of petroleum products imposed pursuant to P.L. 1990, c. 42 (C. 54:15B-1 et seq.) as amended and supplemented, or any other subsequent law of similar effect, and for each State fiscal year thereafter an amount not less than \$200,000,000 derived from those revenues; and

EXECUTIVE ORDERS

(1083)

EXECUTIVE ORDER NO. 110

WHEREAS, Domestic violence is a pervasive problem in American Society and in the State of New Jersey; and

WHEREAS, Domestic violence devastates its victims and threatens the health and safety of families; and

WHEREAS, Domestic violence imposes staggering costs on society associated with legal and medical expenses, law enforcement, social services, the courts and lost productivity in the workplace; and

WHEREAS, People die each year in New Jersey as a result of domestic violence, in circumstances that may be preventable; and

WHEREAS, A function of the Office on the Prevention of Violence Against Women (the "Office") in the Division of Women of the Department of Community Affairs is to implement strategies to prevent violence against women and to explore prevention initiatives;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the Domestic Violence Fatality Review Board ("Board") within the Office to study domestic violence related deaths and make recommendations regarding how these fatalities may be prevented.

2. The purposes of the Board are to:

a. Enhance the cooperation between public and private entities that deal with domestic violence issues with the goal of reducing premature deaths involving domestic violence.

b. Review facts and circumstances of domestic violence related fatalities to identify correlates of domestic violence related fatalities, and to perform other research as necessary toward the prevention of domestic violence related fatalities.

c. Develop a process for change in policies, procedures and protocols necessary to accomplish improvement in the prevention of domestic violence related fatalities.

g. A research data analysis committee may be established to gather data from institutions and individuals and to organize and summarize information for the full Board to develop a process for system change.

5. The Board is authorized to call upon a department, office, division or agency of this State to supply it with data and other information or assistance it deems necessary to discharge its duties under this Order. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Board and to furnish it with such information and assistance as is necessary to accomplish the purposes of this Order.

6. The Board shall report to the Governor, no later than one year from the date of this Executive Order, on the Board's progress and findings, and to make any recommendations regarding the Board's operation, including whether legislative authority would enhance the operation of the Board.

7. To the extent not inconsistent with current law, any information received from an institution, agency, individual, board, court, legislative committee, or other entity shall be kept confidential, and shall not be disclosed by the Board and its membership except in an aggregate form for research purposes by the Board and its members.

8. This Order shall take effect immediately.

Dated March 15, 2000.

EXECUTIVE ORDER NO. 111

WHEREAS, On May 27, 1998, the Advisory Committee on the Preservation and Use of Ellis Island was formed by Executive Order No. 82 (1998) and charged with investigating all potential future uses of the structures on Ellis Island, New Jersey, and with recommending to the Governor and the State Historic Preservation Officer a plan to maintain, restore, and put those structures to beneficial use in a manner consistent with the historic significance of the Island; and

WHEREAS, In December 1999, the Advisory Committee on the Preservation and Use of Ellis Island fulfilled its charge and effectively completed its work by delivering to the Governor and the State Historic Preservation Officer a Report recommending a plan to maintain,

Committee. The Chair may appoint a secretary who need not be a member of the Committee.

5. The Committee shall organize and meet as soon as possible after its formation and may hold joint meetings with the Ellis Island New Jersey Foundation or any other non-profit organization interested in maintaining, restoring and putting to beneficial use the structures on Ellis Island, New Jersey.

6. The Committee is authorized to call upon any department, office, division or agency of this State to supply it with the data and other information, personnel or assistance it deems necessary to discharge its duties under this Order. Each department, office, division or agency is hereby directed, to the extent not inconsistent with the law, to furnish it with such information, personnel and assistance as are necessary to accomplish the purposes of this Order.

7. This Order shall take effect immediately.

Dated April 6, 2000.

EXECUTIVE ORDER NO. 112

WHEREAS, The State of New Jersey has long been committed to the development and implementation of policies and programs that will afford maximum economic and employment opportunities to all of its citizens; and

WHEREAS, The Legislature enacted the current form of the New Jersey Set-Aside Act for Small Businesses, Female Businesses, and Minority Businesses in 1985, providing that State contracting agencies shall have as a goal the awarding of at least 15 percent of their contracts for goods, equipment, construction and services to small businesses; at least 7 percent to minority businesses; and at least 3 percent to female businesses; and

WHEREAS, Contracting goals were also established for local governmental entities and certain State agencies and authorities, including but not limited to, the New Jersey Sports and Exposition Authority, the New Jersey Transportation Trust Fund Authority, and the Economic Development Authority; and

- (h) The Director of the Division on Civil Rights, or a designee, shall serve ex-officio;
- (i) The Chairperson of the Legislative Black and Latino Caucus shall serve ex-officio; and
- (j) Thirteen (13) public members who have expertise in issues of discrimination and equal opportunity shall be directly appointed by the Governor for terms of one year.

3. The Study Commission shall organize and meet as soon as practicable after the appointment of its members. A Chairperson and Vice-Chairperson shall be appointed by the Governor. Each member shall hold office for the term of appointment and until his or her successor is appointed and qualified. A member appointed to fill a vacancy occurring on the Study Commission for any reason other than the expiration of the term shall have a term of appointment for the unexpired term only. A member may be appointed for any number of successive terms. The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties as members.

4. The Study Commission shall investigate, research and report on the nature and scope of any past or present discrimination in State employment and contracting. Where the Study Commission finds evidence of such discrimination, it shall identify and evaluate remedies, consistent with guidelines established by law.

5. The Study Commission is authorized to call upon any department, office or agency of State government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, officer, division and agency of this State is hereby required to cooperate with the Study Commission and to furnish it with such information, personnel and assistance as is necessary to accomplish the purposes of this Order.

6. The Study Commission is authorized to utilize any and all outside resources, including consultants and experts, deemed necessary to discharge its responsibilities under this Order.

7. The Study Commission shall report its findings and recommendations concerning past and present discriminatory practices in State employment and contracting to the Governor no later than one year after the effective date of this Order; provided, however, for good cause, the

Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established in, but not of, the Department of Education the Abbott Implementation Advisory Council (Council).

2. The Council shall consist of seventeen (17) members as follows:

(a) The Commissioner of Education, or a designee, shall serve ex-officio;

(b) The Commissioner of Human Services, or a designee, shall serve ex-officio;

(c) The Attorney General, or a designee, shall serve ex-officio;

(d) The Commissioner of Health and Senior Services, or a designee, shall serve ex-officio;

(e) Nine (9) public members, who may be chosen from among local government officials, business and community leaders, the education community and advocates of education and children, shall be appointed as follows to serve a two-year term: seven (7) members shall be directly appointed by the Governor; one (1) member shall be directly appointed by the President of the Senate; and one (1) member shall be directly appointed by the Speaker of the General Assembly; and

(f) Four (4) members of the Legislature shall be appointed as follows: two (2) members, one from each political party, shall be appointed by the President of the Senate to serve during the two-year legislative session in which the appointment is made; and two (2) members, one from each political party, shall be appointed by the Speaker of the General Assembly to serve during the two-year legislative session in which the appointment is made.

3. The Council shall organize and meet as soon as practicable after the appointment of a majority of its members, but in no event later than July 1, 2000. A chairperson and vice-chairperson shall be appointed by the Governor. Each member shall hold office for the term of appointment and until his or her successor is appointed and qualified. A member appointed to fill a vacancy occurring on the Council for any reason other than the expiration of the term shall have a term of appointment for the unexpired term only. A member may be appointed for any number of successive terms. The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties as members.

4. The Council shall:

WHEREAS, New Jersey residents see cancer as the most important health issue facing the State, according to a survey conducted by the Eagleton Institute; and

WHEREAS, New Jersey has made substantial progress in reducing the incidence and mortality rates for cancer in recent years, with mortality reductions of 7% for lung cancer, 10% for breast cancer, 20% for colorectal cancer, 23% for prostate cancer, and 10% for cervical cancer from 1990 to 1997; and incidence reductions of 6% for lung cancer, 2% for breast cancer, 8% for colorectal cancer, 19% for prostate cancer, and 17% for cervical cancer from 1992 to 1997; and

WHEREAS, Notwithstanding these advances, cancer still claims too many lives, too many people engage in behaviors that increase their risk for cancer, and not enough people take advantage of regular screenings that can detect cancer early and save their lives; and

WHEREAS, It is imperative that the State accelerate its already substantial efforts in the fight against cancer by improving cancer research, prevention and treatment; and

WHEREAS, In recognition of this imperative, the State has invested an additional \$2.7 million this year for an expanded Cancer Screening, Education and Outreach Initiative to increase cancer screening services to high-risk populations; and

WHEREAS, Greater coordination among experts in the field of medicine, pharmaceutical research, academia, advocacy and support organizations, and public health officials will promote a fully integrated effort at preventing, detecting, treating and curing cancer;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created within the Department of Health and Senior Services (DHSS), the "Task Force on Cancer Prevention, Early Detection and Treatment in New Jersey" ("Task Force").
2. This Task Force shall consist of the following members:

cancer, especially among elderly and minority populations; and (5) increasing the percentage of cancers diagnosed at early stages;

(e) Develop an integrated set of priority strategies that are necessary to achieve the goals established pursuant to this Order; and

(f) Delineate the respective roles and responsibilities for the State and each of its partners in implementing the priority strategies identified pursuant to this Order.

5. The Task Force shall report its findings and recommendations to the Governor and the Commissioner of Health and Senior Services within 18 months of its organizational meeting, and thereafter, submit biennial updated reports.

6. The Task Force is authorized to call upon any department, office or agency of State government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, office or agency of the State is hereby directed, to the extent not inconsistent with law and within budgetary constraints, to cooperate with the Task Force to furnish it with such information, personnel and assistance as is necessary to accomplish the purposes of the Order.

7. This Order shall take effect immediately.

Dated May 9, 2000.

EXECUTIVE ORDER NO. 115

WHEREAS, The lakes of the State of New Jersey are an important water resource of the State; and

WHEREAS, These lakes provide substantial benefits to the residents of the State and to its visitors, including many recreational opportunities, such as boating, fishing, and swimming; and

WHEREAS, These lakes provide an important element of open space and essential habitat to diverse species of plants and animals, and also serve as an essential source of subsurface water for numerous potable water systems; and

WHEREAS, A large number of these lakes are exhibiting indications of stresses to water quality, including sedimentation, excess growth of nuisance and exotic plant and algal species, and other symptoms of eutrophication; and

Assembly to serve during the two-year legislative session in which the appointment is made.

3. The Task Force shall organize and meet as soon as practicable after the appointment of a majority of its members. The Governor shall appoint a Chairperson and Vice-Chairperson. Each member shall hold office for the term of appointment and until his or her successor is appointed and qualified. A member appointed to fill a vacancy occurring on the Task Force for any reason other than the expiration of the term shall have a term of appointment for the unexpired term only. A member may be appointed for any number of consecutive terms. The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties as members.

4. The Task Force shall examine the causes of lake eutrophication, the types of measures necessary to restore and properly manage lakes, and ways to finance such work. Specifically, the Task Force shall:

- (a) summarize readily available information on the number, location, ownership and condition of lakes in the State, the common causes of degradation in their condition, and the types of remedial measures necessary to restore and properly manage such lakes;
- (b) estimate the costs to assess, restore and manage lakes;
- (c) identify existing sources of funding that may be applied to these costs; and
- (d) make recommendations regarding ways to finance the restoration of lakes, including the appropriate role of federal, State and local government, and private and not-for-profit entities.

5. The Task Force is authorized to call upon any department, office or agency of State government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, office or agency of the State is hereby directed, to the extent not inconsistent with law and within budgetary constraints, to cooperate with the Task Force to furnish it with such information, personnel and assistance as is necessary to accomplish the purposes of the Order.

6. The Task Force shall present a report to the Governor, the President of the Senate and the Speaker of the General Assembly, setting forth its findings, conclusions and recommendations no later than one year from the date of its organizational meeting; provided, however, for good cause, the Chairperson may allow for a reasonable extension of the one-year time period.

Council on the Arts, and the President of the New Jersey Historical Society, or their designees;

b. Four (4) members of the Legislature shall be appointed as follows: two (2) members, one from each political party, shall be appointed by the President of the Senate to serve during the two-year legislative term in which the appointment is made; and two (2) members, one from each political party, shall be appointed by the Speaker of the General Assembly to serve during the two-year legislative term in which the appointment is made.

c. Nine (9) public members to be appointed by the Governor.

d. The term of office of each public member shall be four years, except for the initial appointments which shall be made as follows: three members shall be appointed for a two-year term, three members shall be appointed for a three-year term, and three members shall be appointed for a four-year term. The Governor, for cause, upon notice and opportunity to be heard, may remove a public member. A vacancy occurring among any of the public members, other than by expiration of term, shall be filled for the balance of the unexpired term only and in the same manner as the original appointment. A member may serve until a successor is appointed and has qualified.

e. The public members of the Commission shall serve without compensation but shall, subject to State appropriation, be entitled to reimbursement for all actual and necessary expenses incurred in the performance of their duties.

3. The Commission shall be chaired by the Secretary of State and a vice-chair shall be elected by the Commission from among its members. A secretary shall also be elected by the Commission who need not be a member of the Commission.

4. The Commission shall organize and meet as soon as practicable after the appointment of a majority of its members.

5. The Commission shall:

a. Plan, promote and coordinate the commemorative programs and activities sponsored and supported by agencies of the State government in honor of the 225th Anniversary of the American Revolution from 2001 through 2008;

b. Assist with the coordination of the commemorative programs and activities developed and to be developed by counties, municipalities, and civic, veteran, historical, and other organizations in the State from 2001 through 2008;

EXECUTIVE ORDER NO. 117

WHEREAS, The heavy rainfall starting on August 12, 2000 has created conditions which threaten homes, bridges, dams and other structures, and the flow of traffic in areas of the State; and,

WHEREAS, The aforesaid weather conditions constitute an imminent hazard which threatens and presently endangers the health, safety and resources of the residents of one or more municipalities or counties of this State; and which is in some parts of the State and may become in other parts of the State too large in scope to be handled by the normal municipal operating services; and,

WHEREAS, The Constitution and Statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251 (N.J.S.A. App. A: 9-33 et seq.) and the Laws of 1979, Chapter 240 (N.J.S.A. 38A:3-6.1) and the Laws of 1963, Chapter 109 (N.J.S.A. 38A:2-4) and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey:

1. Do declare and proclaim that a State of Emergency has existed and presently exists in Morris and Sussex Counties.

2. Empower, in accordance with the Laws of 1942, Chapter 251 (N.J.S.A. App.A:9-33 et seq.) as supplemented and amended, the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State Highway, municipal or county road, including the right to detour, reroute or divert any or all traffic and to prevent ingress or egress from any area, that, in the State Director's discretion, is deemed necessary for the protection of the health, safety and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. Authorize, in accordance with the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-33 et seq.) as supplemented and amended, the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of the Division of State Police, to determine the control and

9. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this state of emergency.

10. Pursuant to the Laws of 1942, Chapter 251, as supplemented and amended (N.J.S.A. App. A:9-40), no municipality, county or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

11. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated August 14, 2000.

EXECUTIVE ORDER NO. 118

WHEREAS, The Legislature has declared, through the Sexually Violent Predator Act, N.J.S.A.30:4-27.24 et seq. ("the Act"), that certain sex offenders pose a particular danger to the public due to the risk that they will recidivate; and

WHEREAS, The Act, which became effective August 12, 1999, authorizes the State to preserve the public safety by civilly committing offenders who are determined to be "sexually violent predators"; and

WHEREAS, In order to serve certain correctional and public safety interests, as well as to address certain individual rights issues, the Act includes the following specific requirements regarding the State's custody of sexually violent predators: that sexually violent predators be placed in a secure facility operated by the New Jersey Department of Corrections; that such civilly committed persons be housed separately from State inmates incarcerated by the Department of Corrections; and that the Department of Human Services provide appropriate services and treatment at the facility; and

enjoined the State from proceeding with this Building Authority project pending resolution of certain issues; and

WHEREAS, This injunction remains in effect and the litigation remains unresolved; and

WHEREAS, Maurice River Township, Cumberland County, which had on August 17, 2000 passed a resolution supporting the siting and construction of a permanent facility to house sexually violent predators on the grounds of Bayside State Prison, reversed its decision and, on September 11, 2000, passed a resolution opposing the siting and construction of the permanent facility to house sexually violent predators in its community; and

WHEREAS, As a result of Maurice River Township's September 11, 2000 resolution, the State has been further delayed from advancing its plans to construct a permanent facility to house sexually violent predators; and

WHEREAS, There are approximately 120 sexually violent predators currently housed in the Kearny facility; and

WHEREAS, It is anticipated that the number of civilly committed sexually violent predators will continue to increase; and

WHEREAS, Legislative and judicial mandates and the need to preserve public safety require the continued civil commitment of individuals found to be sexually violent predators; and

WHEREAS, The Department of Corrections anticipates that a facility at East Jersey State Prison ("Rahway facility") can be modified by the end of the year within approximately three months, to temporarily house some, but not all, of the individuals committed pursuant to the Act; and

WHEREAS, About eight months ago, in the Woodbridge litigation regarding the siting and construction of a permanent facility, the Superior Court appointed a special master to make recommendations regarding whether Woodbridge was entitled to production of certain documents and to provide the trial court with a recommendation concerning Woodbridge's request; and

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the statutes of this State, do hereby ORDER and DIRECT as follows:

1. Pursuant to the Disaster Control Act, the Kearny facility is hereby designated as a facility appropriate for the temporary housing of sexually violent predators by the New Jersey Department of Corrections.

2. The Kearny facility will be used to house sexually violent predators until there exists either other temporary facilities capable of and appropriate for the housing of all individuals committed pursuant to the Act or until a permanent facility capable of accommodating this population is constructed and operational.

3. Hudson County shall be compensated for use of the Kearny facility consistent with the terms of the 1998 payment provisions of the lease; and

4. This Order shall take effect immediately.

Dated September 22, 2000.

EXECUTIVE ORDER NO. 119

I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. November 24, 2000, the day following Thanksgiving, shall be granted as a day off to employees who work in the Executive Departments of State Government and who are paid from State funds or from federal funds made available to the State, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternate day shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, precludes such absence on November 24, 2000.

Dated November 16, 2000.

or all traffic, and to suspend tolls on highways within the State, and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. Authorize the Attorney General, in accordance with the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-33 et seq.) as supplemented and amended, and pursuant to the provisions of N.J.S.A.39:4-213, acting through the Superintendent of the Division of State Police, to determine the control and direction of the flow of vehicular traffic on any State of interstate highway, and its access roads, including the right to detour, reroute or divert any or all traffic, and to prevent ingress or egress from any area to which the declaration of emergency applies. I further authorize all law enforcement officers to enforce any such orders of the Superintendent of State Police within their respective municipalities.

4. Authorize the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety or welfare because of the conditions created by this emergency.

5. Further authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure or vehicle during the course of this emergency.

6. Authorize the executive head of any agency or instrumentality of the State government with authority to promulgate rules, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management, to waive, suspend or modify any existing rule the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Any such waiver, modification or suspension shall be promulgated in accordance with N.J.S.A.App. A:9-45.

FURTHERMORE, in accordance with the Laws of 1942, Chapter 251 (N.J.S.A.App. A:9-34), as supplemented and amended, I reserve the right to utilize and employ all available resources of the State government and of

rescues of flood-stranded residents in the early morning hours of September 17, 1999, who undoubtedly were indeed lifesavers.

Gratitude is also expressed to all emergency responders for their untiring efforts during the course of the emergency.

Dated January 30, 2001.

EXECUTIVE ORDER NO. 122

WHEREAS, The management of geographic information about the character and location of the State's natural and cultural resources, and the human and economic activities that affect and are affected by those resources, is essential to all levels of government in the State of New Jersey; and

WHEREAS, There is a need to coordinate activities in geographic information systems in order to better exchange and share information and to enhance the stewardship of geographic information in the management of public resources; and

WHEREAS, The availability of Statewide geographic information and the coordinated use of geographic information systems will assist in implementing Statewide initiatives, such as the State Development and Redevelopment Plan; and

WHEREAS, the current State Mapping Advisory Committee, a volunteer organization, has been engaged in a variety of educational, communications and information sharing activities; and

WHEREAS, State agencies operate under the principles and take the actions set forth in the New Jersey State Agency Partnership Agreement for Geographic Information Resources; and

WHEREAS, There is a need to develop standards, policies, and guidelines for the development and sharing of geographic information for use by the State, other units of government, and private and non-profit entities; and

WHEREAS, There is a need to avoid duplication of effort so as to reduce the costs that would otherwise be incurred if each organization

3. The Council shall organize and meet as soon as practicable after the appointment of a majority of its members. The Governor shall appoint a Chairperson and Vice Chairperson. Each member shall hold office for the term of appointment and until his or her successor is appointed and qualified. A member appointed to fill a vacancy occurring on the Council for any reason other than the expiration of the term shall have a term of appointment for the unexpired term only. A member may be appointed for any number of consecutive terms. The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties as members.

4. The Council shall, subject to law:

(a) develop policies, standards and guidelines for the development and use of geographic information resources and systems technology for use by State and local government agencies, and private and non-profit entities, consistent with the purposes and objectives of this Executive Order;

(b) coordinate the use of geographic information resources and systems technologies to minimize redundancy and improve public administration;

(c) develop a Statewide implementation plan for geographic information systems; and

(d) promote collaboration and the sharing of geographic data and technology.

5. There is established the Office of Geographic Information Systems in the Office of Information Technology.

6. The Office of Geographic Information Systems shall, subject to law:

(a) coordinate the implementation of geographic information systems across State agencies, and ensure the adoption and use of consistent policies and standards to optimize the use of geographic information systems technology and geographic information;

(b) oversee the development and implementation of a Statewide geographic information Clearinghouse;

(c) assist State agencies in developing and improving geographic information systems capacity, and coordinate training and education for State agencies;

(d) serve as the State's liaison with national geographic information systems organizations and initiatives; and

(e) provide administrative staff support to the Council.

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Education; and two (2) members who are Construction Contractors, at least one of which is a minority or female business as defined in N.J.S.A. 52:32-19.

(c) The term of office of each public member shall be three years, except for the initial appointments which shall be made as follows: one representative from the Construction Trade Unions, one representative from the Public/Private Training Schools, and one Construction Contractor shall each be appointed for a two-year term, and the other representatives shall be appointed for a three-year term. The public members shall serve at the pleasure of the Governor. A vacancy occurring among any of the public members, other than by expiration of term, shall be filled for the balance of the unexpired term only and in the same manner as the original appointment. A member may serve until a successor is appointed.

(d) The public members of the Council shall serve without compensation but shall, subject to State appropriation, be entitled to reimbursement for all actual and necessary expenses incurred in the performance of their duties.

3. The Council shall be co-chaired by the State Treasurer and the Commissioner of Labor and a vice-chair shall be elected by the Council from among its public members. A secretary, who need not be a member of the Council, shall be selected by the Council.

4. The Council shall organize and meet as soon as practicable after the appointment of a majority of its members.

5. The Council shall:

(a) Serve as an advisory body to the Governor on the development of recommendations for the creation and implementation of pilot or other programs designed to provide quality training to members of underrepresented groups for careers in construction;

(b) Oversee the coordination of publicly sponsored construction training programs to ensure consistency and uniformity in the implementation of such programs;

(c) Review all publicly sponsored construction training programs to determine the availability of support services for its participants such as childcare and transportation and, where none exist, encourage the development of such services in cooperation with the various State departments;

(d) Determine the feasibility of implementing similar job training/placement programs in industries other than construction trades; and

(e) Recommend to the Governor regulatory and legislative proposals that support the expansion and continuance of any training program.

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Impersonating a law enforcement officer; fourth degree crime, amends N.J.S.2C:28-8, Ch.110.
Marijuana plants, possession of 50 or more, penalty; clarified, amends N.J.S.2C:35-5, Ch.136.
MDMA (ecstasy), MDA, criminal penalties for manufacture, distribution; increased, amends N.J.S.2C:35-5, Ch.55.
Resisting arrest; offense upgraded, obstruction, clarified, amends N.J.S.2C:29-1 et seq., Ch.18.
Shoplifting, grading system; established, C.2C:20-11.1, amends N.J.S.2C:20-11, Ch.16.

CRIMINAL PROCEDURE

DNA testing, requirement for certain offenders; expanded, amends C.53:1-20.20 et al., Ch.118.
Murderers, convicted, certain circumstances, life sentence without parole eligibility; required, amends N.J.S.2C:11-3, Ch.88.

DOMESTIC RELATIONS

Apostille fees relative to adoption of child; reduced, amends C.22A:4-1a, Ch.133.
Child support judgments, establishment of liens on settlements, judgments, inheritance, awards to secure payment, C.2A:17-56.23b, amends C.2A:17-56.11, repeals C.2A:17-56.37 et seq., Ch.81.
Child support obligors, delinquent, certain, performance of community services in addition to incarceration; provided, C.2A:34-23e, Ch.19.

ELECTIONS

Absentee ballots for disabled voters, certain, automatic issuance; provided, amends C.19:57-4 et al., Ch.86.
School board, candidate signing of nominating petition; permitted, amends C.19:60-7, Ch.22.
Simulated voting for minors at polling place; permitted, amends R.S.19:15-8 et al., Ch.173.

ENVIRONMENT

Department of Transportation properties, storage, handling of radioactive-contaminated material; prohibited, C.27:1A-5.18, Ch.7.
"Garden State Preservation Trust Act," spending cap provisions; applicability clarified, amends C.13:8C-23, Ch.10; Ch.91.

FIRE SAFETY

"Dormitory Safety Trust Fund Act," C.52:27D-198.7 et al., amends N.J.S.18A:72A-3 et al., Ch.56.

Fire command structure; required in Emergency Operations Plan, amends C.App. A:9-43.3, Ch.177.

Firemen, exempt, appointment, maximum age raised to 45, amends N.J.S.40A:14-56 et al., Ch.172.

New Jersey Firemen's Home, laws regarding; revised, amends R.S.30:7-1 et al., repeals R.S.30:7-12, Ch.149.

FISH, GAME AND WILDLIFE

Deer management plans, community based; created, deer management permits, certain areas; provided, venison donation program; permanent, C.23:4-42.3 et al., amends N.J.S.2C:39-3 et al., repeals section 2 of P.L.1997, c.268, Ch.46.

Striped bass, daily size limit for taking; changed, amends C.23:5-45.1, Ch.27.

FOOD

"Halal Food Consumer Protection Act," C.56:8-98 et seq., Ch.60.

GAMES AND GAMBLING

Parimutuel pools, distribution from standardbred horse races; redirected, amends C.5:5-66 et al., Ch.123.

HANDICAPPED PERSONS

"Developmentally Disabled Uniform Application Act," C.30:4-25.10 et seq., Ch.112.

HEALTH

Autopsies in suspected cases of SIDS, standardized protocol; established, C.52:17B-88.10, amends C.52:17B-88, Ch.24.

Certified nurse aides, personal care assistants, homemaker-home health aides, criminal history record checks; required, amends C.26:2H-83 et al., Ch.20.

"FamilyCare Health Coverage Act," C.30:4J-1 et seq., amends C.30:4D-3 et al., Ch.71.

Health care facilities, monitoring of patient's pain; required, C.26:2H-5b et seq., Ch.62.

Hemophiliacs, standards, coverage by managed care plans; required, C.26:2S-10.1 et al., Ch.121.

HOTELS

Hotels, historic, certain, issuance of liquor license; authorized, amends C.33:1-12.20, Ch.160.

HUMAN SERVICES

Child care center staff, criminal history record background checks; required, C.30:5B-6.10 et al., Ch.77.

Governor's Council on the Prevention of Mental Retardation, redesignated as Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities, amends C.30:1AA-12 et al., Ch.82.

Medicaid coverage, eligibility of disabled persons, certain; provided, amends C.30:4D-3, Ch.116.

Medicaid program, establishment of intergovernmental transfer program; authorized, C.30:4D-19.2 et seq., Ch.28.

New Jersey Firemen's Home, laws regarding; revised, amends R.S.30:7-1 et al., repeals R.S.30:7-12, Ch.149.

"New Jersey Safe Haven Infant Protection Act," C.30:4C-15.5 et al., Ch.58.

Workers in community agencies for developmentally disabled, criminal history records checks; law, revised, amends C.30:6D-63 et al., Ch.97.

INSURANCE

Banks, other lenders, certain, acting as title insurance producers; permitted, amends C.17:46B-30.1, repeals C.17:9A-27.1, Ch.140.

"FamilyCare Health Coverage Act," C.30:4J-1 et seq., amends C.30:4D-3 et al., Ch.71.

Flood insurance, provision of notice concerning to policy holders; required, C.17:36-5.31 et al., Ch.84.

Hemophiliacs, standards, coverage by managed care plans; required, C.26:2S-10.1 et al., Ch.121.

New Jersey Automobile Insurance Risk Exchange, membership, terms; revised, amends C.39:6A-21, Ch.66.

"New Jersey Insolvent Health Maintenance Organization Assistance Fund Act of 2000," C.17B:32B-1 et seq., Ch.12.

INTERSTATE RELATIONS

Agreements, reciprocal with other states for collection of wages; authorized, amends C.34:11-4.9, Ch.14.

Interstate Sanitation Commission, renamed Interstate Environmental Commission, C.32:18-14.1, amends R.S.32:18-3 et al., repeals C.32:19A-7 et al., Ch.6.

MOTOR VEHICLES (Continued)

Violations, motor vehicle, traffic, certain, period for permissible issuance of summons; extended, amends R.S.39:5-3 et al., Ch.85.

MUNICIPALITIES

Firemen, exempt, appointment, maximum age raised to 45, amends N.J.S.40A:14-56 et al., Ch.172.

Mandates, requirements, procedures, certain; revised, C.52:13H-21 et al., amends C.18A:40-4.3 et al., Ch.126.

Municipal records of persons convicted of violations of ordinances, certain, purging; provided, C.2B:12-32 et seq., Ch.108.

Nudity on lands within municipal borders, certain, regulation; permitted, amends R.S.40:48-1, Ch.32.

Planning and zoning boards, combined, appointment of four alternates; permitted, amends C.40:55D-23.1, Ch.150.

Possession, consumption of alcoholic beverages on private property by underaged persons, enactment of ordinance prohibiting; permitted, C.40:48-1.2, amends R.S.40:48-1, Ch.33.

Solid waste collection, negotiations between municipalities, apartment owners, facilitation; required, amends C.40A:4-45.3, Ch.26.

NURSING HOMES, ROOMING AND BOARDING HOUSES

Pain assessment, management, treatment, right of patients to receive; provided, amends C.26:2H-12.8 et al., Ch.65.

PARTNERSHIPS

"Uniform Partnership Act (1996)," C.42:1A-1 et seq., amends C.42:2A-5 et al., repeals R.S.42:1-1 et al., Ch.161.

PENSIONS AND RETIREMENT

Police and Firemen's Retirement System:

Funding of benefits; revised, amends C.43:16A-15, repeals C.43:16A-15.8, Ch.8.

Membership, continuation, certain circumstances; provided, amends C.43:16A-3.1, Ch.166.

NJ Transit police officers, service credit; granted, retirement allowance offset; provided, amends C.27:25-15.1a, Ch.39

PLANNING AND ZONING

Planning and zoning boards, combined, appointment of four alternates; permitted, amends C.40:55D-23.1, Ch.150.

RECREATION

Nudity on lands within municipal borders, certain, regulation; permitted, amends R.S.40:48-1, Ch.32.

Private marinas, exemption from requirement to have first aid, lifeguard personnel on duty; provided, amends C.26:4A-4 et seq., Ch.151.

SCHOOLS

Charter schools, funding level for students; established, procedure for evaluation of program; revised, C.18A:36A-17.1, amends C.18A:36A-4 et al., Ch.142.

Child care centers located in public school buildings, radon testing, other requirements; delayed, C.18A:20-40, amends C.30:5B-5.2 et al., Ch.122.

Commission on Early Childhood Education; established, C.18A:44-5, Ch.138.

Division of Early Childhood Education; established, C.18A:44-6, Ch.139. "Educational Facilities Construction and Financing Act," C.18A:7G-1 et al., amends C.18A:7A-11 et al., Ch.72.

Mandates, requirements, procedures, certain; revised, C.52:13H-21 et al., amends C.18A:40-4.3 et al., Ch.126.

Minors participating in science education programs, certain, exemption from child labor laws, certain; provided, C.34:2-21.17f et seq., amends C.34:2-21.17, Ch.31.

New Jersey School of the Arts, provision of assistance to secondary schools, certain; required, amends C.18A:61A-1 et al., repeals C.18A:61A-5, Ch.115.

Nonpublic school pupils, certain, purchase of bus transportation; permitted, C.18A:39-1.7, Ch.114.

Nonpublic school pupils, certain, transportation, in-lieu-of payments, certain circumstances; provided, amends C.18A:39-1.6, Ch.103.

Nonpublic schools, aid for electronic textbooks; permitted, amends C.18A:58-37.2, Ch.13.

State aid for early childhood, demonstrably effective programs, certain, minimum period of eligibility; established, budget cap exclusion; provided, amends C.18A:7F-5 et al., Ch.147.

SENIOR CITIZENS

Home solicitation of senior citizens for home improvement loans, certain circumstances; prohibited, C.56:8-104 et seq., Ch.125.

WATER SUPPLY

"Lake Hopatcong Protection Act," C.58:4B-1 et seq., Ch.175.

Lawn sprinkler system, automatic, equipping with device to override sprinkler after adequate rainfall; required, C.52:27D-123.13, Ch.107.

WEAPONS

Handguns, age permitted for purchase; increased, laws regarding transfer; changed, amends N.J.S.2C:58-3 et al., Ch.145.

WORKERS' COMPENSATION

Disability payments, settlements, workers' compensation benefits; permitted with offset, amends C.43:21-30, Ch.105.